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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO IL 60606-1080

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SEP 1 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Walsh et al.	:	
Application No. 11/103,726	:	DECISION GRANTING PETITION
Filed: April 11, 2005	:	
Attorney Docket No. 09813630-0001	:	

This is a decision on the petition filed July 20, 2005, requesting that the application be accorded a filing date of April 11, 2005, with Figure 10 as part of the original disclosure.

On April 11, 2005, applicant filed the above-identified application. However, on May 16, 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 April 11, 2005, and advising applicant that Figure 10 appeared to have been omitted.

In response, on July 20, 2005, applicant submitted the present petition, 1 sheet of drawings (Figure 10), and the petition fee. Additionally, applicant submitted a copy of applicant's returned, date-stamped postcard receipt acknowledging receipt of 33 sheets of drawings in the USPTO on April 11, 2005.

Upon review of the record, Figure 10, deposited on April 11, 2005, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 11, 2005, included Figure 10, which was subsequently misplaced in the USPTO. Therefore, the application, including Figure 10, was complete on filing and will be granted a filing date of April 11, 2005.

Accordingly, the petition is granted.

The requirement for Figure 10 set forth in the Notice of Omitted Item(s) was sent in error and is hereby withdrawn. Accordingly, no petition fee is necessary. The $400.00 petition fee will be credited to applicant's credit card.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of April 11, 2005**, using the 32 sheets of drawings submitted on that date, and Figure 10 submitted on July 20, 2005, as part of the original disclosure.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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MAR 17 2008

GEORGE S. LEVY
3980 DEL MAR MEADOWS
SAN DIEGO, CA 92130

In re Application of	:	
Mark Peters	:	
Application No. 11/103,740	:	DECISION ON PETITION
Filed: April 11, 2005	:	TO WITHDRAW
Attorney Docket No. 050401	:	FROM RECORD
	:	

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 20, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to George S. Levy has been revoked by the applicant of the patent application on January 29, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: MARK AND LISA PETERS
5061 PERSIMMON LANE
CASTLE ROCK, CO 80109

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DEC -7 2005

In re Application of		:	
John Hubbell		:	
Serial No.	11/103,746	:	DECISION ON PETITION
Filed:	April 12, 2005	:	
For:	MODULAR PERSONAL CARRYING SYSTEM	:	

This is a decision on the petition to make special filed on October 24, 2005. The petition is submitted pursuant to the practice established in MPEP § 708.02(II) "Infringement." The $130.00 petition fee has been received.

The petition is granted.

A review of the petition shows that petitioners have satisfied all of the requirements of the above-cited MPEP section. Accordingly, the examiner will treat this application as special throughout its prosecution. Prior to the first action on the merits, the examiner will conduct a rigorous search for potentially interfering applications. The interference search will be brought up to date prior to each successive action.

The Supervisory Patent Examiner of Patent Examining Art Unit 3727 will be notified of this decision, and will inform the assigned examiner to take action not inconsistent with this decision.

PETITION GRANTED.

Richard A. Bertsch, Director
Technology Center 3700

Michael W. Starkweather
Starkweather and Associates
9035 South 1300 East, Suite 200
Sandy, UT 84094

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CARSTENS & CAHOON, LLP
P O BOX 802334
DALLAS TX 75380

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MAY 08 2008

In re Application of	:	
Eric Thomas **Henderson** et al.	:	
Application No. 11/103,770	:	DECISION ON PETITION
Filed: April 12, 2005	:	
Attorney Docket No. CFLAY.00237	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 13, 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 July 27, 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) was obtained. Accordingly, the above-identified application became abandoned on October, 28, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,540.00 and (3) a proper statement of unintentional delay. Accordingly, the reply to the Non-final Office action of March 13, 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 3721 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'KEEFE, EGAN & PETERMAN
1101 CAPITAL OF TEXAS HIGHWAY SOUTH
#C200
AUSTIN TX 78746

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AUG 3 1 2006

OFFICE OF PETITIONS

In re Application of	:	
Lo, et al.	:	
Application No. 11/103,771	:	DECISION ON PETITION
Filed: April 12, 2005	:	TO WITHDRAW
Attorney Docket No. DELL-024	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 12, 2006.

The request is **APPROVED**.

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

The request was signed by Maximilian Peterson on behalf of himself.

All attorneys/agents associated with this application remain of record.

The correspondence address of record remains unchanged.

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

April M. Wise
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application
Timothy W. I. Clark et al.
Application No. 11/103,778
Filed: April 12, 2005
Attorney Docket No.
134589.00101

: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR CONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR § 1.702" filed June 5, 2009. Applicant requests that the determination of patent term adjustment be corrected from zero (0) days to five hundred twenty-one (521) days. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).
As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.703(b).

Applicant is given TWO (2) MONTHS from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Applicant may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

Rather than file the request for reconsideration of Patent Term Adjustment at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, the Office will consider any request for reconsideration of the

patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

The Office will charge petitioner's deposit account no. 50-0436 in the amount of $200.00 as set forth in 37 CFR 1.18(e), per the authorization noted in the petition. No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

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

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OFFICE OF PETITIONS

In re Patent No. 7,569,029	:
Issued: August 4, 2009	: DECISION ON REQUEST
Application No. 11/103,778	: FOR RECONSIDERATION
Filed: April 12, 2005	: OF PATENT TERM ADJUSTMENT
Attorney Docket No. 134589.00101	:

This is a decision on the PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR § 1.705(d) filed on October 5, 2009, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred seventy-nine(479) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by four hundred seventy-nine(479) days is **DISMISSED**.

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.

As a request for continued examination (RCE) was filed in this application, prior to the three-year pendency date, patentees are not entitled to an additional period of patent term adjustment pursuant to 1.702(b). The "B" delay period does not include any time consumed by continued examination under 132(b). See 35 U.S.C. 154(b)(1)(B)(i). Thus, the filing of a RCE cuts off the ability to accumulate any additional patent term adjustment under the three-year pendency provision (but does not otherwise affect patent term adjustment). In this instance, an RCE was filed on March 27, 2008, prior to the three-year pendency date of April 12, 2008. As such, patentees did not accrue any time for over-three year pendency.

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

/Kery A. Fries/

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

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PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Timothy W. I. Clark	: DECISION ON REQUEST FOR
Patent Number	: 7569029	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/103,778	: OF WYETH
Filed	: 04/12/2005	:
		:

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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c/o WALDER INTELLECTUAL PROPERTY LAW, P.C.
17330 PRESTON ROAD
SUITE 100B
DALLAS TX 75252

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OCT 1 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Bhogal et al.	:	
Application No.: 11/103784	:	DECISION ON
Filing or 371(c) Date: 04/12/2005	:	PETITION
Attorney Docket Number: AUS920050055US1	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment Notice of Allowance not Received," filed September 10, 2008. 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.

Background

This application became abandoned for failure to timely pay the issue and publication fees on or before July 18, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed April 18, 2008. Accordingly, the date of abandonment of this application is July 19, 2008.

Petition under 37 CFR 1.181

Applicant files the present petition and asserts that the Notice was not received. In support of this assertion, Applicant files the Affidavit of Rebecca Clayton, Senior Paralegal of Applicant, who personally receives all client related materials requiring docketing on behalf of the Firm and IBM, attesting to the non-receipt of the Notice. Applicant also files a copy of the docket record where thenon-received Notice would have been entered had it been received and docketed, and an index from the physical file folder.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

> 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.

MPEP 711.03(c).

Analysis

A review of the petition reveals that Applicant has not included a copy of the master docket for the firm. 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.

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of docket records and file jacket.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Bhogal et al.	:	
Application No.: 11/103784	:	DECISION ON
Filing or 371(c) Date: 04/12/2005	:	PETITION
Attorney Docket Number: AUS920050055US1	:	

This is a decision in response to the "Renewed Petition to Withdraw Holding of Abandonment Notice of Allowance not Received Under 37 CFR 1.181," filed December 8, 2008.

This Petition is hereby **dismissed**.

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

Background

This application became abandoned for failure to timely pay the issue and publication fees on or before July 18, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed April 18, 2008. Accordingly, the date of abandonment of this application is July 19, 2008.

September 10, 2008 Petition under 37 CFR 1.181

Applicant filed a petition on September 10, 2008, wherein Applicant asserted that the Notice was not received. In support of this assertion, Applicant filed the Affidavit of Rebecca Clayton, Senior Paralegal of Applicant, who personally receives all client related materials requiring docketing on behalf of the Firm and IBM, attesting to the non-receipt of the Notice. Applicant also filed a copy of the docket record where the non-received Notice would have been entered had it been received and docketed, and an index from the physical file folder.

The October 14, 2008 Decision on petition

The petition was dismissed in a Decision mailed October 14, 2008. The Decision required a copy of the master docket for the firm. 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 was required as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner was required to 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 present renewed petition

Applicant files the present renewed petition and provides that a master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action was not available. Applicant so states, and refers to the original, September 10, 2008, petition, and the copy of the individual docket record for the application in question.

Review of Office records

A review of the oath/declaration filed with the application reveals that Applicant directed all correspondence to Walder Intellectual Property Law, P.C., P.O. Box 832745, Richardson, TX 75083. Further to this, Applicant identified the correspondence address as that of the Richardson, TX address as recently as in the March 31, 2008 filing of a response to a final Office action. However, a review of the petition reveals that the correspondence address listed thereon is IBM CORP. (WIP), c/o WALDER INTELLECTUAL PROPERTY LAW, P.C., 17330 PRESTON ROAD, SUITE 100B, DALLAS TX 75252, and a review of Office records reveals that the correspondence address was changed for this application on July 31, 2008, more than three (3) months after the mail date of the Notice.

Moreover, a review of application serial number 11/461,787, for which Applicant is also listed as the attorney of record, reveals that Applicant has also filed a petition to withdraw the holding of abandonment therein, alleging non-receipt of an Office action. However there, as here, a review of Office records reveals that the correspondence address was changed for application serial number 11/461,787 after the mail date of the Office action. As such, Applicant has a history of not receiving Office actions.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

> 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).

MPEP 711.03(c).

The MPEP states that "[w]here an attorney or agent of record (or applicant, if he or she is prosecuting the application pro se) changes his or her correspondence address, he or she is responsible for promptly notifying the U.S. Patent and Trademark Office of the new correspondence address (including ZIP Code). See 37 CFR 11.11. The notification should also include his or her telephone number. MPEP 601.03

Analysis and conclusion

Applicant has failed to demonstrate that the Office action was not received at the correspondence address of record and thereafter lost after receipt, or that a timely and proper Change of Correspondence Address was filed in the above-identified application. The petition is dismissed.

Alternate venue

Applicant is strongly urged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

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

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

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

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IBM CORP. (WIP)
c/o WALDER INTELLECTUAL PROPERTY LAW, P.C.
17330 PRESTON ROAD
SUITE 100B
DALLAS TX 75252

COPY MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Bhogal et al.	:	
Application No.: 11/103784	:	DECISION ON
Filing or 371(c) Date: 04/12/2005	:	PETITION
Attorney Docket Number: AUS920050055US1	:	

This is a decision in response to the "Renewed Petition to Withdraw Holding of Abandonment Notice of Allowance not Received Under 37 CFR § 1.181," filed February 17, 2009.

This Petition is hereby **granted**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 18, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed April 18, 2008. Accordingly, the date of abandonment of this application is July 19, 2008.

With the present renewed petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

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

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2175 for re-mailing of the Notice of Allowance and Issue Fee Due and Notice of Allowability, and resetting the period for reply.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/20/2010

Applicant	: Kulvir Singh Bhogal	: DECISION ON REQUEST FOR
Patent Number	: 7627816	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/103,784	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **992** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ALEXANDRIA, VA 22313-1450
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David W. Carrithers
CARRITHERS LAW OFFICE, PLLC
One Paragon Centre
6060 Dutchman's Lane, Suite 140
Louisville, KY 40205

In re Application of	:	
Terry M. Boyd	:	
Application No. 11/103,791	:	ON PETITION
Filed: April 12, 2005	:	
Attorney Docket No. AG121/2004	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on June 26, 2006, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed October 20, 2005. A Notice of Abandonment was mailed on May 30, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3676, for review of the amendment filed with the instant petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THOMAS E. CIOTTI
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

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JUN 26 2006
OFFICE OF PETITIONS

In re Application of	:	
Nathaniel Milton, et al.	:	
Application No. 11/103,798	:	DECISION ON REQUEST
Filed: April 11, 2005	:	TO WITHDRAW
Attorney Docket No. 342312003602	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §1.36(b), filed September 28, 2005.

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

A review of the file record indicates that the power of attorney to Thomas E. Ciotti and all the other attorneys/agents of record was revoked by the assignee of the patent application on February 20, 2006. Accordingly, the request to withdraw under 37 CFR §1.36(b) is moot.

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

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to Sherry D. Brinkley at 571-272- 3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Conferee:

cc: AGOURON PHARMACEUTICALS, INC.
10777 SCIENCE CENTER DRIVE
SAN DIEGO CA 92121

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

May 16, 2010

Patent No. : 7,709,444 B2
Appl. No. : 11/103,798
Inventor(s) : Nathaniel Milton, et al.
Issued : May 4, 2010
Title : **ECHINOCANDIN PHARMACEUTICAL FORMULATIONS CONTAINING MICELLE-FORMING SURFACTANTS**
Docket No. : **PC19336C**

Re: Request for Certificate of Correction

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

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 petition 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: (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.

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

Pfizer Inc.
Eastern Point Road MS9114
Groton, CT 06340

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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PFIZER INC
Mary J Hosley
150 EAST 42ND STREET
MS: 150/02/E112
NEW YORK, NY 10017-5612

MAILED

JUL 20 2010

OFFICE OF PETITIONS

In re Patent No. **7,709,444**	:	
Issue Date: May 4, 2010	:	
Application No. 11/103,798	:	DECISION ON PETITION
Filed: April 11, 2005	:	UNDER 37 CFR 3.81(b)
Attorney Docket No. **PC19336C**	:	

This is a decision on the petition filed June 14, 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**.

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.

Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200. Telephone inquiries concerning this decision may be directed to Monica A. Graves at (571) 272-7253.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **J. MICHAEL DIXON**
PFIZER, INC
9114 EASTERN POINT ROAD, PATENT DEPARTMENT
GROTON, CT 06340

---

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

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JUN 14 2010

Patent Application
Attorney Docket No. PC19336C

CERTIFICATION OF TRANSMISSION

I hereby certify that this Petition for Certificate Correction was sent by facsimile to the United States Patent and Trademark Office, Office of Petitions (fax number (571)273-8300) on this 14th day of June, 2010.

Kelly A. Smith

Kelly A. Smith

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Nathaniel Milton, et al.	:
PATENT NO. 7,709,444	:
APPLICATION NO.: 11/103,798	: Examiner: Lukton, David
FILING DATE: ~~April 11, 2005~~	: Group Art Unit: 1654
ISSUE DATE: May 4, 2010	:
TITLE: ECHINOCANDIN PHARMACEUTICAL FORMULATIONS CONTAINING MICELLE-FORMING SURFACTANTS	:

Mail Stop PETITIONS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR CERTIFICATE OF CORRECTION UNDER 37 CFR 3.81(b)-CORRECTION OF ASSIGNEE

1. This Petition is being submitted to request Issuance of a Certificate of Correction for United States Patent Number 7,709,444. The '444 patent issued with the incorrect assignee shown on the cover of the patent.

2. The '444 patent issued to Pfizer Inc. This is incorrect. The proper Assignee is Eli Lilly and Company.

06/16/2010 HMARZI1 00000006 161445 11103798
01 FC:1464 130.00 DA

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Patent Application
Attorney Docket No. PC19336C

3. This error occurred when an employee of Pfizer Inc. completed the Issue Fee Transmittal Form, PTOL- 85B, incorrectly. This error was inadvertent.

4. A copy of the Notice of Recordation for the assignment to Eli Lilly and Company accompanies this request. It shows the assignment was recorded on June 1, 2005. It may be found at Reel 016296, frame 0062.

5. The USPTO is authorized to charge Deposit Account Number 16-1445 a fee of $130.00 for this request and any additional fees required, or to credit any overpayment.

6. The undersigned also requests that this file be forwarded to the Certificate of Correction Branch, once granted, for Issuance of the Certificate of Correction.

Respectfully submitted,

Date: 6/14/10

J. Michael Dixon
Attorney for Applicants
Reg. No. 32,410

Pfizer Inc.
Patent Department
Eastern Point Road, 9114
Groton, CT 06340
Telephone: (860)686-9018

Patent Assignment Abstract of Title

Total Assignments: 1

Application #: 11103798 **Filing Dt:** 04/11/2005 **Patent #:** 7709444 **Issue Dt:** 05/04/2010

PCT #: NONE **Publication #:** US20050192213 **Pub Dt:** 09/01/2005

Inventors: Nathaniel Milton, Kenneth Philip Moder, James Lawrence Sabatowski, Stephanie Ann Sweetana

Title: ECHINOCANDIN PHARMACEUTICAL FORMULATIONS CONTAINING MICELLE-FORMING SURFACTANTS

Assignment: 1

Reel/Frame: 016296 / 0062 **Received:** 06/01/2005 **Recorded:** 06/01/2005 **Mailed:** 07/22/2005 **Pages:** 9

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: MILTON, NATHANIEL **Exec Dt:** 04/08/2002

MODER, KENNETH P. **Exec Dt:** 04/04/2002

SABATOWSKI, JAMES L. **Exec Dt:** 03/26/2002

SWEETANA, STEPHANIE A. **Exec Dt:** 05/01/2002

Assignee: ELI LILLY AND COMPANY
LILLY CORPORTE CENTER
INDIANAPOLIS, INDIANA 46285

Correspondent: MORRISON & FOERSTER LLP
KIMBERLY A. BOLIN
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

Search Results as of: 07/14/2010 05:24 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: October 18, 2008 v.2.0.1

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11103798 Total Records Found: 19

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
06/16/2010	00000009	1	1464	$130.00	06/14/2010	DA 161445
05/05/2010	00012288	4	1811	$100.00	05/05/2010	DA 161445
03/16/2010	00008057	4	1501	$1,510.00	03/15/2010	DA 161445
03/16/2010	00008058	4	1504	$300.00	03/15/2010	DA 161445
10/27/2009	00010882	4	1801	$810.00	10/27/2009	DA 161445
10/27/2009	00010883	4	1806	$180.00	10/27/2009	DA 161445
06/10/2009	00001622	4	1806	$180.00	06/09/2009	DA 161445
02/09/2009	00000006	1	1814	$140.00	02/03/2009	DA 161445
02/04/2009	00004097	4	1806	$180.00	02/03/2009	DA 161445
02/04/2009	00004096	4	1252	$490.00	02/03/2009	DA 161445
06/03/2008	00004201	4	1806	$180.00	06/02/2008	DA 161445
06/03/2008	00004200	4	1252	$460.00	06/02/2008	DA 161445
06/06/2006	00000483	4	1251	$120.00	06/05/2006	DA 500329
02/23/2006	00000004	1	1251	$120.00	02/17/2006	DA 500329
07/22/2005	00001107		8021	$40.00	06/01/2005	DA 031952
07/05/2005	00000139	1	1202	$650.00	06/29/2005	DA 031952
04/14/2005	00000052	1	1311	$200.00	04/11/2005	DA 031952
04/14/2005	00000051	1	1111	$500.00	04/11/2005	DA 031952
04/14/2005	00000050	1	1011	$300.00	04/11/2005	DA 031952

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United States Patent and Trademark Office
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Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

Mail Date: 04/20/2010

Applicant	: Gary Robert Allen	: DECISION ON REQUEST FOR
Patent Number	: 7642719	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/103,800	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **925** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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ALIX YALE & RISTAS LLP
750 MAIN ST
SUITE 1400
HARTFORD CT 06103

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JUN 30 2005

OFFICE OF PETITIONS

In re Application of	:	
Hohman, et al.	:	
Application No. 11/103,804	:	ON PETITION
Filed: April 8, 2005	:	
Attorney Docket No. GMH/423/US	:	

This is a decision on the "PETITION UNDER 37 C.F.R. §1.10(d)", filed May 18, 2005, to accord the above application a filing date of April 8, 2005.

The petition is **GRANTED**.

With the instant petition, petitioner argues that the above identified application was filed on April 8, 2005, not April 11, 2005.

37 C.F.R. §1.10(d) states:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s)or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The instant petition satisfies the requirements of 37 C.F.R. §1.10(d). Petitioner has supplied a copy of a log book, with a log entry time of 12:00pm on April 8, 2005, showing that the instant application bearing Express Mail Label No. EV440024522US was deposited on April 8, 2005 at 11:50am.

In view of the above, the application is entitled to a filing date of April 8, 2005.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **April 8, 2005, not April 11, 2005**.

Telephone inquiries regarding 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
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Alexandria, VA 22313-1450
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Cohen & Grigsby, PC
11 Stanwix Street, 15th Floor
Pittsburgh, PA 15222

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OFFICE OF PETITIONS

In re Application of
Samuel P. HOPKINS
Application No. 11/103,818
Filed: April 12, 2005
Attorney Docket No. 05-073

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 16, 2006.

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

A review of the file record indicates that the power of attorney to Thomas C. Wettach has been revoked by the assignee of the patent application on February 9, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

David Bucci
Petitions Examiner
Office of Petitions

cc: Daniel H. Golub, Esq.
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JAN 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Samuel P. Hopkins	:	
Application Number: 11/103818	:	DECISION ON PETITION
Filing Date: 04/12/2005	:	
Attorney Docket Number:	:	
4090.1005-001		

This is a decision on the petition filed on January 7, 2010, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on September 23, 2009, for failure to file a timely submit a reply to the non-final Office action mailed on June 22, 2009, which set a three (3)-month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. The filing of the present petition precedes the mailing of Notice of Abandonment.

Petitioner has filed an amendment in response to the non-final Office action mailed on June 22, 2009.

---

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

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

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

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

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

This application is being referred to Technology Center Art Unit 2191 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PEDERSEN & COMPANY, PLLC
P.O. BOX 2666
BOISE ID 83701

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JAN 2 0 2006

OFFICE OF PETITIONS

In re Application of	:	
Johnson, Jerry	:	
Application No. 11/103,837	:	ON PETITION
Filed: April 11, 2005	:	
Attorney Docket No. 3869	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 11, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a verified statement from the applicant, along with a copy of the applicant's driver's license, which includes his date-of-birth. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to the Technology Center Art Unit 3652 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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Hovey Williams LLP
Suite 400
2405 Grand Boulevard
Kansas City, MO 64108

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JAN 0 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Georgianna Reid	:	
Application No. 11/103,843	:	DECISION ON PETITION
Filed: April 12, 2005	:	TO WITHDRAW
Attorney Docket No. 34916-DIV1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 18, 2006.

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

A review of the file record indicates that the power of attorney to Hovey Williams LLP has been revoked by the applicant of the patent application on November 16, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the 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: **John C. McMahon**
P.O. Box 30069
Kansas City, MO 64112

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/103,843	04/12/2005	Georgianna Reid	34916-DIV1

CONFIRMATION NO. 9991

OC000000021809444

OC000000021809444

Hovey Williams LLP
Suite 400
2405 Grand Boulevard
Kansas City, MO 64108

Date Mailed: 01/03/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/16/2006.

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

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

NEW ATTORNEY/AGENT COPY

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/103,843	04/12/2005	Georgianna Reid	34916-DIV1

CONFIRMATION NO. 9991

OC000000021809444

OC000000021809444

Hovey Williams LLP
Suite 400
2405 Grand Boulevard
Kansas City, MO 64108

Date Mailed: 01/03/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/16/2006.

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

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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AUG 12 2005

OFFICE OF PETITIONS

TEXAS INSTRUMENTS INCORPORATED
PO BOX 655474, M/S 3999
DALLAS, TX 75265

In re Application of
Chananiel Weinraub
Application No. 11/103,886
Filed: April 12, 2005
Title of Invention:
SHIELD FOR TESTING LOAD
BOARDS

DECISION ON PETITION

This is a decision on the Petition to Withdraw Notice to File Missing Parts of Provisional Application, filed July 14, 2005.

This Petition is hereby **granted**.

The application was filed on April 12, 2005. On May 12, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Provisional Application (hereinafter "Notice"). The Notice required an executed oath or declaration and a late filing fee oath or declaration surcharge.

Applicant responds with the instant petition wherein Applicant avers that a declaration was originally filed with the application on April 12, 2005, and was received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of, *inter alia*, a declaration in the above-identified application by this Office on April 12, 2005.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, a declaration in the above-identified application by this Office on April 12, 2005.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

The copy of the declaration, filed with the instant petition on June 2, 2005, will be used for examination purposes.

The Notice is hereby withdrawn.

No fee has been charged and none is due.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of April 12, 2005, and an indication that a declaration was present on filing, using the declaration filed with the instant petition on July 14, 2005.

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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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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CONOCOPHILLIPS COMPANY
I. P. LEGAL
P.O. Box 2443
Bartlesville OK 74005

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MAR 1 7 2008

OFFICE OF PETITIONS

In re Application of :
Cross, et al. :
Application No. 11/103,903 : DECISION ON PETITION
Filed: April 12, 2005 :
For: PROCESS FOR THE REMOVAL OF :
HEAVY METALS FROM GASES, AND :
COMPOSITIONS THEREFOR AND :
THEREWITH :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 6, 2008, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 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 August 25, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply, (2) the required petition fee, and (3) an adequate statement of unintentional delay. Petitioners are advised that 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 the undersigned at (571) 272-3205.

This application is being referred to Technology Center AU 1793 for appropriate action by the Examiner in the normal course of business on the reply received February 6, 2008

Alesia M. Brown
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JJGJR.: 05-06

Paper No:__

WALKER DIGITAL
2 HIGH RIDGE PARK
STAMFORD CT 06905

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MAY 30 2006

OFFICE OF PETITIONS

In re Application of	:	
Walker, et al.	:	DECISION
Application No. 11/103,906	:	
Filing Date: 12 April, 2005	:	
Attorney Docket No.: 96-013-C2	:	

This is a revised decision on the petition filed on 24 April , 2006, seeking to revive the application as having been abandoned due to unintentional delay 37 C.F.R. §1.137(b).

For the reasons set forth below, the petition as considered under 37 C.F.R. §1.137(b) is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the non-final Office action mailed on 1 July, 2005, with reply due absent extension of time on or before Monday, 3 October, 2005;
- the instant application went abandoned after midnight 3 October, 2005;
- the Office mailed the Notice of Abandonment on 13 January, 2006;
- on 24 April, 2006, Petitioner filed the instant petition with fee, a reply in the form of an amendment and made the statement of unintentional delay.

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[1]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[2]

Delays in responding properly raise the question whether delays are unavoidable.[3] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[4] And the Petitioner must be diligent in attending to the matter.[5] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[6]))

Allegations as to Unintentional Delay

The requirements under the rule are a petition, fee, reply, statement of unintentional delay,

---

[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.

and–where appropriate–a terminal disclaimer and fee.

Petitioner appears to have satisfied those requirements.

CONCLUSION

The petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to Technology Center 3600 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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EDWIN TARVER
16830 Ventura Blvd.
SUITE 360
Encino CA 91436

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In re Application of

Kevin Beal

Application No. 11/103,919

Filed: April 12, 2005

Attorney Docket No. 30566.4

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 14, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned on July 18, 2007, for failure to reply in a timely manner to the non-final Office action, mailed April 17, 2007, which set a shortened statutory period for reply of three (3) months from its mailing date. A Notice of Abandonment was mailed on November 13, 2007.

The amendment filed July 14, 2008, is noted.

The application is being forwarded to Technology Center 3600, GAU 3618 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FISH & RICHARDSON, PC
225 FRANKLIN STREET
BOSTON, MA 02110

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MAY 30 2008

OFFICE OF PETITIONS

In re Application of	:	
WHITEHURST, et al.	:	
Application No. 11/103,945	:	DECISION ON PETITION
Filed: April 12, 2005	:	TO WITHDRAW
Attorney Docket No. **3013-0022 (05-00766-03)**	:	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 February 14, 2008.

The request is **NOT APPROVED.**

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

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **ADVANTEDGE LAW GROUP, LLC**
3301 N. UNIVERSITY AVEUNE, SUITE 200
PROVO, UT 84604

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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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Mail Date: 04/21/2010

Applicant	: Douglas G. MacNair JR.	: DECISION ON REQUEST FOR
Patent Number	: 7570019	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/103,998	: OF WYETH
Filed	: 04/12/2005	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRINKLE Y, MORGAN, SOLOMON,
TATUM, STANLEY, LUNNY,
& CROSBY, LLP
200 E. LAS OLAS BLVD, SUITE 1900
FORT LAUDERDALE FL 33301

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OFFICE OF PETITIONS

In re Application of	:	
Paulin	:	
Application No. 11/104,006	:	DECISION
Filed: 12 April, 2005	:	
Attorney Docket No. 013044-04284	:	

This is a decision on the petition, filed on 25 March, 2008, considered as a petition under seeking to revive the application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

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. (However, it does not appear that a terminal disclaimer and fee are due here.)

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 17 October, 2007, with reply due under a non-extendable deadline on or before 17 January, 2008.

The application went abandoned by operation of law after midnight 17 January, 2008.

The Office mailed the Notice of Abandonment on 12 February, 2008.

On 25 March, 2008, Petitioner filed the instant petition with fee, pointed to the previously filed a reply in the form of fees due, however, Petitioner's only statements of unintentional delay are the title of the petition and item (3), and are incomplete in light of the regulation.

The regulations at 37 C.F.R. §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 C.F.R. §1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 C.F.R. §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.

Petitioner will find the proper content for a petition under 37 C.F.R. §1.137(b) in the forms provided at the Office website (www.uspto.gov). A copy of that form is enclosed herewith.

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

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.

As to Allegations of
Unintentional Delay

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 Publications Branch to be processed into a patent in due course.

---

[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).

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 Publications Branch in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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

PTO/SB/64 (08-08)
Approved for use through 09/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (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.

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BRINKLE Y, MORGAN, SOLOMON,
TATUM, STANLEY, LUNNY,
& CROSBY, LLP
200 E. LAS OLAS BLVD, SUITE 1900
FORT LAUDERDALE FL 33301

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NOV 1 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Paulin	:	
Application No. 11/104,006	:	SUPPLEMENTAL DECISION
Filed: 12 April, 2005	:	
Attorney Docket No. 013044-04284	:	

This is a supplemental decision following the Decision mailed on 11 September, 2008, on the petition filed on 25 March, 2008, considered as a petition under 37 C.F.R. §1.137(b) seeking to revive the application as having been abandoned due to unintentional delay.

It is noted that the Office of Publications has questioned the grant of the petition, because—the Office of Publications asserts—drawings were not filed in response to the Notice of Allowance. The grant of the petition was proper in that: (a) the drawings requirement was made in error in that the drawings containing the legend "prior art" were filed on 8 November, 2006: and (b) the Notice of Abandonment mailed on 12 February, 2008, referenced only a requirement for payment of the fees due and referenced no requirement as to drawings. Thereafter Petitioner replied with a petition, petition fee, the reply in the form of the requisite fees, and made the statement of unintentional delay.

Therefore, the decision of 11 September, 2008, is maintained in all particulars as follows:

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

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. (However, it does not appear that a terminal disclaimer and fee are due here.)

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 17 October, 2007, with reply due under a non-extendable deadline on or before 17 January, 2008.

The application went abandoned by operation of law after midnight 17 January, 2008.

The Office mailed the Notice of Abandonment on 12 February, 2008.

On 25 March, 2008, Petitioner filed the instant petition with fee, pointed to the previously filed a reply in the form of fees due, however, Petitioner's only statements of unintentional delay are the title of the petition and item (3), and are incomplete in light of the regulation.

The regulations at 37 C.F.R. §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 C.F.R. §1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 C.F.R. §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.

Petitioner will find the proper content for a petition under 37 C.F.R. §1.137(b) in the forms provided at the Office website (www.uspto.gov). A copy of that form is enclosed herewith.

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

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.

---

[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).

As to Allegations of
Unintentional Delay

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 Publications Branch to be processed into a patent 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 Publications Branch in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[2] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA, PA 19103

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DEC 28 2005

OFFICE OF PETITIONS

In re Application of	:	
Marc Elsayed et al	:	
Application No. 11/104,013	:	DECISION ON PETITION
Filed: April 12, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. CELG-0471	:	37 CFR 1.102(d)
	:	

This is a decision on the petition under 37 CFR §1.102(d), filed November 1, 2005, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **DISMISSED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The instant petition lacks item (C) above. In view of this deficiency, the petition is dismissed.

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

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

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

By FAX: (571) 273-8300

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.

The application is being forwarded to the Technology Center Art Unit 3736 for action in its regular turn.

Denise Pothier
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAR 2 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Marc Elsayed et al	:	
Application No. 11/104,013	:	DECISION ON PETITION
Filed: April 12, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. CELG-0471	:	37 CFR 1.102(d)

This is a decision on the renewed petition under 37 CFR §1.102(d), filed February 8, 2006, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (c) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to Technology Center Art Unit 3736 for action on the merits commensurate with this decision.

Amelia Au
Petitions Examiner
Office of Petitions

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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
AN INTERNATIONAL INTELLECTUAL PROPERTY LAW FIRM

FAX TRANSMISSION July 23, 2008

TO: Mail Stop: PETITIONS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

FROM: Douglas P. Mueller

OUR REF: 10873.0703USD1

TELEPHONE: (612) 455.3800

Total pages, including cover letter: Six (6)

PTO FAX NUMBER: 703.872.9306

If all pages are NOT received, please call us at 612.455.3800 or fax us at 612.455.3801.

Title of Document: **This Cover (1 page) Request for Certificate of Correction (2 pages), Copy of Notice of Recordation (3 pages)**

Applicant: MARUKAWA et al.
Serial No.: 11/104019
App. Filed: April 12, 2005
Group Art No.: 1745

Please charge Deposit Account No. 50-3478 in the amount of $130 for Processing Fee. Please charge any additional fees or credit overpayment to Deposit Account No. 50-3478. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: _____
Name: Douglas P. Mueller
Reg. No.: 30,300

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Raquel M. Tabor

Signature

7. 23. 2008
Date

225 SOUTH SIXTH STREET · SUITE 2650 · MINNEAPOLIS · MN 55402
TEL 612.455.3800 · FAX 612.455.3801
WWW.HSML.COM · MAIL@HSML.COM

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee:	MARUKAWA ET AL.	Examiner:	CANTELMO
Patent No.:	7,060,116 B2	Group Art Unit:	1745
Issued:	JUNE 13, 2006	Docket No.:	10873.0703USD1
Title:	METHOD OF BINDING A PLURALITY OF SEALED BATTERY CELLS		

CERTIFICATE OF TRANSMISSION
I hereby certify that the papers listed below are being transmitted byfacsimile to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 23, 2008.

By: Raquel M. Tabor
Name: Raquel M. Tabor

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

REQUEST FOR CERTIFICATE OF CORRECTION

Dear Sir:

It is requested a Certificate of Correction be issued correcting the error appearing in the designation of assignee in the above-identified United States patent. A copy of the text of the Certificate in the suggested form is attached. Applicants request that the file be forwarded to the Certificates of Correction Branch for issuance of a Certificate of Correction if this Request is granted.

The failure to include the correct assignee name on the PTOL-85B was inadvertent. Issuance of the Certificate of Correction would neither expand nor contract the scope of the claims, and re-examination is not required. A copy of the Notice of Recordation of Assignment filed in the parent application, U.S. Serial No. 09/843637, is enclosed.

A fee of $100.00 was submitted September 5, 2006 for consideration of a Request for Certificate of Correction, under CFR 1.323. Please charge the additional processing fee set forth in 37 C.F.R. 1.117 (h) of $130 to Deposit Account 50-3478.

Respectfully submitted,

53148
PATENT TRADEMARK OFFICE

07/24/2008 VBUI11 00000032 503478 11104019
01 FC:1464 130.00 DA

HAMRE, SCHUMANN,
MUELLER & LARSON P.C.
P.O. Box 2902
Minneapolis, MN 55402
Telephone: (612) 455-3800

July 23, 2008
Date

By: _____
Douglas P. Mueller
Reg. No. 30,300
DPM/rmt

PTO/SB/44 (04-05)
Approved for use through 04/30/2007. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,060,116 B2

APPLICATION NO.: 11/104,019

ISSUE DATE : June 13, 2006

INVENTOR(S) : Marukawa et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Front page, Assignee Name (73): "Toyota Jidoshi Kabushiki Kaisha" should read –Toyota Jidosha Kabushiki Kaisha–

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

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

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OCTOBER 16, 2001

PTAS

101812649A

MERCHANT & GOULD P.C.
DOUGLAS P. MUELLER
P.O. BOX 2903
MINNEAPOLIS, MN 55402

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NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/09/2001

REEL/FRAME: 012063/0692
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
MARUKAWA, SHUHEI — DOC DATE: 06/08/2001

ASSIGNOR:
WATANABE, KO — DOC DATE: 06/11/2001

ASSIGNOR:
ETO, TOYOHIKO — DOC DATE: 06/11/2001

ASSIGNOR:
IWASE, MASAYOSHI — DOC DATE: 06/19/2001

ASSIGNOR:
YAMAUCHI, TOMOKAZU — DOC DATE: 07/02/2001

ASSIGNOR:
MIKI, TAKAHIKO — DOC DATE: 07/03/2001

BGM

012063/0692 PAGE 2

ASSIGNEE:
MATSUSHITA ELECTRIC INDUSTRIAL
CO., LTD.
1006-BANCHI, OAZA-KADOMA, KADOMA-
SHI
OSAKA 571-8501, JAPAN

ASSIGNEE:
TOYOTA JIDOSHA KABUSHIKI KAISHA
1, TOYOTA-CHO, TOYOTA-SHI
AICHI 471-8571, JAPAN

SERIAL NUMBER: 09843637
PATENT NUMBER:

FILING DATE: 04/26/2001
ISSUE DATE:

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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08-16-2001

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FORM PTO-1595
(Rev. 6-93)
OMB No. 0651-0011 (exp. 4/94)
M&G- 10873.703US01

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Patent and Trademark Office

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Shuhei Marukawa (June 8, 2001)
Ko Watanabe (June 11, 2001)
Toyohiko Eto (June 11, 2001)
Masayoshi Iwase (June 19, 2001)
Tomokazu Yamauchi (July 2, 2001)
Takahiko Miki (July 3, 2001)

8-9-01

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Matsushita Electric Industrial Co., Ltd.
1006-banchi, Oaza-Kadoma, Kadoma-shi, Osaka
571-8501, Japan

Toyota Jidosha Kabushiki Kaisha
1, Toyota-cho, Toyota-shi, Aichi
471-8571, Japan

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Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:
☒ Assignment
☐ Security Agreement
☐ Other:
☐ Merger
☐ Change of Name

Execution Date: See above

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

09/843,637

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Douglas P. Mueller
Address: Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): $ 40.00
☒ Enclosed
☐ Authorized to be charged to deposit account

8. Please charge any additional fees or credit any overpayments to our Deposit account number: 13-2725

Statement and signature:

DO NOT USE THIS SPACE

9. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Douglas P. Mueller
Name of Person Signing

Signature

August 6, 2001
Date

Total number of pages including attachments and document: 3

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Mail documents to be recorded with required cover sheet information to:
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Washington, D.C. 20231

08/15/2001 BBYRNE 00000132 09843637
01 FC:581 40.00 OP

CERTIFICATE UNDER 37 CFR 1.8:
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231 on August 6, 2001.

Name Kristen Smith

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

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United States Patent and Trademark Office
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HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902-0902
MINNEAPOLIS MN 55402

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AUG 2 8 2008

OFFICE OF PETITIONS

In re Patent No. 7,060,116 :

Issue Date: June 13, 2006 :

Application No. 11/104,019 : ON PETITION

Filed: April 12, 2005 :

Attorney Docket No. 10873.703 USD1

This is a decision on the petition filed July 23, 2008, and in duplicate on July 25, 2008, which is being treated as a request 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 request is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

The file is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] See *Official Gazette* of June 22, 2004.

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1621 EUCLID AVENUE
CLEVELAND, OH 44115

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FEB 06 2008

OFFICE OF PETITIONS

In re Application of	:	
Amrit K. Parhar et al	:	
Application No. 11/104,032	:	ON PETITION
Filed: April 12, 2005	:	
Attorney Docket No. OATYP0134USA		

This is a decision on the petition, filed February 6, 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 December 20, 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 1796 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

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

In re Application of Xue et al.	:	
Application No. 11/104,041	:	On Application For
Filing Date: April 12, 2005	:	Patent Term Adjustment
Attorney Docket No. 20443-0013001	:	

This is in response to the "Application for Patent Term Adjustment Under 37 C.F.R. §1.705(b)" filed November 12, 2009. Applicants submit the correct patent term adjustment to be indicated on the patent is seven hundred ninety-nine (799) days, not four hundred twenty-five (425) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

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

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

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, an applicant may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the

amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Catherine Marie Thoele
16727 Deveronne Circle
Chesterfield, MO 63005

MAILED

MAR 31 2009

OFFICE OF DATA MANAGEMENT

In re Application of	:	**DECISION ON PETITION**
Catherine M. Thoele	:	
Application No. 11/104,108	:	
Filed: 04/12/200	:	
Attorney Docket No. **N/A**	:	

This is a decision on the letter received in the USPTO on March 23, 2009 which is being treated as a Petition to Withdraw the Holding of Abandonment under 37 C.F.R 1.81 (a).

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit corrected drawings as required by the Notice to File Corrected Application Papers, mailed December 22, 2008 which set forth a three (2) month statutory period for reply. The Notice of Abandonment was mailed on March 10, 2009.

Petitioner states that the Notice to File Corrected Application Papers was not received at the address of record. Petitioner noted the timing of the USPTO mailing as being simultaneous with a known time of year for which the Postal Service is heavily used. Petitioner further states that they purposely did not mail correspondence to the USPTO during that time for fear that it would get lost in the mail. As a pro se inventor, the petitioner does not keep a docket record to show mail receipts at the correspondence address. Instead the petitioner has offered, as evidence, the fact that all previous submissions were timely filed, the issue and publication fees had been submitted and reported other instances of lost mail to the correspondence address of record. In addition the drawing requirement with regard to Figure 3 has been corrected in that Petitioner has provided authorization via telephone conversation on March 30, 2009 with the undersigned to delete the second Figure 3 in the application. As this is a drawing correction the Office would normally do, it is questionable as to whether the requirement should have been made.

A Petition to Withdraw the Holding of Abandonment Based on Failure to Receive an Office Action (MPEP 711.03(c)) is grantable upon receipt of the Petition including a statement attesting to the non-receipt of the office action and either provide a docket of mail receipts or other evidence and provide the response required. Petitioner has provided a statement attesting to the non-receipt of the office action, evidence of non-receipt and an authorization to correct the drawing figure.

The application will be forwarded to the Publications Branch for processing.

Telephone inquires relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.

Kimberly Terrell, Manager
Office of Data Management
Publications Branch

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ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106-2399

Mail Date: 04/21/2010

Applicant	: Lawrence James Guilbault	: DECISION ON REQUEST FOR
Patent Number	: 7638029	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,121	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1296** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DEC 17 2007

OFFICE OF PETITIONS

KARL ARTHUR ZIMMERMAN
953 CLOUD LANE
WEST CHESTER PA 19382

In re Application of :
Zimmerman :
Application No. 11/104,123 : DECISION ON PETITION
Filed: April 12, 2005 :
For: CARDIOTEK FILE-0145 :

This is a decision on the petition under 37 CFR 1.137(a) filed November 27, 2007, to revive the above-identified application. This petition is, *sua sponte*, treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

The application was held abandoned December 27, 2006 for failure to timely submit a proper response to the non-final Office action mailed September 26, 2006. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed April 10, 2007.

DECISION UNDER 37 CFR 1.181

Petitioner indicates that the non-final Office action appears to have been improperly mailed. The correspondence address contained in the record is Karl Arthur Zimmerman, 953 *Clood* Lane, West Chester, PA 19382. Petitioner indicates that the correct correspondence address at the time of mailing of the non-final Office action was Karl Arthur Zimmerman, 953 *Cloud* Lane, West Chester, PA 19382.

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.

A review of the record reveals that the declaration submitted with the instant petition set forth a correspondence address of 953 *Cloud* Lane, West Chester, PA 19382. This, however, is not the address that was entered into the record. Accordingly, there was an irregularity in the mailing of the non-final Office action.

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

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

DECISION UNDER 37 CFR 1.137(a)

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

In view of the above findings of fact, the petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

The correspondence address has been corrected in the record to reflect Karl Arthur Zimmerman, 953 *Cloud* Lane, West Chester, PA 19382.

The associate power of attorney submitted herewith has not been entered into the record. Effective June 25, 2004, the associate power of attorney practice has been eliminated. The Office no longer accepts a power of attorney signed by a principal to name an associate power of attorney. An appointment of an associate power of attorney filed on or after June 25, 2004 will not be accepted. *See*, MPEP 402.02 and 406.

Accordingly, there is no indication in the official application file wrapper that petitioner was ever properly empowered to represent applicant in this application. If petitioner desires to be appointed, the appropriate power of attorney should be promptly submitted. This decision is being dually mailed as a courtesy. However, all future correspondence will continue to directed to applicant at 953 Cloud Lane, West Chester, PA 19382 until instruction is received to the contrary.

This application is being forwarded to Technology Center 1600 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Eugene E. Renz, Jr.
P.O. Box 2056
205 North Monroe Street
Media, PA 19063-9056

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MILA KASAN, PATENT DEPT.
APPLIED BIOSYSTEMS
850 LINCOLN CENTRE DRIVE
FOSTER CITY, CA 94404

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OFFICE OF PETITIONS

In re Application of	:	
Barnett B. Rosenblum, et al.	:	
Application No. 11/104,130	:	ON PETITION
Filed: April 12, 2005	:	
Attorney Docket No. 4719 C1 US	:	

This is a decision on the petition under 37 CFR 1.182, filed October 26, 2005, to change the order of the names of the inventors **from**: (1) Barnett B. Rosenblum, (2) Geun-sook Jeon and (3) Shaheer H. Khan **to** (1) Jeun-sook Jeon , (2) Barnett B. Rosenblum and (3) Shaheer H. Khan.

It is noted that the petition changes the spelling of one of the inventor's name. However, if there is an error in the spelling of one the inventor's name, then an appropriate petition must be filed. The present petition requests that the order of the names of the inventors be changed.

Theopetition is **GRANTED** to the extent that the order of the names of the inventors will be changed as follows:

1. Geun-sook Jeon
2. Barnett B. Rosenblum
3. Shaheer H. Khan

A Corrected Filing Receipt with the desired change in the order of the names of the inventors is enclosed.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure

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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
11/104,130	04/12/2005	1623	1950	4719 C1 US		39	3

CONFIRMATION NO. 1674
CORRECTED FILING RECEIPT
OC000000020768954
OC000000020768954

22896
MILA KASAN, PATENT DEPT.
APPLIED BIOSYSTEMS
850 LINCOLN CENTRE DRIVE
FOSTER CITY, CA 94404

Date Mailed: 10/11/2006

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)

Geun-sook Jeon, Foster City, CA;
Barnett B. Rosenblum, San Jose, CA;
Shaheer H. Khan, Foster City, CA;

Assignment For Published Patent Application

Applera Corporation, Foster City, CA

Power of Attorney: The patent practitioners associated with Customer Number **22896**.

Domestic Priority data as claimed by applicant

This application is a CON of 11/015,319 12/17/2004
which claims benefit of 60/532,614 12/23/2003

Foreign Applications

If Required, Foreign Filing License Granted: 06/17/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US11/104,130

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Propargyl substituted nucleoside compounds and methods

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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Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

Mail Date: 05/12/2010

Applicant	: Varagur Chandrasekaran	: DECISION ON REQUEST FOR
Patent Number	: 7616578	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/104,132	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **975** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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OFFICE OF PETITIONS

In re Application of :
Peter James Cooksley :
Application No. 11/104,133 :
Filed: April 12, 2005 :
Attorney Docket No. DRSH.001A :

ON PETITION

This is a decision on the petition filed on April 12, 2005, requesting that a nonprovisional application entitled "SECURITY MESH STANDARD IMPROVEMENT, MODIFICATION AND DESIGN" (Docket No. DRSH.001A) be assigned a nonprovisional application number and accorded filing date of March 29, 2004.

In the petition, applicant asserted that the original nonprovisional application papers were delivered to the USPTO via DHL Express on March 29, 2004; however, they were subsequently misplaced in the USPTO. In support of the assertion, applicant submitted the Declaration of Deane L. Sutherland. Mr. Sutherland declared that he deposited a package containing the patent application with an agent of DHL Express in PapaKura, New Zealand on March 26, 2004, for delivery to the following address:

United States Patent & Trademark
USPTO Contact Center (UCC)
Crystal Plaza 3, Room 2002
Alexandria, VA 22313-1450

Mr. Sutherland submitted several Exhibits with his declaration. Mr. Sutherland stated that the patent application, identified as Exhibit A, was a true copy of the complete patent application papers deposited with the agent of DHL Express. Mr. Sutherland indicated that the document, identified as Exhibit B, was a true and correct copy of the DHL Express receipt that he received from the DHL agent upon depositing the package containing the patent application for delivery to the address indicated above.[1] Lastly, Mr. Sutherland submitted a document identified as Exhibit C, which was a true and correct copy of a proof of delivery from DHL Express for the package to the address indicated above on March 29, 2004.

[1] Exhibit B was not located among the documents submitted with the present petition.

Upon reviewing the USPTO's records, the original nonprovisional application papers cannot be located. Initially, the Office notes that Mr. Sutherland used an incorrect mailing address for delivery of the package containing the patent application. On the date Mr. Sutherland stated he deposited the package with DHL Express, the USPTO required all applicants to address patent related correspondence as follows:

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

See 1283 OG 159 (April 22, 2003); 37 CFR 1.1; MPEP 501.

The Office strong encourages applicants to use the specific addresses listed within 37 CFR 1.1 because it facilitates the process for both the USPTO and for the filer, as well as helps to ensure that the documents reach the appropriate area for which they were intended. See MPEP 501(III).

In his declaration, Mr. Sutherland declared that Exhibit C showed delivery of the package by DHL Express to the address (indicated in his declaration) on March 29, 2004. A review of Exhibit C shows a delivery by DHL on March 29, 2004, at 10:12 am, to a receptionist, signed for by "M. Graham," and a copy of the signature. However, Exhibit C does not serve as evidence that the application papers for the above-identified nonprovisional application were deposited with the USPTO on March 29, 2004. Specifically, there is no information, which associates this application to the delivery on March 29, 2004. The tracking results do not indicate the place where the delivery occurred. Furthermore, it does not confirm that "M. Graham" was a USPTO employee, or even an individual authorized to accept packages on behalf of the Patent Office.

The filing date of a nonprovisional application is the date on which is the date on which a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. 37 CFR 1.53(b). Furthermore, the Office notes:

> New applications cannot be transmitted by facsimile and are not entitled to the benefit of a Certificate of Transmission under 37 CFR 1.8 . . .. The Office strongly recommends that applicants file new applications by "Express Mail" in accordance with 37 CFR 1.10 since such correspondence will be accorded the date of deposit in "Express Mail" with the USPS as the filing date. See 37 CFR 1.6(a) and MPEP § 513. Applications that are not filed by "Express Mail" can only be accorded the date of receipt in the Office as the filing date (unless there is a postal interruption or emergency designated by the Office and applicants are instructed to file their applications in a manner other than by "Express Mail"). Any applicant who files an application by first class mail bears the risk of any delay in the delivery of the application to the Office, even if the delay is unusually significant due to some unforeseen event.

MPEP 511.

In the present case, applicant did not provide sufficient evidence that the USPTO received the application papers on March 29, 2004. Moreover, applicant did not utilize the provisions of 37 CFR 1.10 for filing an application by Express Mail. In view of the above, the petition is **dismissed**. The above-identified nonprovisional application will be accorded a filing date of April 12, 2005, the date of actual receipt in the USPTO.

The duplicate papers received on April 12, 2005, will be used for examination purposes because the original nonprovisional application papers cannot be located in the USPTO. The application has been assigned nonprovisional application No. 11/104,133. All future correspondence concerning this nonprovisional application should be directed to that application number.

Applicant should notify this Office if the original nonprovisional application papers are subsequently discovered in the USPTO so that the present duplicate file can be merged with the original papers and any duplicate filing fee refunded.

The $400.00 petition fee will be charged to Deposit Account No. 11-1410, as authorized.

The Office of Initial Patent Examination is directed to accord the application a filing date of April 12, 2005, using the copy of the application papers supplied on that date.

Telephone inquiries specific to this matter should be directed to 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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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

COPY MAILED

MAR 2 8 2006

OFFICE OF PETITIONS

In re Application of	:	
Peter James Cooksley	:	
Application No. 11/104,133	:	ON PETITION
Filed: April 12, 2005	:	
Attorney Docket No. DRSH.001A	:	

This is a decision on the renewed petition filed on January 27, 2006, requesting reconsideration of the decision dismissing the petition to accord the above-identified application a filing date of March 29, 2004.

On April 12, 2005, applicant filed the original petition in which applicant asserted that the nonprovisional application papers were delivered to the USPTO via DHL Express on March 29, 2004; however, they were subsequently misplaced in the USPTO. The petition was dismissed on July 27, 2005, because applicant did not provide persuasive evidence that the application papers were filed on March 29, 2004. Instead, the Office accorded the above-identified application a filing date of April 12, 2005, the date that the application papers were received in USPTO.

On January 27, 2006, applicant filed the present request for reconsideration. Again, applicant asserted that the USPTO received the DHL Express envelope, containing the application papers, on March 29, 2004, and therefore, the above-identified application should be accorded a filing date of March 29, 2004. In support of the assertion, applicant submitted a Supplemental Declaration of Deane L. Sutherland, the individual who deposited a package containing the patent application with an agent of DHL Express in PapaKura, New Zealand on March 26, 2004, for delivery. As stated in the previous decision, the Office noted that Sutherland used an incorrect mailing address for delivery of patent related correspondence.

In his Supplemental Declaration, Sutherland declared that prior to mailing the application, he contacted the USPTO to inquire as to the correct address and method for delivery of a patent application filed outside the United States. Sutherland stated a USPTO employee named Rosemary suggested that he mail the application by FedEx or DHL to the Contact Center address, to which the package was subsequently mailed. Sutherland reiterated his arguments from the original petition that he contacted an agent of DHL Express who confirmed that the package was delivered to the address indicated on the shipping instructions. Additionally, Sutherland asserted that DHL Express verified that a USPTO

employee, "M. Graham," who represented that he was authorized to sign for a delivery, signed for the package. Copies of the DHL Express receipt and proof of delivery accompany the petition. Unfortunately, petitioners did not submit any evidence or statement with the petition to support the assertion that M. Graham represented that he was authorized to sign for a delivery.

As to Sutherland's assertion that a USPTO employee named Rosemary suggested that he mail the application by FedEx or DHL to the Contact Center address, the Office reminds him that all business with the USPTO should be transacted in writing. 37 CFR 1.2. "No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt." Id.

Applicant could have avoided this predicament had applicant submitted an itemized return postcard in accordance with MPEP 503 upon filing the application. If a self-addressed postcard is submitted with a patent application, that postcard will be provided with both the receipt date and application number prior to returning it to the addressee. A return postcard should be attached to each patent application for which a receipt is desired. A postcard receipt, which itemizes and properly identifies the items that 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.

Furthermore, applicant did not avail himself of the Express Mail procedures prescribed by 37 CFR 1.10. The filing date of an application is defined as the date the specification and drawings are filed in the USPTO. 35 U.S.C. § 111. Pursuant to 35 U.S.C. § 21, the Director may by rule prescribe that any paper or fee required to be filed in the USPTO 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 in Express Mail "Post Office to Addressee" Service but for postal service interruptions or emergencies designed by the Director.

Lastly, the Supplemental Declaration of Sutherland is not persuasive. As stated in the previous decision, the USPTO cannot verify that the delivery on March 29, 2004, contained the present application. An applicant who files an application without utilizing the procedures of a postcard receipt or Express Mail bears the risk of any delay in the delivery of the application to the USPTO.

In summary, applicant has not provided convincing evidence that the application papers were filed in the USPTO on March 29, 2004, or any date prior to April 12, 2005. Therefore, the request for reconsideration is **dismissed**. The above-identified application will retain the filing date of April 12, 2005.

Applicant should notify this Office if the original nonprovisional application papers are subsequently discovered in the USPTO so that the present duplicate file can be merged with the original papers and any duplicate filing fee refunded.

Telephone inquiries specific to this decision should be directed to 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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September 2005

AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

SEP 07 2005

In re Application of:
BRIAN MONACELLI ET AL.
Serial No.: 11/104,138
Filed: 12 April 2005
Docket: 7809-2
Title: CIRCULAR POLARIZER USING FREQUENCY SELECTIVE SURFACES

DECISION ON PETITION TO MAKE SPECIAL (COUNTERING TERRORISM)

This is a decision on the petition filed on June 13, 2005, to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(XI) in accordance with 37 CFR § 1.102 (2004).

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

The petition being based upon countering terrorism, the applicable rule is 37 CFR 1.102(c). Under 1.102(c), no fee is required, but a statement explaining how the invention materially contributes to countering terrorism is necessary.

In the USPTO's final rule amending 37 CFR 1.102 to eliminate the fee requirement for petitions to make special, the following standard was set for determining whether a invention qualified as "materially...countering terrorism":

> The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could counter terrorism. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may be directed to countering terrorism...
>
> Applicants are reminded that any identification of a basis for requesting special status and a statement of compliance with the technology specific requirement for special status must be based upon a good faith belief that the invention in fact qualifies for special status. *see* §§ 1.56 and 10.18...

> *Comment 65:* The Office has received internal comments expressing concern that some applicants may view the lack of a petition fee as an inducement to file petitions where the nexus between the invention and the countering of terrorism is "strained."
>
> *Response:* The comment has been adopted in part. The discussion of the rule amendment has focused on the need for applicants to recognize the "material" aspect of the claimed invention's relationship to countering terrorism, which will be further addressed in an MPEP revision. In view of such discussion, 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. 56382, 56511 (Sept. 21, 2004).

Applicant's statement alleged that the invention concerned enhanced detection cameras

However, the application to countering terrorism is only a small subset of the applications of the claimed invention, which contains no claims specifically directed to countering terrorism; nor does the specification mention countering terrorism. The main benefit of the invention appears to be directed towards improved circular polarization devices, and not any improvement in the method of countering terrorism.

The counter-terrorism aspect of this invention appears to be tangential rather than material. Classifying this invention as an anti-terrorism device does not rise to the level of materiality intended by the Rules. In order for the Office to concentrate its resources on inventions which will materially counter terrorist activities, inventions not possessing a direct impact on such activities will not be made special.

This application will therefore be taken up by the examiner for action in its regular turn.

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

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

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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
11/104,141	04/12/2005	2819	500	5853-512	11	20	3

CONFIRMATION NO. 1695

CORRECTED FILING RECEIPT

OC000000016160502

30448
AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

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)

Vishnu V. Ravinuthula, Gainesville, FL;
John G. Harris, Gainesville, FL;
Jose A.B. Fortes, Gainesville, FL;

Assignment For Published Patent Application

UNIVERSITY OF FLORIDA RESEARCH FOUNDATION, INC., GAINESVILLE, FL

Power of Attorney: The patent practitioners associated with Customer Number **30448**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/561,354 04/12/2004

Foreign Applications

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

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/104,141

Projected Publication Date: 10/13/2005

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Time-mode analog computation circuits and methods

Preliminary Class

341

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

GRANTED

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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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

Mail Date: 04/21/2010

Applicant	: Vishnu V. Ravinuthula	: DECISION ON REQUEST FOR
Patent Number	: 7596589	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,141	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1140** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BELL BOYD & LIOYD
P.O. BOX 1135
CHICAGO, IL 60690-1135

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FEB 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Howard Rosen et al	:	
Application No. 11/104,142	:	DECISION ON PETITION
Filed: April 11, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 116257-8	:	37 CFR 1.102(d)

This is a decision on the petition under 37 CFR §1.102(d), filed December 28, 2005, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (c) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to Technology Center Art Unit 3629 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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JUN 15 2009

OFFICE OF PETITIONS

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309

In re Application	:	
Booth, et al.	:	
Application No. 11/104,155	:	PATENT TERM ADJUSTMENT
Filed: April 12, 2005	:	
Dkt. No.: 35361-0151 (313232)	:	

This is a decision on the "Communication Regarding Patent Term Adjustment (PTA) Indicated in Notice of Allowance," filed March 2, 2009. This matter is being treated as a timely filed application for patent term adjustment under 37 CFR 1.705(b).

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

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) was mailed December 3, 2008. The instant application for PTA was timely filed March 2, 2009 at the time of payment of the issue fee. Applicants argue that applicants are entitled to an additional adjustment of 450 days in accordance with 35 USC 154(b)(1)(B). Applicants contest the adjustment insofar as it relates to the Office's failure to issue the patent within three years of the filing date of the application pursuant to 37 CFR 1.703(b) in view of Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

To the extent that this application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is ordinarily required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, 37 CFR 1.703(b). It is noted that at the time of this decision, the patent has not issued.

Applicants are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Applicants may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

With respect to the over 3 year calculation, rather than file the request for reconsideration of Patent Term Adjustment at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

Receipt is hereby acknowledged of the required patent term adjustment application fee of $200.00.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/03/09

TO SPE OF : ART UNIT 1651

SUBJECT : Request for Certificate of Correction for Appl. No.: 11104161 Patent No.: 7592170

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580
[redacted]

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

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

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

Comments: _____

[signature]
SPE

1651
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/03/09

TO SPE OF : ART UNIT 1651

SUBJECT : Request for Certificate of Correction for Appl. No.: 11104161 Patent No.: 7592170

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

SPE

1651
Art Unit

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MAILED Paper No.

MAY 18 2010

OFFICE OF PETITIONS

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

In re Patent No. 7,592,170	:	DECISION ON REQUEST
Le Doux et al.	:	FOR
Issue Date: September 22, 2009	:	RECONSIDERATION OF
Application No. 11/104,161	:	PATENT TERM ADJUSTMENT
Filed: April 12, 2005	:	and
Atty Docket No. 00786-492002/	:	NOTICE OF INTENT TO ISSUE
MGH 1632.0	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on November 20, 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 six hundred and ninety-five (695) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein.** The patent term adjustment is corrected to indicate that the term of the above-identified patent is extended or adjusted by **six hundred and forty-eight (648)** days.

Patentee's calculation of 359 days of "B" delay is incorrect. Patentee fails to consider that 47 days of "A" delay by the Office in mailing the notice of allowance in response to the filing of the notice of appeal overlaps with the "B" delay. The 47 day period beginning on April 2, 2009 and ending on May 18, 2009 overlaps with the period of B-delay. Thus, the patent term adjustment is increased by 312 (359 - 47) days for "B" delay to 648 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are

given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **six hundred and forty-eight (648)** days.

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,592,170 B2

DATED : **September 22, 2009** **DRAFT**

INVENTOR(S) : Le Doux et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 435 days

Delete the phrase "by 435 days" and insert – by 648 days--

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DARBY & DARBY, P.C.
P.O. BOX 770
Church Street Station
New York, NY 10008-0770

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DEC 10 2008

In re Patent No. 7,417,022	:	
Issue Date: August 26, 2008	:	
Application No. 11/104,173	:	ON PETITION
Filed: April 11, 2005	:	
Patentee(s): Andrea Leone-Bay, et. al.	:	

This is a decision on the petition under 37 CFR 1.183 filed on October 15, 2008, which is being treated as a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The instant request is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Flynn Barrison 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 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

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BAYER MATERIAL SCIENCE LLC
100 BAYER ROAD
PITTSBURGH PA 15205

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OFFICE OF PETITIONS

In re Application of	:	
Roesler et al.	:	
Application No. 11/104,174	:	DECISION ON PETITION
Filed: April 12, 2005	:	
Attorney Docket No. PO-8499/MD04-85	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 31, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the final Office action mailed April 10, 2008. A three-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, this application became abandoned on October 11, 2008. A Notice of Abandonment was mailed October 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810.00, and the submission required by 37 CFR 1.114 (previously submitted on October 9, 2008); (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1796 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment (filed October 9, 2008) submitted in accordance with 37 CFR 1.114.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

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MAY 17 2007

OFFICE OF PETITIONS

In re Application of	:	
ISRAEL, Benjamin	:	
Application No. 11/104,176	:	DECISION ON PETITION
Filed: April 11, 2005	:	TO WITHDRAW
Attorney Docket No. 9324-30US1 (193130)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 20, 2006.

The request is **APPROVED**.

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

The request was signed by Robert Cannuscio 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 Benjamin Israel at the address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **BENJAMIN ISRAEL**
P.O. BOX 3354
MAPLE GLEN, PA 19002

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 2/26/08

TO SPE OF : ART UNIT 2832

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/104194 Patent No: 7106156 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: Documents sought to be added in the list of References cited were submitted in an IDS filed 01/07/06 and initialed on 02/11/06

ELVIN ENAD
SUPERVISORY PATENT EXAMINER

SPE — Art Unit 2832

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/104,202	04/12/2005	Michael Burtscher	WEBR-011/00US 303666-2011	1284

22903 7590 04/17/2008
COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
04/17/2008	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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Cooley Godward LLP
ATTN: Patent Group
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, VA 20190-5656

In Re Application of: Michael Burtscher et al	)
Application No. 11/104,202	) Petition under 37 CFR 1.48(a)
Attorney Docket No. WEBR-011/00US	)
Filed: April 1, 2005	)
For: System And Method For Directly Accessing	)
Data From A Data Storage Medium	)

In view of the papers filed July 5, 2005, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding of Tony Nichols, such that the current inventorship is now Michael Burtscher and Tony Nichols.

The petition has been **Granted**.

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.

Inquiries to this decision may be made to Primary Examiner Christopher Revak at (571) 272-3794.

Christopher Revak
Primary Examiner
Technology Center 2100

/Christopher Revak/
April 14, 2008

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 7565695

DATED: June 07, 2010

INVENTOR(S): Michael Burtscher

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Inventors: Michael Burtscher, Longmont, CO (US)
Tony Nichols, Erie, CO (US)

/David García Cervetti/
Primary Examiner.Art Unit 2436

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SEP 1 0 2008

OFFICE OF PETITIONS

In re Application of :
WATANABE et al. :
Application No. 11/104,238 : DECISION ON PETITION
Filed: 04/12/2005 :
Attorney Docket No. 29A 3714 :

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

The application became abandoned for failure to respond timely to the nonfinal Office action, mailed on January 11, 2008, which set a three-month shortened statutory period to respond. In the apparent absence of a timely filed response, the application was held abandoned on April 12, 2008.

Petitioner asserts that he filed a timely reply to the nonfinal Office action via facsimile transmission on April 11, 2008. In support of the assertion, petitioner supplied a copy of the reply in the form of an amendment, which included a certificate of facsimile transmission under 37 CFR 1.8 dated April 11, 2008. Additionally, petitioner provided a copy of the sending unit's transmission report and the USPTO's Auto-Reply Facsimile Transmission, acknowledging receipt of 9 pages (including the cover sheet) in USPTO on April 11, 2008.

37 CFR 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received by the U.S. Patent and Trademark Office, and the application is held to be abandoned or the proceeding 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. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.

In view of the above, the required reply is considered timely filed pursuant to 37 CFR 1.8. Accordingly, the petition under 37 CFR 1.181 is **granted** and the holding of abandonment is withdrawn. The application will be restored to pending status.

This matter is being referred to Technology Center Art Unit 3768 for review of the amendment.

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

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STEVEN M MITCHELL
PACESETTER INC
701 EAST EVELYN AVENUE
SUNNYVALE, CA 94086

Mail Date: 04/21/2010

Applicant	: Dean Andersen	: DECISION ON REQUEST FOR
Patent Number	: 7623914	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,240	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **809** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Paper No.

PRICE HENEVELD COOPER
DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

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SEP 27 2005

OFFICE OF PETITIONS

In re Application of Darin Evans, Mark White, Robert Dornbos and William Wakefield Application No. 11/104,250 Filed: April 12, 2005 Attorney Docket No. SHA01 P-384 Title: BUMPER WITH NESTING ENERGY-ABSORBING END PIECE	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR §1.47, filed July 5, 2005.

The petition is **GRANTED**.

The above-identified application was filed on April 12, 2005, with an unexecuted declaration. Accordingly, on May 5, 2005, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration in compliance with § 1.63 and a surcharge for its late filing. This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a).

In response, rule 47 applicants filed the instant petition; payment of $130 for the petition fee; the late surcharge; and a declaration executed by joint inventors Evans, White and Dornbos on behalf of themselves and on behalf of non-signing joint inventor William Wakefield. Rule 47 applicants maintain that status under 37 CFR 1.47 is proper because joint inventor Wakefield has refused to join in the application.

The petition fee for consideration of a petition under § 1.47 increased to $200 in 2004 (See PTO/SB/17P available at www.uspto.gov under patent forms). Pursuant to the general authorization submitted on filing, the deficiency of $70 has been charged to Deposit Account No. 16-2463.

By statement of facts of patent attorney Daniel Girdwood, and supporting documentary evidence, rule 47 applicants have shown

that inventor Wakefield has refused, by his conduct, to join in the application.

The petition includes the last known address of non-signing inventor Wakefield.

The declaration filed July 5, 2005, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

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

The application will be examined in Technology Center AU 3612 in due course.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WILLIAM WAKEFIELD
3482 SENECA DRIVE
NORTON SHORES, MI 49441

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SEP 27 2005

OFFICE OF PETITIONS

In re Application of Darin Evans, Mark White, Robert Dornbos and William Wakefield Application No. 11/104,250 Filed: April 12, 2005 Attorney Docket No. SHA01 P-384 Title: BUMPER WITH NESTING ENERGY-ABSORBING END PIECE	LETTER

Dear Mr. Wakefield:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be

directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Daniel L. Girdwood
PRICE HENEVELD COOPER
DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

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

Mail Date: 04/20/2010

Applicant	: William Preston Alexander III	: DECISION ON REQUEST FOR
Patent Number	: 7640539	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,257	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1091** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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COMMISSIONER FOR PATENTS
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HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON OH 44311-1076

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MAR 16 2009

OFFICE OF PETITIONS

In re Application	:	
Lippert, et al.	:	
Application No. 11/104,275	:	PATENT TERM ADJUSTMENT
Filed: April 12, 2005	:	
Dkt. No.: 117163.00132	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT 37 C.F.R. § 1.705(d)," filed January 16, 2009. This matter is being treated as a timely filed application for patent term adjustment under 37 CFR 1.705(b).

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

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed December 12, 2008, indicated a patent term adjustment (PTA) to date of 702 days. The instant application for PTA was timely filed January 16, 2009 at the time of payment of the issue fee. Applicants argue that application is entitled to an adjustment of 1,091 days, including adjustment pursuant to in accordance with 37 CFR 1.703(b).

The correct PTA at the time of the allowance is 702 days, as indicated on the Determination of Patent Term Adjustment under 35 USC 154(b), mailed December 12, 2008.

Applicants do not contest the adjustment of 702 days reflected in the Determination of Patent Term Adjustment under 35 USC 154(b).

Instead, applicants contest the adjustment insofar as it relates to the Office's failure to issue the patent within three years of the filing date of the application pursuant to 37 CFR 1.703(b) in view of Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

To the extent that this application for patent term adjustment requests reconsideration of the patent term adjustment as it

relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is ordinarily required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, 37 CFR 1.703(b). It is noted that at the time of this decision, the patent has not issued.

Applicants are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Applicants may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

With respect to the over 3 year calculation, rather than file the request for reconsideration of Patent Term Adjustment at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

In view thereof, at the time of allowance, the application is entitled to an overall adjustment of 702 days.

Receipt is hereby acknowledged of the required patent term adjustment application fee of $200.00.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years

to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

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

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DEC 09 2009

OFFICE OF PETITIONS

HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON OH 44311-1076

In re Patent No. 7,519,422 :
Issued: April 14, 2009 :
Application No. 11/104,275 : PATENT TERM ADJUSTMENT
Filed: April 12, 2005 :
Dkt. No.: 117163.00132 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT 37 C.F.R. § 1.705(d)," filed April 23, 2009. Patentee requests correction of the patent term adjustment from 702 days to 1,021 days. Patentee requests this correction on the sole basis that the Office took in excess of three years to issue the above-referenced patent.

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

The above-identified application matured into U.S. Pat. No. 7,519,422 on April 14, 2009. The patent issued with a patent term adjustment of 702 days. This application for patent term adjustment is timely filed in accordance with 37 CFR 1.705(d). Patentee argues that in view of Wyeth v. Dudas, No. 07-1492 (D.D.C. Sept. 30, 2008), the patent is entitled to an adjustment of 1,021 days (702 days under 35 USC 154(b)(1)(A) *plus* 367 days under 35 USC 154(b)(1)(B) *less* 48 overlapping days *less* zero days of applicant delay).

Under 37 CFR 1.703(f), patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR 1.702 reduced by the period of time equal to the period of time during which patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. In other words, patentees are entitled to the period of Office delay reduced by the period of applicant delay.

The Office asserts that as of the issuance of the patent on April 14, 2009, the application was pending three years and 367 days after its filing date (April 13, 2008 to April 14, 2009). The Office agrees that certain action was not taken within the specified time frame, and thus, the entry of a period of adjustment of 702 days is correct. At issue is whether patentees should accrue 367 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 702 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the period of 367 days of delay in issuing the patent overlaps with the 702 days of examination delay under 37 CFR 1.702(a). Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

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

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

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004).

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

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[1] Likewise, 37 CFR 1.703(f) provides that:

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

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), April 12, 2005, and ending on April 14, 2009, the date the patent issued.

Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a), 702 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), 367 days of patent term adjustment accrued for Office issuance of the patent more than three years after the application filing date.

The 367 days of patent term adjustment under 37 CFR 1.702(b) overlaps with the 702 days of patent term adjustment under 37 CFR 1.702(a). Entry of both the 702 days and the 367 days is neither permitted nor warranted given that 702 days is the actual number of days issuance of the patent was delayed.

Accordingly, at issuance, the Office properly entered 702 days of patent term adjustment, having considered the 367 days of Office delay under the three-year pendency provision.

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

No additional fees are due in connection with this matter.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SEP 18 2007

OFFICE OF PETITIONS

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

In re Application of :
SMMERFELD, Craig A. :
Application No. 11/104,276 : DECISION ON PETITION
Filed: April 12, 2005 : TO WITHDRAW
Attorney Docket No. **A61-012-01-US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 10, 2007.

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

A review of the file record indicates that the power of attorney to **SCHWEGMAN LUNDBERG & WOESSNER PA** has been revoked by the assignee of the patent application on January 13, 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: **NORTH OAKS PATENT AGENCY**
45 ISLAND ROAD
NORTH OAKS, MN 55127

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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OCT 17 2005

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of	:
Edwin S. C. Wu et al	:
Serial No.: 11/104,281	: PETITION TO MAKE SPECIAL
Filed: April12, 2005	:
Attorney Docket No.: U015651-8	:

This is in response to applicants' petition filed September 27, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII. Therefor the petition is **GRANTED**.

The following condition applies to the grant of this petition: If, upon examination, it is determined that a restriction requirement is necessary because of multiple inventions being claimed, applicant will be required to make an election without traverse of a single invention to be prosecuted. Failure to make an election without traverse will void the special status accorded in this decision.

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

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at the general Office facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
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FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

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OCT 12 2007

OFFICE OF PETITIONS

Applicant: Eads et al.
Appl. No.: 11/104,295
Filing Date: April 12, 2005
Title: TAMPER EVIDENT RECLOSABLE SEALS
Attorney Docket No.: 0103077-0532395
Pub. No.: 2006/0228055 A1
Pub. Date: October 12, 2006

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on October 27, 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.

Inquiries relating to this matter may be directed to Mark O. Polutta at (703) 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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SEP 24 2007

OFFICE OF PETITIONS

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

In re Application of	:	
Sanderson and Acosta	:	
Application No. 11/104305	:	DECISION ON PETITION
Filed: 04/11/2005	:	
Attorney Docket No. 021629-003300US	:	

This is a decision on the petition under 37 CFR 1.182, filed September 7, 2007, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

This application is being referred to Technology Center AU 3709.

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

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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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/104,305	04/11/2005	3709	1490	021629-003300US	57	3

CONFIRMATION NO. 8793

CORRECTED FILING RECEIPT

OC000000025966711

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 09/24/2007

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

Applicant(s)

David Sanderson, Burlingame, CA;
Pablo Acosta, Newark, CA;

Assignment For Published Patent Application

Xtent, Inc., Menlo Park, CA

Power of Attorney: The patent practitioners associated with Customer Number **20350**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/104,305

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Custom-length stent delivery system with independently operable expansion elements

Preliminary Class

623

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

Mail Date: 05/10/2010

Applicant	: Charles M. Yarbrough	: DECISION ON REQUEST FOR
Patent Number	: 7655826	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/104,315	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1290** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

PTO/SB/130 (03-08)
Approved for use through 05/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11104317	Confirmation Number	1064	Filing Date	2005-04-12
Attorney Docket Number (optional)		Art Unit		Examiner	
First Named Inventor	Mario Rabinowitz				
Title of Invention	Manufacture of transparent mirrored micro-balls for solar energy concentration and other optical functions				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Mario		Rabinowitz	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

- (●) (1) I am an inventor in this application and I am 65 years of age, or more.
- ( ) (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Mario Rabinowitz/	Date (YYYY-MM-DD)	2008-08-01
Name	Mario Rabinowitz Age 71, born 1936-10-24		

PTO/SB/130 (03-08)
Approved for use through 05/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

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 Fr eedom 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 indivi duals.

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.

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In re Application of
Mario Rabinowitz

Application No. 11104317

Filed: April 12,2005

Attorney Docket No.

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 01-AUG-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS TX 75380

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JUN 20 2008

In re Application of :
Arndt, et al. :
Application No. 11/104,319 : ON PETITION
Filed: April 12, 2005 :
Attorney Docket No. AUS920041034US1 :
For: REFERENTIAL INTEGRITY ACROSS
A DISTRIBUTED DIRECTORY

This is a decision on the petition under 37 CFR 1.181, filed April 9, 2008, to withdraw the holding of abandonment in the above-identified application.

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

The Office contended that the above-identified application became abandoned for failure to submit a reply to the July 26, 2007 non-final Office action, which set a three month extendable period for reply. No extensions of time or reply being received, the Office contended that this application became abandoned on October 27, 2007. A Notice of Abandonment was mailed on March 19, 2008.

Petitioners allege that the July 26, 2007 non-final Office action was not received at the correspondence address of record.

The showing required to establish non-receipt of an Office communication must include:

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

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Petitioners have submitted a copy of the docket records where the requirement would have been entered had the July 26, 2007 non-final Office action been received. In addition, practitioner referenced the docket records in the petition and stated that a review of the application's file jacket and docket records for the July 26, 2007 non-final Office action was fruitless.

Petitioners have established non-receipt. The petition is **granted,** the holding of abandonment is withdrawn, and the March 19, 2008 Notice of Abandonment is vacated.

After the mailing of this decision, the application will be returned to Technology Center A.U. 2167 to re-mail the July 26, 2007 non-final Office action with a new period set for reply.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Office of Petitions: Decision Count Sheet

Mailing Month

Office of Petitions Internal Document (version: 4.26.6)

Application No. 11104319

11104319

For US serial numbers: enter number only, no slashes or commas. Ex: 10123456

For PCT: enter "51+single digit of year of filing+last 5 numbers", Ex. for PCT/US05/12345, enter 51512345

Deciding Official: BRANTLEY, SHIRENE WILLIS

Count (1) - Palm Credit 11/104,319

Decision Type: 525 - 37 CFR 1.181 for W/D HOLDING OF ABANDONMENT

Decision: GRANT

Time Period for Reply: n/a

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JUN 20 2008

Notes:

Count (2)

Decision Type: NONE

Decision: n/a

Time Period for Reply: n/a

Notes:

Count (3)

Decision Type: NONE

Decision: n/a

Time Period for Reply: n/a

Notes:

_____ Initials of Approving Official (if required)

if more than 3 decisions, attach 2nd count sheet & mark this box ☐

Printed on: *6/13/08*

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

Mail Date: 04/20/2010

Applicant	: William Preston Alexander III	: DECISION ON REQUEST FOR
Patent Number	: 7657875	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,323	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **930** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SMITH, GAMBRELL & RUSSELL
1230 PEACHTREE STREET, N.E.
SUITE 3100, PROMENADE II
ATLANTA GA 30309-3592

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SEP 14 2005

OFFICE OF PETITIONS

In re Application of	:	
Atsuhiko Sakabe et al	:	
Application No. 11/104,342	:	DECISION GRANTING FILING
Filed: April 12, 2005	:	DATE OF APRIL 12, 2005
Attorney Docket No. 032405.207	:	

This is a decision on the petition filed August 29, 2005, which is being treated as a petition under 37 CFR 1.10 (d), requesting that the above-identified application be accorded a filing date of April 12, 2005, rather than the presently accorded filing date of April 11, 2005.

Petitioner alleges that the date indicated in the Date-In field of the Express Mail label is incorrect. In support, petitioner has submitted a copy of the Express Mail Label No. EV462308968US showing a date stamp of April 12, 2005, by the USPS at the Midtown Station in Atlanga Georgia. The same Express Mail receipt number appears on the original Application Transmittal filed with the instant application.

In view of the above, it is concluded that the application was deposited as "Express Mail" with the US Postal Service on April 12, 2005.

The petition is **granted**.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of April 12, 2005, and for the mailing of a corrected Filing Receipt.

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

Karen Creasy

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

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HOWSON & HOWSON LLP / WYETH
501 OFFICE CENTER DRIVE
SUITE 210
FORT WASHINGTON PA 19034

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NOV 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Gu et al.	:	
Patent Number: 7,445,916	:	ON APPLICATION FOR
Issue Date: 11/04/2008	:	PATENT TERM ADJUSTMENT
Application No. 11/104349	:	INCLUDING REQUEST FOR
Filing or 371(c) Date: 04/12/2005	:	RECONSIDERATION OF
Attorney Docket Number: AM-101010	:	PATENT TERM ADJUSTMENT

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT, INCLUDING REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(d), filed December 31, 2008, and in response to the REQUEST FOR DEFERRAL OF RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(d), filed July 15, 2009. Patentee requests that the determination of patent term adjustment be corrected from 254 days to 460 days.

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

Patentees also request that a decision on this request for reconsideration of patent term adjustment be held in abeyance pending a final, non-appealable decision on the merits in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). There is no specific regulatory provision for requesting that a petition under 37 CFR 1.705(d) be held in abeyance. Accordingly, the request to hold in abeyance a decision on the merits of the instant application for patent term adjustment is **DISMISSED**.

On November 4, 2008, the above-identified application matured into U.S. Patent No. 7,445,916 with a patent term adjustment of 254 days. This application for patent term adjustment was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

Patentees request recalculation of the patent term adjustment as interpreted by the ruling in Wyeth v. Dudas. Patentees assert that pursuant to Wyeth, Patentees are entitled to A delay (delay under 37 CFR § 1.703(a), reduced by Applicant's delay (under 37 CFR § 1.704), if any, plus B Delay (pursuant to 37 CFR § 1.703(b)), to the extent that they do not overlap. Accordingly, Patentees assert that the correct patent term adjustment for this patent is 460 days (364 days of A delay plus 206 days of B delay less 110 days of Applicant delay).

The 206-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on April 12, 2005 and the patent having issued November 4, 2008, three years and 206 days later. Patentees assert that in addition to this 206-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a) of 364 days. This 364-day period is the result of the Office's failure to mail at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which 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, patentees are entitled to the period of Office delay reduced by the period of applicant delay.

The Office agrees that as of the issuance of the patent on November 4, 2008, the application was pending three years and 206 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 364 days is correct. At issue is whether patentees should accrue 206 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 364 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the period of 206 days of delay in issuing the patent overlap with the 364 days of examination delay under 37 CFR 1.702(a). Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> 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)(1)(A) is the entire period during which the application was pending before the Office, April 12, 2005, to the date the patent issued on November 4, 2008. Prior to the issuance of the patent, 364 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 206 days for Office delay in issuing the patent overlap with the 364 days of Office examination delay. During that time, the issuance of the patent was delayed by 364 days, not 206 days + 364 days. The Office took 14 months and 364 days to issue a first Office action. Otherwise, the Office took all actions set forth in 37 CFR 1.702(a) within the prescribed timeframes. Nonetheless, given the initial 364 days of Office examination delay and the time allowed within the time frames for processing and examination, the application issued three years and 206 days after its filing date. The Office did not delay 206 days and also delay an additional 364 days. Accordingly, 364 days of patent term adjustment was properly entered because the period of delay of 206 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 364 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 $200.00 fee set forth in 37 CFR 1.18(e). Submission of the application fee is a prerequisite prior to treatment on the merits of any application for patent term adjustment. Furthermore, the application fee is not subject to refund. Accordingly, patentees request for refund is **DISMISSED**.

---

[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).

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

/ALESIA M. BROWN/

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

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SUITE 2700
INDIANAPOLIS, IN 46204

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OFFICE OF PETITIONS

In re Application of
Nicholas L. Georgakopoulos
Application No. 11/104,352
Filed: April 12, 2005
Attorney Docket No. GRG-P002

DECISION GRANTING PETITION

This is a decision on the petition, filed May 4, 2010, requesting that the above-identified application be accorded a filing date of April 12, 2005, rather than the presently accorded date of April 11, 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 April 12, 2005. In support, the petition is accompanied by a copy of Express Mail receipt No. EV 461295684 US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of April 12, 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 April 12, 2005.

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

This application file is being referred to the Office of Patent Application Processing (OIPE) for correction of the filing date to **April 12, 2005** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed April M. Wise at (571) 272-1642. Telephone inquiries related to the Office of Patent Application Processing should be directed to their hotline at (571) 272-4100.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOLEY & LARDNER LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO, IL 60654-5313

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas D. Kaun	:	
Application No. 11/104,363	:	DECISION ON PETITION
Filed: April 12, 2005	:	TO WITHDRAW
Attorney Docket No. 022981-0104	:	FROM RECORD
	:	

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 2, 2009.

The request is **APPROVED**.

The request was signed by Michael D. Rechtin on behalf of the practitioners of record associated with Customer Number 27433.

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

All future correspondence will be directed to inventor Thomas D. Kaun at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Thomas Kaun
320 Willow Street
New Lenox, IL 60451

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/104,363	04/12/2005	Thomas D. Kaun	022981-0104

CONFIRMATION NO. 1715

POWER OF ATTORNEY NOTICE

27433
FOLEY & LARDNER LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO, IL 60654-5313

OC000000039049010

Date Mailed: 12/07/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/02/2009.

- 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.

/idingle/

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

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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
11/104,363	04/12/2005	Thomas D. Kaun	022981-0104

CONFIRMATION NO. 1715

POA ACCEPTANCE LETTER

Thomas Kaun
320 Willow Street
New Lenox, IL 60451

OC000000039049011

Date Mailed: 12/07/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/02/2009.

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

/idingle/

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

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221 NORTH FIGUEROA STREET
SUITE 1200
LOS ANGELES, CA 90012

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OFFICE OF PETITIONS

In re Application of :
Edward Bachelder et al :
Application No. 11/104,379 : ON PETITION
Filed: April 11, 2005 :
Attorney Docket No. 28036-5

This is a decision on the petition, filed February 14, 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 December 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 Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2628 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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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

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OFFICE OF PETITIONS

In re Application of	:	
Jason Padeski, et al.	:	
Application No. 11/104,381	:	DECISION ON PETITION
Filed: April 11, 2005	:	TO WITHDRAW
Attorney Docket No. 620602007700	:	FROM RECORD
	:	

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 7, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on May 25, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JOEL D. VOELZKE
24772 SADDLE PEAK ROAD
MALIBU, CA 90265-3042

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PACESETTER, INC.
15900 VALLEY VIEW COURT
SYLMAR, CA 91392-9221

Mail Date: 04/21/2010

Applicant	: Mark W. Kroll	: DECISION ON REQUEST FOR
Patent Number	: 7634313	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,382	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **566** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,025,595	2006-04-11	11/104,412	2005-04-13	LIC 346

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
◉ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Steven M. Rabin/	Date (YYYY-MM-DD)	2010-05-28
Name	Steven M. Rabin	Registration Number	29102

This collection of information is required by 37 CFR 1.378(c). 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 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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.

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

In re Patent No. 7025595
Issue Date: April 11,2006
Application No. 11104412
Filed: April 13,2005
Attorney Docket No. 176-105

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed May 28,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of May 28,2010 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

FENNEMORE CRAIG
Suite 2600
3003 N. Central Avenue
Phoenix, AZ 85012

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DEC 21 2006
OFFICE OF PETITIONS

In re Application of Longgui Wang, et. al. Application No. 11/104,422 Filed: April 13, 2005 Attorney Docket No. 15741.005	: : : : : :	DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(c)(1)

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

The petition is **GRANTED**.

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

The instant petition includes a statement from one of the inventors that he is over the age of 65. Accordingly, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the Technology Center Art Unit 1614, for action on the merits commensurate with this decision.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FENNEMORE CRAIG
Suite 2600
3003 N. Central Avenue
Phoenix, AZ 85012

Mail Date: 04/21/2010

Applicant	: Longgui Wang	: DECISION ON REQUEST FOR
Patent Number	: 7582670	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,422	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **416** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

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JUN 18 2008

OFFICE OF PETITIONS

In re Application of	:	
Mitsuma Oishi et al	:	
Application No. 11/104,424	:	DECISION GRANTING PETITION
Filed: April 13, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 118881/04	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 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 May 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 should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the 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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 13, 2008

TO SPE OF : ART UNIT 1745

SUBJECT : Request for Certificate of Correction for Appl. No. 11/104440 patent no. 7183018

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**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

SPE

1795

Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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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	:	
Takeaki Shimanouchi, et al.	:	
Application No. 11/104,453	:	DECISION GRANTING PETITION
Filed: April 13, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 101216-00007	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 1, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 18, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application 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 concurrently filed information disclosure statement.

Frances Hicks

Frances M. Hicks
Petitions Examiner
Office of Petitions

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

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BENNETT JONES LLP
C/O MS ROSEANN CALDWELL
4500 BANKERS HALL EAST
855 – 2ND STREET, SW
CALGARY AB T2P 4K7 CA CANADA

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APR 26 2010

OFFICE OF PETITIONS

In re Patent No. 7,134,505 :
Issue Date: November 14, 2006 :
Application No. 11/104,467 :
Filed: April 13, 2005 :
Attorney Docket No. 45023-18

NOTICE

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

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

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

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

Paper No. None

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

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OFFICE OF PETITIONS

In re Application of Takaaki Yamaguchi et al. Application No. 11/104,474 Filed: April 13, 2005 Attorney Docket No. 03500.017410.1 Title: SUBSTRATE FOR INK JET HEAD, INK JET HEAD, AND INK JET RECORDING APPARATUS HAVING INK JET HEAD	DECISION ON PETITION UNDER 37 C.F.R. §1.181(A)

This is a decision on the petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment, filed on November 21, 2006.

The Office regrets the delay in issuing this decision.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed May 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 August 13, 2006. A notice of abandonment was mailed subsequent to the filing of this petition on November 27, 2006.

With the present petition, Petitioner has included a response to the non-final Office action, and it is noted that the response bears a certificate of mailing dated August 14, 2006. It is further noted that August 12, 2006 fell on a Saturday.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that petitioner has met his burden of establishing that a response was timely submitted, pursuant to 37 C.F.R. §1.8.

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

The 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 with the present petition 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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Mail Date: 04/27/2010

Applicant	: Rafael Maestas	: DECISION ON REQUEST FOR
Patent Number	: 7599479	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/104,494	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1211** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 04/20/2010

Applicant	: Jae-heung Lee	: DECISION ON REQUEST FOR
Patent Number	: 7603722	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,497	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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7/21/08

Patent No. :7300950
Ser. No. : 11/104556
Inventor(s) :SCHINDLER, ET AL.
Issued : 11/27/07
Title : PYRAZOLE DERIVATIVES, THEIR PREPARATION AND THEIR USE IN PHARMACEUTICALS
Docket No. :

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.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

FINNEGAN HENDERSON FARABOW, GARRET & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, D.C. 20001-4413

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JAN 15 2009

In re Patent No. 7,300,950	:	
Issue Date: November 27, 2007	:	
Application No. 11/104,556	:	DECISION ON PETITION
Filed: April 13, 2005	:	
Attorney Docket No. 02481.1610-03	:	

This is a decision on the Request under 37 C.F.R. § 3.81 to Correct Assignee's Name on an Issued Patent and Renewed Request for Certificate of Correction, filed December 5, 2008. The Request has been treated as a petition under 37 CFR 3.81. A completed Certificate of Correction form accompanied the petition.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner requests, in effect, that the Title Page of the above-identified patent be corrected via issuance of a Certificate of Correction to correct the name of the assignee identified thereon from "Aventis Pharma Deutschland GmbH, Frankfurt (DE)" to:

--Sanofi-Aventis Deutschland GmbH, Frankfurt (DE)--.

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 petition was accompanied deposit account authorization to charge required fees. As such, the requisite $100.00 fee (Fee Code 1811), as set forth under in 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been charged as authorized in the petition. As noted above, a Certificate of Correction was previously submitted with the present petition. Office assignment records are consistent with the requested correction. Accordingly, as 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 certificate of Correction form filed with the present petition.

Inquiries related to this communication should be directed to Brian W. Brown at (571) 272-5338.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

The matter is being referred to the Certificate of Corrections Branch for processing of a Certificate of Correction in US Patent 7,300,950.

Brian W. Brown
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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Paper No. None

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FEB 2 2 2006
OFFICE OF PETITIONS

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

In re Application of	:	
Duc Nguyen, Noe Rizo, Jamie	:	
Shephard, and Barbara Gutierrez	:	DECISION ON RENEWED
Application No. 11/104,565	:	PETITION UNDER 37 C.F.R.
Filed: April 13, 2005	:	§1.47(A)
Attorney Docket No. 249384US20	:	
Title: HIGH-FIBER DAIRY PRODUCT	:	

This is in response to the renewed petition under 37 C.F.R. §1.47(a)[1], filed February 3, 2006.

On April 13, 2005, the application was filed, identifying Duc Nguyen, Noe Rizo, Jamie Shephard, and Barbara Gutierrez as joint inventors. The application was deposited without an executed oath or declaration. On May 12, 2005, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or

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1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

declaration and the associated surcharge were required. This Notice set a two-month period for reply.

The original petition was submitted on December 12, 2005, along with the petition fee, a five-month extension of time to make timely this response, a statement of facts, a declaration which has been executed by each of the joint inventors save Mr. Rizo, and the last known address of the same.

The original petition was dismissed via the mailing of a decision on January 11, 2006, as the original petition failed to meet the fourth requirement of 37 C.F.R. §1.47(a). The original petition failed to indicate whether the non-signing inventor was refusing to sign or whether he could not be reached. The petition met requirements (1) - (3) and (5) above.

With this renewed petition, Petitioner has asserted that the non-signing inventor cannot be reached. A package was sent to the non-signing inventor, and the package was returned from DHL, as the shipping company determined that the address which was provided to them was not valid[2]," and the address "could not be located[3]."

It is determined that Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. **As petitioner has set forth that the non-signing joint inventor cannot be found or reached, petitioner is required to establish that a diligent effort was made to locate the non-signing inventor.** Petitioner has asserted that the non-signing inventor cannot be reached (because the last known address is invalid), however there is no indication that 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[4]. If attempts to obtain a forwarding address or to locate the non-signing inventor by other means such as through E-mail, telephone, or the Internet fail, then applicant will have provided the necessary proof required under 37 C.F.R. §1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an <u>affidavit or declaration of facts</u> by a person with <u>first hand knowledge</u> of the details.

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2 Declaration of facts, paragraph 3.
3 Letter from DHL, dated December 6, 2005.
4 <u>See</u> MPEP 409.03(d).

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition Under 37 C.F.R. §1.47(a)". This is not a final agency action within the meaning of 5 U.S.C 704.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[5], hand-delivery[6], or facsimile[7].

Petitioner has submitted $200 along with this renewed petition - this renewed petition does not carry a fee. As such, the fee will be refunded to Petitioner's Deposit Account in due course.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

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

5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
7 (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
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www.uspto.gov

JUL 26 2005

HELLER EHRMAN WHITE & MCAULIFFE LLP
1717 RHODE ISLAND AVE, NW
WASHINGTON DC 20036-3001

In re Application of :	:
Goldenberg et al.	:
Serial No.: 11/104,594	: PETITION TO MAKE SPECIAL
Filed: April 13, 2005	:
Attorney Docket No.: 40923-0080US7	:

This is in response to applicants' petition filed July 5, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on applicants who are small entities having applications relating to biotechnology.

Applicants have satisfied the provisions set forth in M.P.E.P. 708.02, XII (A), (B), and (C). The $130.00 petition fee as required by 37 CFR 1.17(h) was received. Therefore, the petition is **GRANTED**.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission to the general Office facsimile number.

Marianne C. Seidel

Marianne C. Seidel
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HELLER EHRMAN WHITE & MCAULIFFE LLP
1717 RHODE ISLAND AVE, NW
WASHINGTON DC 20036-3001

In re Application of :	:
Goldenberg et al.	:
Serial No.: 11/104,594	: PETITION TO MAKE SPECIAL
Filed: April 13, 2005	:
Attorney Docket No.: 40923-0080US7	:

This is in response to applicants' petition filed July 5, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on applicants who are small entities having applications relating to biotechnology.

Applicants have satisfied the provisions set forth in M.P.E.P. 708.02, XII (A), (B), and (C). The $130.00 petition fee as required by 37 CFR 1.17(h) was received. Therefore, the petition is **GRANTED**.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission to the general Office facsimile number.

Marianne C. Seidel
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No.

SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT
14TH FLOOR
TYSONS CORNER VA 22182-2700

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MAR 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Andrew Bowdler et al.	:	
Application No. 11/104,674	:	
Filed: April 13, 2005	:	DECISION ON PETITION
Attorney Docket No. 42981.00008	:	PURSUANT TO
Title: ION SELECTOR	:	37 C.F.R. § 1.181(A)

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a), filed on January 9, 2008. Petitioner has requested that a filing date be accorded to this application. This application has been accorded a filing date: this petition is being treated as a petition to withdraw the holding of abandonment.

The petition pursuant to 37 C.F.R. § 1.181 is **GRANTED**. The holding of abandonment is hereby **WITHDRAWN**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (notice), mailed May 12, 2005, which set a shortened statutory period for reply of two 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 July 13, 2005.

The notice of missing parts did not contain a mailing address, since the electronic file did not contain an oath, a declaration, or a Utility Application Transmittal Sheet that identifies the address of the party who filed this petition.

As such, it is clear that Petitioner did not receive this notice. Moreover, it is noted that Petitioner has filed a plurality of status inquiries.

With this petition, Petitioner has included a copy of the application, a copy of a transmittal letter that contains the address of the law firm that filed this petition, and a copy of applicants' postcard receipt acknowledging receipt of a "Transmittal Letter" in the United States Patent and Trademark Office (Office) on April 13, 2005. Applicants request that this application be accorded a filing date of April 13, 2005.

Upon review of the electronic file, a 37-page specification, 6 pages of claims, 6 sheets of drawings, and a 1-page abstract have been located. A transmittal letter that identifies the mailing address of Applicant's representative has not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 13, 2005 included a transmittal letter, this transmittal letter contains the address of Applicant's representative, and this transmittal letter was subsequently misplaced in the Office.

As such, the Office should have mailed the notice to the proper address.

The proper address has been entered and made of record.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for further processing. OPAP will re-mail the notice of May 12, 2005, and will set a new period for response.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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

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JUN - 3 2005

EDWARD M. LIVINGSTON, PA
963 TRAIL TERRACE DRIVE
NAPLES FL 34103

In re Application of	:
Vincenzo Giuliano et al	:
Serial No.: 11/104,700	: PETITION TO MAKE SPECIAL
Filed: April 13, 2005	:
Attorney Docket No.: 02-5165/CIP	:

This is in response to the petition filed April 13, 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, I. 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/104,701	04/13/2005	2612	1000	5000-1-698	6	11	1

CONFIRMATION NO. 9157

CORRECTED FILING RECEIPT

OC000000016055702

33942
CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS, NJ 07652

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)

Sun-Hyoung Pyo, Gyeonggi-do, KOREA, REPUBLIC OF;
Doo-Sik Shin, Suwon-si, KOREA, REPUBLIC OF;

Assignment For Published Patent Application

Samsung Electronics Co., LTD

Power of Attorney: The patent practitioners associated with Customer Number **33942**.

Domestic Priority data as claimed by applicant

Foreign Applications

REPUBLIC OF KOREA 2004-81215 10/12/2004

If Required, Foreign Filing License Granted: 05/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/104,701

Projected Publication Date: 04/13/2006

Non-Publication Request: No

Early Publication Request: No

BEST AVAILABLE COPY

Title

Optical image stabilizer for camera lens assembly

Preliminary Class

348

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).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OIPE
FEB 1 5 2006
PATENT & TRADEMARK OFFICE

Appl. No	:	11/104,702
Applicant	:	Norquist et al.
Filed	:	April 13, 2005
Title	:	Rolled Dough Compositions and Related Methods and Products
TC/A.U.	:	1761
Examiner	:	N/A
Docket No.	:	6339US

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

PETITION TO MAKE SPECIAL

Sir:

The Applicant of the above-identified U.S. patent application hereby requests that the application be made special so as to obtain accelerated examination. To satisfy the requirements in obtaining the "special" status, the Applicant hereby submits the fee set forth in 37 C.F.R. § 1.17(h), as well as an amendment which cancels all the original claims covering a rolled-up dough composition, method of preventing contacting surfaces of a refrigerated, rolled-up dough composition from sticking together, and a dough product, while substituting therefor claims only directed to a packaged dough product such that all the claims are clearly directed to a single invention. Certainly, the Applicant reserves the right to file one or more continuation applications in due course to cover the other inventive aspects originally filed in this case.

02/17/2006 HALI11 00000040 070900 11104702
01 FC:1464 130.00 DA

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
MAR 1 5 2006

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United States Patent and Trademark Office
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ORACLE INTERNATIONAL CORPORATION
c/o VISTA IP LAW GROUP LLP
1885 LUNDY AVENUE
SUITE 108
San Jose, CA 95131

Mail Date: 04/21/2010

Applicant	: Jagannathan Srinivasan	: DECISION ON REQUEST FOR
Patent Number	: 7617235	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,718	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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www.uspto.gov

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

Mail Date: 04/20/2010

Applicant	: Jens M. Paulsen	: DECISION ON REQUEST FOR
Patent Number	: 7648693	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,734	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1116** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Alexandria, VA 22313-1450
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CHRISTOPHER M. TUROSKI, ESQ.
CARGILL, INCORPORATED
MAIL STOP 24
15407 MCGINTY ROAD WEST
WAYZATA, MN 55391-2399

COPY MAILED

JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Brian W. Bell, et al.	:	
Application No. 11/104,754	:	DECISION GRANTING PETITION
Filed: April 13, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 6670.11	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 26, 2007 and Supplemented on June 27, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 1787 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Frances Hicks

Frances M. Hicks
Petitions Examiner
Office of Petitions

---

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

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AT&T Legal Department - HFZ
ATTN. Patent Docketing
One AT&T Way
Room 2A-207
Bedminstor, NJ 07921

Mail Date: 04/21/2010

Applicant	: Gary Tennyson	: DECISION ON REQUEST FOR
Patent Number	: 7570599	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,768	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1148** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

7/25/08

Patent No. :7352362
Inventor(s) : Sree M. Lyer et al.
Issued : 4/1/2008
Title : INTEGRATED VIRTUAL HUB CHIP
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals that claim 10,11 & 12 is printed in accordance with the record. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

GREENBERG TRAURIG, LLP
1900 University Avenue, Fifth Floor
East Palo Alto, CA 94303

HR/CBN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/12/08

TO SPE OF : ART UNIT 2629 Shankar, Vijay

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/104782 Patent No.: ~~Shankar~~ 7352362

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Certificates of Correction Branch

703-308-9390 ext. _____

Thank You For Your Assistance

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

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

Comments: _____

APPROVED AS REQUESTED

APPROVED
By aeisen at 11:51 am, Dec 17, 2009

/ALEXANDER EISEN/ — **SPE**

2629 — **Art Unit**

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

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

Mail Date: 04/27/2010

Applicant	: Evgeniya Freydina	: DECISION ON REQUEST FOR
Patent Number	: 7658828	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/104,791	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1112** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/104,793	04/13/2005	Michael Alan Melnik	MMB-10902/08	9421

25006 7590 12/07/2009
GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

EXAMINER
SHALLENBERGER, JULIE A

ART UNIT	PAPER NUMBER
2885	

MAIL DATE	DELIVERY MODE
12/07/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of MELNIK, MICHAEL ALAN
Appl. No.: 11/104,793
Filed: April 13, 2005
For: SAFETY WARNING MODULE

DECISION ON PETITION UNDER 37 CFR 1.181 REQUESTING A CORRECTED EXAMINER'S ANSWER IDENTIFYING NEW GROUNDS OF REJECTION

This communication is responsive to appellant's petition filed 11/9/09 requesting the examiner send a corrected copy of the Examiner's Answer, originally mailed 10/28/09, to include an identification of a new grounds of rejection and a subsequent reopening of prosecution.

The petition is DENIED.

The record shows that, on 8/15/08, the examiner mailed out a final rejection which included a rejection of claim 21. This is seen in the below replicated statement of rejection from page 4 of the aforementioned office action, along with the body of the rejection covering all of the claimed elements of claim 21 from page 5 of the same action:

> Claims 17-19, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isacson (5,318,177) in view of Hrabal.

Isacson teaches an emergency safety device for mounting to a flashlight and operable to communicate with emergency personnel, said emergency safety device comprising a housing 10 having at least one wall defining an internal compartment 28 of the emergency safety device, said at least one wall having a translucent portion 46; and said housing having a mounting portion 18 removably attachable to an end portion of a flashlight having a flashlight housing containing batteries, a light source 14 mounted in said housing of the emergency safety device to project light through the translucent portion; a power source 38 mounted in said housing, and a switch 136, but lacks the teaching of a transceiver mounted in said compartment operable to permit two-way communication with said emergency personnel; and at least one switch mounted in said at least one wall.

Hrabal teaches a transceiver 80 operable to place emergency calls and a switch, but does not explietly teach the switch being mounted in the wall of the flashlight (col. 3 line 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the transceiver unit taught by Hrabal in the device of Isacson in order to enhance the safety features of the lighting device. In regard to the switch being mounted in the wall of the flashlight, it is well known in the art to mount switches in the wall of a flashlight is order to conveniently access the switch for operation of the flashlight and in Hrabael's device, also the transceiver.

It is clear from the aforementioned passages that the examiner did, in fact, reject claim 21 in the 8/15/08 final rejection, and provided a basis for such a rejection. While the above referenced rejection does not explicitly identify claim 21 in the body of the rejection, it is clear that all of the elements discussed in the above excerpt correspond to all of the elements in appellant's claim 21.

In addition, the body of the rejection includes explicit references to claims 17-19 and 22-24. The remaining part, excerpted above, would be readily apparent to have corresponded to claim 21.

Finally, in response to appellant's argument on page 3 of the petition that the examiner failed to address the argument raised in the appellant's 4/14/08 amendment, the above discussion makes it clear that the examiner did, in fact, address the claim using a new grounds of rejection and considered appellant's argument pertaining to claim 21 moot by virtue of this new grounds.

Based on the above facts, it is clear that the examiner did not provide a new grounds of rejection. Rather, the examiner merely fixed an obvious typographical error when sending out the Examiner's Answer to clarify the record. No new Examiner's Answer is required and prosecution will not be reopened.

This application will be forward to the Board of Appeals and Interferences for a decision on the merits of the rejection.

Richard Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical Systems and Components

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

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FROM DIRECTORS OFFICE

SEP 0 9 2005

TECHNOLOGY CENTER 3600

LANNY R. LEE
STE 324
1358 HOOPER AVE.
TOMS RIVER, NJ 08753-2882

In re application of Lanny R. Lee Application No. 11/104,796 Filed: April 13, 2005 For: CONNECT LINK AND DRIVE TOOL	: : : : :	**DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)**

This is a decision on the petition submitted on June 21, 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 are copies of Mr. Lee's passport and driver license 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
Technology Center 3600
(571) 272-6611

SNM/dew: 09/06/05

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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
11/104,822	04/12/2005	3765	1325	PA2986US	5	41	6

CONFIRMATION NO. 9327

UPDATED FILING RECEIPT

OC000000016557939

22830
CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

Date Mailed: 07/19/2005

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)

Gregory D. Hager, Baltimore, MD;
Eliot Leonard Wegbreit, Palo Alto, CA;

Assignment For Published Patent Application

Strider Labs, Inc.

Power of Attorney: The patent practitioners associated with Customer Number **22830**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/561,656 04/12/2004

Foreign Applications

If Required, Foreign Filing License Granted: 05/26/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/104,822

Projected Publication Date: 10/27/2005

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

System and method for computing grasps for a robotic hand with a palm

Preliminary Class

002

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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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FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES CA 90045

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MAR 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Ta et al.	:	
Application No. 11/104862	:	ON PETITION
Filing Date: 04/13/2005	:	
Attorney Docket Number:	:	
ACS 69833	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 4, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination 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 July 5, 2007.

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

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

This application is being referred to Technology Center AU 3774 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Derek L. Woods
Attorney
Office of Petitions

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Steven L. Smith	: DECISION ON REQUEST FOR
Patent Number	: 7632367	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,870	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **687** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JUN 23 2008

THE WEBB LAW FIRM, PC
436 SEVENTH AVENUE/700 KOPPERS BLD
PITTSBURGH, PA 15219

In re Application of	:	
LOKSHIN, et al.	:	
Application No. 11/104,874	:	DECISION ON PETITION
Filed: April 13, 2005	:	TO WITHDRAW
Attorney Docket No. **4550-043804**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 25, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **THE WEBB LAW FIRM, PC** has been revoked by the assignee of the patent application on February 29, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **BARBARA E. JOHNSON, ESQ.**
555 GRANT STREET, SUITE 323
PITTSBURG, PA 15219

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THIRD FLOOR
SAN JOSE, CA 95113

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AUG 18 2005

OFFICE OF PETITIONS

In re Application of	:	
Hubbard et al.	:	
Application No. 11/104,884	:	DECISION DISMISSING
Filed: April 12, 2005	:	PETITION UNDER
For: WAFER TARGET DESIGN AND	:	37 CFR 1.47(a)
METHOD FOR DETERMINING CENTROID	:	
OF WAFER TARGET	:	

This is in response to the Petitioner's Response to Notice to File Missing Parts of Application (Response"), filed with the application on March 7, 2000, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). The Response is properly treated as a petition under 37 CFR 1.47(a).

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 April 12, 2005, as a divisional application of prior application 09/520,686. The application as filed included a copy of the oath/declaration from prior application 09/520,686, which was executed by fewer than all of the inventors. However, applicant has failed to include a copy of a decision granting status under 37 CFR 1.47 in the prior application.

As provided in 37 CFR 1.63(d)(3) and the Manual of Patent Examining Procedure ("MPEP") 602, where the oath or declaration of which a copy is submitted for a divisional application was originally filed in a prior application accorded status under 37

CFR 1.47, the copy of the executed oath or declaration must be accompanied by a copy of the decision granting the petition….

Applicant must provide a copy of the decision granting the petition under rule 47[1].

Alternatively, Applicant's must meet the requirements of a grantable petition under 37 CFR 1.47[2].

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

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

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

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

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

Derek L. Woods
Attorney
Office of Petitions

---

[1] A review of application 09/520,686 reveals that inventor Hubbard joined in the application in an executed declaration filed June 18, 2002, which calls into question the merits of this petition.

[2] It is noted in the Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor Under 37 C.F.R. 1.47(b) that Applicant twice sent the application to the nonsigning inventor's work address. Applicant is advised that the requirement to send the application to the last known address of the inventor, as iterated in MPEP 409.03(e), is the address where the inventor customarily receives mail. "Ordinarily, the last known address will be the address will be the last known residence of the nonsigning inventor." It is further noted that the last known residence of the nonsigning inventor has been provided in the Statement of Facts.

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTELLECTUAL PROPERTY & STANDARDS
1109 MCKAY DRIVE, M/S-41SJ
SAN JOSE, CA 95131

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SEP 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Hubbard et al.	:	
Application No. 11/104,884	:	DECISION DISMISSING
Filed: April 12, 2005	:	PETITION UNDER
For: WAFER TARGET DESIGN AND	:	37 CFR 1.47(a)
METHOD FOR DETERMINING CENTROID	:	
OF WAFER TARGET	:	

This is in response to the Petitioner's Response to Notice to File Missing Parts of Application (Response"), filed with the application on March 7, 2000, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). The Response is properly treated as a petition under 37 CFR 1.47(a).

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 April 12, 2005, as a divisional application of prior application 09/520,686. The application as filed included a copy of the oath/declaration from prior application 09/520,686, which was executed by fewer than all of the inventors. However, applicant has failed to include a copy of a decision granting status under 37 CFR 1.47 in the prior application.

As provided in 37 CFR 1.63(d)(3) and the Manual of Patent Examining Procedure ("MPEP") 602, where the oath or declaration of which a copy is submitted for a divisional application was originally filed in a prior application accorded status under 37

CFR 1.47, the copy of the executed oath or declaration must be accompanied by a copy of the decision granting the petition….

Applicant must provide a copy of the decision granting the petition under rule 47[1].

Alternatively, Applicant's must meet the requirements of a grantable petition under 37 CFR 1.47[2].

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

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

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

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

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

Derek L. Woods
Attorney
Office of Petitions

---

[1] A review of application 09/520,686 reveals that inventor Hubbard joined in the application in an executed declaration filed June 18, 2002, which calls into question the merits of this petition.

[2] It is noted in the Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor Under 37 C.F.R. 1.47(b) that Applicant twice sent the application to the nonsigning inventor's work address. Applicant is advised that the requirement to send the application to the last known address of the inventor, as iterated in MPEP 409.03(e), is the address where the inventor customarily receives mail. "Ordinarily, the last known address will be the address will be the last known residence of the nonsigning inventor." It is further noted that the last known residence of the nonsigning inventor has been provided in the Statement of Facts.

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NOV 0 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Hubbard et al.	:	
Application No. 11/104,884	:	DECISION DISMISSING
Filed: April 12, 2005	:	STATUS UNDER
For: WAFER TARGET DESIGN AND	:	37 CFR 1.47(a)
METHOD FOR DETERMINING CENTROID	:	
OF WAFER TARGET	:	

This is in response to the Petitioner's Response to Notice to File Missing Parts of Application (Response"), filed with the application on March 7, 2000, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). The Response is properly treated as a petition under 37 CFR 1.47(a).

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 April 12, 2005, as a divisional application of prior application 09/520,686. The application as filed included a copy of the oath/declaration from prior application 09/520,686, which was executed by fewer than all of the inventors. However, applicant failed to include a copy of a decision granting status under 37 CFR 1.47 in the prior application.

As provided in 37 CFR 1.63(d)(3) and the Manual of Patent Examining Procedure ("MPEP") 602, where the oath or declaration of which a copy is submitted for a divisional application was originally filed in a prior application accorded status under 37

CFR 1.47, the copy of the executed oath or declaration must be accompanied by a copy of the decision granting the petition….

The petition was dismissed, and a copy of the decision granting status under 37 CFR 1.47 in the prior application was required.

In response to the Decision dismissing the petition, Applicant provided a copy of a Decision in the parent application which noted the joinder of the inventor. In view of the joinder of the inventor, a review of the file in the parent application, 09/520,686 was undertaken. The review revealed that all applicants had joined in the application in a Supplemental Declaration filed June 13, 2003. As such, rule 47 status was rendered moot. In accordance with 37 CFR 1.63(d), a new oath or declaration is not required; however, Applicant must meet the following conditions:

(d)(1)A newly executed oath or declaration is <u>not required</u> under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that:

(i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;

(ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;

(iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and

(iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application. (Emphasis supplied).

The Petition was again dismissed and Applicant was asked to provide a copy of the executed declaration from the parent application, 09/520,686.

The instant Request for Reconsideration

Applicant responds with the instant Request for Reconsideration and provides two copies of a Supplemental Declaration and Power of Attorney. Each copy is executed by one of the two inventors; however, one copy, executed by inventor Leroux, lists the names

of both inventors; the other copy of the Supplemental Declaration and Power of Attorney lists only one inventor (Full Name of Sole/First Inventor) and is executed by inventor Hubbard. The copy of the Supplemental Declaration and Power of Attorney that lists only one inventor (Full Name of Sole/First Inventor) and is executed by inventor Hubbard, failes to comply with MPEP 409.03[1].

A second review of 09/520,686, reveals that two copies of a Supplemental Declaration have been filed wherein both inventors are listed on each copy. One copy, listing both inventors, has been executed by inventor Laroux; the other copy, listing both inventors, has been executed by inventor Hubbard. As such, 09/520,686 complies with 37 CFR 1.63, and the file contains a copy of a Declaration in compliance with 37 CFR 1.63. However, Applicant must comply with the requirements of 37 CFR 1.63(d) as iterated above, in this application.

A copy of the Supplemental Declaration filed in 09/520,686 is enclosed for Applicant's reference.

Alternatively, Applicant's must meet the requirements of a grantable petition under 37 CFR 1.47[2].

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

---

[1] (A) All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning joint inventor as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors <u>with the signature block of the nonsigning inventor(s) left blank</u> may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inven-tor(s), unless otherwise indicated. MPEP 409.03(a)(A) (Emphasis supplied).

[2] It is noted in the Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor Under 37 C.F.R. 1.47(b) that Applicant twice sent the application to the nonsigning inventor's work address. Applicant is advised that the requirement to send the application to the last known address of the inventor, as iterated in MPEP 409.03(e), is the address where the inventor customarily receives mail. "Ordinarily, the last known address will be the address will be the last known residence of the nonsigning inventor." It is further noted that the last known residence of the nonsigning inventor has been provided in the Statement of Facts.

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

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

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

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

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Supplemental Declaration filed in 09/520,686 on 6/18/2003.

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
INTELLECTUAL PROPERTY & STANDARDS
1109 MCKAY DRIVE, M/S-41SJ
SAN JOSE, CA 95131

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JUN 23 2006
OFFICE OF PETITIONS

In re Application of	:	
Hubbard et al.	:	
Application No. 11/104,884	:	DECISION DISMISSING
Filed: April 12, 2005	:	STATUS UNDER
For: WAFER TARGET DESIGN AND	:	37 CFR 1.47(a)
METHOD FOR DETERMINING CENTROID	:	
OF WAFER TARGET	:	

This is in response to the Petitioner's Response to Notice to File Missing Parts of Application (Response"), filed with the application on March 7, 2000, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). The Response is properly treated as a petition under 37 CFR 1.47(a).

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The above-identified application was filed on April 12, 2005, as a divisional application of prior application 09/520,686. The application as filed included a copy of the oath/declaration from prior application 09/520,686, which was executed by fewer than all of the inventors. However, applicant failed to include a copy of a decision granting status under 37 CFR 1.47 in the prior application.

As provided in 37 CFR 1.63(d)(3) and the Manual of Patent Examining Procedure ("MPEP") 602, where the oath or declaration of which a copy is submitted for a divisional application was originally filed in a prior application accorded status under 37 CFR 1.47, the copy of the executed oath or declaration must be accompanied by a copy of the decision granting the petition….

The petition was dismissed, and a copy of the decision granting status under 37 CFR 1.47 in the prior application was required.

In response to the Decision dismissing the petition, Applicant provided a copy of a Decision in the parent application which noted the joinder of the inventor. In view of the joinder of the inventor, a review of the file in the parent application, 09/520,686 was undertaken. The review revealed that all applicants had joined in the application in a Supplemental Declaration filed June 13, 2003. As such, rule 47 status was rendered moot. In accordance with 37 CFR 1.63(d), a new oath or declaration is not required; however, Applicant must meet the following conditions:

(d)(1)A newly executed oath or declaration is <u>not required</u> under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that:

(i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;

(ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;

(iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and

(iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application. (Emphasis supplied).

The Petition was again dismissed and Applicant was asked to provide a copy of the executed declaration from the parent application, 09/520,686.

The instant Request for Reconsideration

Applicant responds with the instant Request for Reconsideration and provides two copies of a Supplemental Declaration and Power of Attorney. Each copy is executed by one of the two inventors; however, one copy, executed by inventor Leroux, lists the names of both inventors; the other copy of the Supplemental Declaration and Power of Attorney lists only one inventor (Full Name of Sole/First Inventor) and is executed by inventor Hubbard. The copy of the Supplemental Declaration and Power of Attorney that lists only one inventor (Full Name of Sole/First Inventor) and is executed by inventor Hubbard, failes to comply with MPEP 409.03[1].

A second review of 09/520,686, reveals that two copies of a Supplemental Declaration have been filed wherein both inventors are listed on each copy. One copy, listing both inventors, has been executed by inventor Laroux; the other copy, listing both inventors, has been executed by inventor Hubbard. As such, 09/520,686 complies with 37 CFR 1.63, and the file contains a copy of a Declaration in compliance with 37 CFR 1.63. However, Applicant must comply with the requirements of 37 CFR 1.63(d) as iterated above, in this application.

A copy of the Supplemental Declaration filed in 09/520,686 is enclosed for Applicant's reference.

Alternatively, Applicant's must meet the requirements of a grantable petition under 37 CFR 1.47[2].

---

[1] (A) All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning joint inventor as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inven-tor(s), unless otherwise indicated. MPEP 409.03(a)(A) (Emphasis supplied).

[2] It is noted in the Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor Under 37 C.F.R. 1.47(b) that Applicant twice sent the application to the nonsigning inventor's work address. Applicant is advised that the requirement to send the application to the last known address of the inventor, as iterated in MPEP 409.03(e), is the address where the inventor customarily receives mail. "Ordinarily, the last known address will be the address will be the last known residence of the nonsigning inventor." It is

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

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

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Supplemental Declaration filed in 09/520,686 on 6/18/2003.

---

further noted that the last known residence of the nonsigning inventor has been provided in the Statement of Facts.

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SAN JOSE, CA 95131

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AUG 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Hubbard et al.	:	
Application No. 11/104,884	:	LETTER
Filed: April 12, 2005	:	
For: WAFER TARGET DESIGN AND	:	
METHOD FOR DETERMINING CENTROID	:	
OF WAFER TARGET	:	

This is in response to the "Request for Reconsideration of Decision Dismissing Petition Under 37 CFR 1.47(a)", filed July 6, 2006.

The petition is DISMISSED AS MOOT.

In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed supplemental oath or declaration filed in Application No. 09/520,686, filed on March 7, 2000, of which the above-identified application is a divisional application.

The application is being referred to the Office of Initial Patent Examination for continued processing in due course.

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

Derek L. Woods
Attorney
Office of Petitions

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SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPARTMENT
920 DISC DRIVE, MS/SV02A7
SCOTTS VALLEY, CA 95066-4544

Mail Date: 04/21/2010

Applicant	: Jianwei Liu	: DECISION ON REQUEST FOR
Patent Number	: 7579304	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,885	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1084** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPARTMENT
920 DISC DRIVE, MS/SV02A7
SCOTTS VALLEY, CA 95066-4544

Mail Date: 05/18/2010

Applicant : Jianwei Liu
Patent Number : 7579304
Issue Date : 08/25/2009
Application No : 11/104,885
Filed : 04/12/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **1155** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SHAILAJA SHIRODKAR
2 CHESTER MILL COURT
SILVER SPRING MD 20906

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JUL 13 2007

OFFICE OF PETITIONS

In re Application of
FERNANDES, Joseph B.
Application No. 11/104,898
Filed: April 13, 2005
Attorney Docket No. **AM-03-3**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 24, 2006 and re-submitted January 12, 2007.

The request is **APPROVED**.

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

The request was signed by Shailaja Shirodkar on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **JOSEPH B. FERNANDES**
812 S. IVY STREET
ARLINGTON, VA 22204

cc: **RAYMOND G. AREAUX**
CARVER DARDEN KORETSKY TESSIER
FINN BLOSSMAN & AREAUX LLC
1100 POYDRA STREET, SUITE 2700
NEW ORLEANS, LA 70163

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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EPSON RESEARCH AND DEVELOPMENT INC
INTELLECTUAL PROPERTY DEPT
2580 ORCHARD PARKWAY, SUITE 225
SAN JOSE, CA 95131

Mail Date: 04/20/2010

Applicant	: George Lyons	: DECISION ON REQUEST FOR
Patent Number	: 7589779	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,899	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1113** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

EPSON RESEARCH AND DEVELOPMENT INC
INTELLECTUAL PROPERTY DEPT
2580 ORCHARD PARKWAY, SUITE 225
SAN JOSE, CA 95131

Mail Date: 05/17/2010

Applicant : George Lyons
Patent Number : 7589779
Issue Date : 09/15/2009
Application No : 11/104,899
Filed : 04/13/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **1174** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

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2800 POWDER MILL RD
ADELPHI, MD 20783-1197

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OFFICE OF PETITIONS

In re Application of	:	
Garcia, et al.	:	
Application No. 11/104,918	:	ON PETITION
Filed: April 24, 2006	:	
Attorney Docket No. ARL-05-08	:	

This is a decision on the petition under 37 CFR 1.182 filed April 24, 2006, to change the order of inventors.

The petition is **GRANTED.**

The joint inventors will be listed on the application as follows:

Jorge Andres Garcia
D. Foud Exkender Kiamilev
William Neyon Lawler
William Charles Ruff
Barry Lee Stann

A corrected filing receipt is enclosed.

Deposit account 19-2201 will be charged $400.00 for the petition fee.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/104,918	04/13/2005	2878	1300	ARL 05-08	5	2	2

CONFIRMATION NO. 1056

CORRECTED FILING RECEIPT

OC000000020477864

21364
U S ARMY RESEARCH LABORATORY
ATTN AMSRL CS CC IP
2800 POWDER MILL RD
ADELPHI, MD 207831197

Date Mailed: 09/18/2006

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

Applicant(s)

Jorge Andres Garcia, Newark, DE;
Fouad Eskender Kiamilev, Hockessin, DE;
William Beynon Lawler, Edgewater, MD;
William Charles Ruff, Catonsville, MD;
Barry Lee Stann, Edgewater, MD;

Assignment For Published Patent Application

U.S. Army Research Laboratory, Adelphi, MD

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/561,793 04/13/2004

Foreign Applications

If Required, Foreign Filing License Granted: 05/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/104,918

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ELECTRONICALLY CODE-MULTIPLEXED READOUT OF PHOTO-DETECTOR ARRAYS

Preliminary Class

250

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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FEB 26 2010

OFFICE OF PETITIONS

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

MAILED

FEB 26 2010

OFFICE OF PETITIONS

In re Application of
Matthew T. Jarman et al
Application No. 11/104,924
Filed: April 12, 2005
Attorney Docket No. 34300/US/2

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 18, 2009.

The request is **APPROVED**.

The request was signed by Gregory P. Durbin on behalf of the practitioners of record associated with Customer Number 20686.

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

All future correspondence will be directed to inventor Matthew T. Jarman at the first address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Matthew T. Jarman
3830 South 300 West
Salt Lake City, UT 84109

cc: ClearPlay, Inc.
c/o Lee Jarman
5284 South Commerce Drive, Suite C-134
Salt Lake City, UT 84107

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/104,924	04/12/2005	Matthew T. Jarman	34300/US/2

CONFIRMATION NO. 1104

POWER OF ATTORNEY NOTICE

OC000000040221187

20686
DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

Date Mailed: 02/26/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/18/2009.

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

/idingle/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/104,924	04/12/2005	Matthew T. Jarman	34300/US/2

CONFIRMATION NO. 1104

MATTHEW T. JARMAN
3830 SOUTH 300 WEST
SALT LAKE CITY, UT 84109

POA ACCEPTANCE LETTER

OC000000040221268

Date Mailed: 02/26/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/18/2009.

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

/idingle/

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

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NANCY A. BIRD
231 WALTON AVE.
SOUTH ORANGE, NJ 07079

COPY MAILED

JUN 25 2007

OFFICE OF PETITIONS

In re Application of	:	
John Perrone	:	
Application No. 11/104,931	:	DECISION ON PETITION
Filed: April 13, 2005	:	TO WITHDRAW
Attorney Docket No. JP1	:	FROM RECORD
	:	

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 8, 2006.

The request is **APPROVED**.

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

The request was signed by Nancy A. Bird 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 correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN PERRONE
144 HORSENECK ROAD
FAIRFIELD, NJ 07004

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NANCY A. BIRD
231 WALTON AVE.
SOUTH ORANGE, NJ 07079

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JUN 2 5 2007

OFFICE OF PETITIONS

In re Application of	:	
John Perrone	:	
Application No. 11/104,931	:	DECISION ON PETITION
Filed: April 13, 2005	:	TO WITHDRAW
Attorney Docket No. JP1	:	FROM RECORD
	:	

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 8, 2006.

The request is **APPROVED**.

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

The request was signed by Nancy A. Bird 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 correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN PERRONE
144 HORSENECK ROAD
FAIRFIELD, NJ 07004

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/104,931	04/13/2005	John Perrone	JP1

CONFIRMATION NO. 1049

OC000000024349365

Nancy A. Bird
231 Walton Ave.
South Orange, NJ 07079

Date Mailed: 06/14/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/08/2006.

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

April McKenzie

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

FORMER ATTORNEY/AGENT COPY

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

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SEP 26 2005

OFFICE OF PETITIONS

In re Application of	:	
Claes H. Dohlman	:	DECISION ON PETITION
Application No. 11/104,950	:	TO MAKE SPECIAL
Filed: April 13, 2005	:	37 CFR 1.102(c)
Attorney Docket No. 00633-057	:	

This is a decision on the petition under 37 CFR 1.102(c), filed April 13, 2005 to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

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

The instant petition includes a copy of a birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone 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 matter is being referred to Technology Center AU 3761 for expedited prosecution.

Denise Pothier
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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AUG 19 2005

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

In re Application of	:	
Claes H. Dohlman	:	
Serial No.: 11/104,952	:	DECISION ON PETITION
Filed: April, 13, 2005	:	
For: Shunt with Enclosed Pressure-Relief Valve	:	

This is in response to applicants' petition filed April 11, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

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

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

Should there be any questions with regard to this letter please contact Frederick Schmidt by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (571) 272-2975 or by facsimile transmission at (571) 273-8300.

Frederick R. Schmidt

Frederick R. Schmidt, Director
Technology Center 3700

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Foley & Lardner
777 East Wisconsin Avenue
Suite 3800
Milwaukee, WI 53202-5306

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AUG 01 2008

In re Application of	:	
Jack MacKouse	:	
Application No. 11/104,959	:	DECISION ON PETITION
Filed: April 12, 2005	:	TO WITHDRAW
Attorney Docket No. WELL0047	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 26, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because the customer number listed on the request to withdraw is not of record. A power of attorney filed on June 20, 2008, changes the appointed customer filed on the oath and declaration.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant. A courtesy copy will be mailed to the address noted on the request.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Wells Fargo N.A.
420 Montgomery Street
San Francisco, CA 94104

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Michael A. Glenn
Glenn Patent Group
3475 Edison Way, Suite L
Menlo Park, CA 94025

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AUG 07 2008

In re Application of	:	
Jack MacKouse	:	
Application No. 11/104,959	:	CORRECTED DECISION ON
Filed: April 12, 2005	:	REQUEST TO WITHDRAW
Attorney Docket No. WELL0047	:	FROM RECORD
	:	

This is a corrected decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 26, 2008.

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

A review of the file record indicates that the power of attorney to Michael A. Glenn and all attorneys/agents of record has been revoked by the assignee of the patent application on June 20, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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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SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO CA 94303

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JAN 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Terje SAETHER	:	
Application No. 11/104,960	:	DECISION ON PETITION
Filed: April 12, 2005	:	
Attorney Docket No. 3300P	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 12, 2006 (having an incorrect application number) to revive the above-identified application. In view of the communication filed on July 5, 2007, the papers originally filed on December 12, 2006 were moved from the incorrect application and placed of record in the present file.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 17, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on August 18, 2006. A Notice of Abandonment was mailed on December 6, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,500, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Office action of May 17, 2006 is accepted as being unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since a $1,020 extension of time fee, which was charged to petitioner's deposit account in the incorrect application, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account in due course.

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

This application is being referred to Technology Center AU 2618 for appropriate action in the normal course of business on the reply received December 12, 2006.

Frances Hicks
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SAWYER LAW GROUP LLP
2465 E. BAYSHORE ROAD
SUITE 406
PALO ALTO, CA 94303

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SEP 03 2008

OFFICE OF PETITIONS

In re Application of	:	
Terje Saether	:	
Application No. 11/104,960	:	DECISION ON PETITION
Filed: April 12, 2005	:	TO WITHDRAW
Attorney Docket No. 3300P	:	FROM RECORD
	:	

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 12, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Sawyer Law Group, LLP has been revoked by the assignee of the patent application on June 11, 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: SCHWEGMAN, LUNDENGERG &
WOESSNER / AMTEL
PO BOX 2938
MINNEAPOLIS, MN 55402

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Cascadia Intellectual Property
500 Union Street
Ste. 1005
Seattle, WA 98101

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MAR 2 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Gust H. Bardy	:	
Application No. 11/104,969	:	DECISION ON PETITION
Filed: April 12, 2005	:	TO WITHDRAW
Attorney Docket No. 003.0467.US.DIV	:	FROM RECORD
	:	

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 26, 2009.

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

A review of the file record indicates that the power of attorney to Patrick J.S. Inouye and all attorneys/agents associated with customer number 49475 have been revoked by the assignee of the patent application on February 26, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise 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: Pauly, Devries, Smith & Deffner, L.L.C.
Plaza VII – Suite 3000
45 South Seventh Street
Minneapolis, MN 55402-1630

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SCENERA RESEARCH, LLC
111 Corning Road
Suite 220
Cary, NC 27518

Mail Date: 04/21/2010

Applicant	: Robert P. Morris	: DECISION ON REQUEST FOR
Patent Number	: 7631007	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/104,972	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

05 JAN 2006

Henry M. Bissell
Bissell and Bissell
6820 La Tijera Blvd., Suite 106
Los Angeles, CA 90045

In re Application of	:
BUCHANAN	:
Application No. 11/104,978	: DECISION ON PETITION
Filed: April 12, 2005	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 1521 PCT-1	:

This is a decision on the "Petition under 37 CFR 1.78", filed 22 July 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e), 120 and 365(c) for the benefit of priority to the prior-filed international and provisional applications set forth in the amendment filed concurrently with the instant petition.

The present nonprovisional application was filed after November 29, 2000. However, the claim herein for the benefit of priority to the prior-filed international and provisional applications was submitted prior to the expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and (5)(ii). Therefore, the petition under 37 CFR 1.78(a)(3) and (a)(6) is **DISMISSED as moot**.

Applicant is advised, however, that the reference filed 22 July 2005 fails to comply with 35 U.S.C. 120 and 37 CFR 1.78 (a)(2)(i) as the filing date of the PCT application was omitted. Accordingly, the benefit claims filed 22 July 2005, though timely, cannot be recognized by the Office. Applicant may wish to consider filing a petition under 37 CFR 1.78 (a)(3) and (a)(6) to correct the benefit claim.

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

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Post Office Box 1450
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By hand: Customer Service Window
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to Derek Putonen at (571) 272-3294 or in his absence, the undersigned at (571) 272-3288.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

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

05 JAN 2006

Henry M. Bissell
Bissell and Bissell
6820 La Tijera Blvd., Suite 106
Los Angeles, CA 90045

In re Application of	:
BUCHANAN	:
Application No. 11/104,979	: DECISION ON PETITION
Filed: April 12, 2005	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 1521 PCT-1	:

This is a decision on the "Petition under 37 CFR 1.78", filed 22 July 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e), 120 and 365(c) for the benefit of priority to the prior-filed international and provisional applications set forth in the amendment filed concurrently with the instant petition.

The present nonprovisional application was filed after November 29, 2000. However, the claim herein for the benefit of priority to the prior-filed international and provisional applications was submitted prior to the expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and (5)(ii). Therefore, the petition under 37 CFR 1.78(a)(3) and (a)(6) is **DISMISSED as moot**.

Applicant is advised, however, that the reference filed 22 July 2005 fails to comply with 35 U.S.C. 120 and 37 CFR 1.78 (a)(2)(i) as the filing date of the PCT application was omitted. Accordingly, the benefit claims filed 22 July 2005, though timely, cannot be recognized by the Office. Applicant may wish to consider filing a petition under 37 CFR 1.78 (a)(3) and (a)(6) to correct the benefit claim.

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

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Alexandria, VA 22314

By fax: (571) 273-8300
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Any questions concerning this matter may be directed to Derek Putonen at (571) 272-3294 or in his absence, the undersigned at (571) 272-3288.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

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

2 2 JUL 2009

Henry M. Bissell
Bissell and Bissell
6820 La Tijera Blvd., Suite 106
Los Angeles, CA 90045

In re Application of	:
BUCHANAN	:
Application No. 11/104,979	: DECISION ON PETITIONS
Filed: April 12, 2005	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 1521 PCT-1	: AND 37 CFR 1.137(b)

This is a decision on the petition to revive pursuant to 37 CFR 1.137(b) and the petition under 37 CFR 1.78 filed 12 March 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e), 120 and 365(c) for the benefit of priority to the prior-filed international and provisional applications set forth in the amendment filed concurrently with the instant petition.

I. Petition Under 37 CFR 1.137(b)

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the non-final Office action mailed November 16, 2006, which set a statutory period for reply of three (3) months. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained as indicated by the Notice of Abandonment mailed June 26, 2007.

The present petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment and complete listing of the claims in response to the Office action mailed November 16, 2006; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Office action of November 16, 2006 is accepted as having been unintentionally delayed.

II. Petition Under 37 CFR 1.78(a)(3) and (a)(6)

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional and provisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

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

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

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

Applicant has not provided an amendment to the specification properly making reference to the provisional and non-provisional priority applications. The present filing merely makes reference in the petition document itself. This is improper.

Before the petition under 37 CFR § 1.78(a)(3) and (a)(6) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

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

By mail: Mail Stop PCT
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Alexandria, VA 22313-1450

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

By fax: (571) 273-0459
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Derek A. Putonen at (571) 272-3294.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

2 5 NOV 2009

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Henry M. Bissell
Bissell and Bissell
6820 La Tijera Blvd., Suite 106
Los Angeles, CA 90045

In re Application of	:
BUCHANAN	:
Application No. 11/104,979	: DECISION ON PETITIONS
Filed: April 12, 2005	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 1521 PCT-1	: AND 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.78 filed 22 September 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e), 120 and 365(c) for the benefit of priority to the prior-filed international and provisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional and provisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

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

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

The filed amendment does not state the relationship between the present application and the nonprovisional application, i.e. "Continuation." The amendment merely indicates that the application is "a United States filing from PCT Application Serial No...." This is improper.

Before the petition under 37 CFR § 1.78(a)(3) and (a)(6) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

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

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401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0459
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Derek A. Putonen at (571) 272-3294.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

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OFFICE OF PETITIONS

VISTA IP LAW GROUP LLP
1885 LUNDY AVENUE
SUITE 108
SAN JOSE CA 95131

In re Application of	:	
Rajamani, et al.	:	
Application No. 11/104,993	:	ON PETITION
Filed: April 12, 2005	:	
Attorney Docket No. 017039052001	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 10, 2009.

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

The holding of abandonment is **WITHDRAWN**.

The application was held abandoned due to failure to timely file a reply to the non-final Office action, mailed September 3, 2008. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on December 4, 2008. The Office mailed a Notice of Abandonment on May 29, 2009.

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

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

With the instant petition, petitioner has submitted, *inter alia*, a copy of a master docket report, showing all of the firm's replies docketed for the due date of December 3, 2008. An entry for the instant application is absent, supporting the conclusion that the September 3, 2008 Office action was not received.

In view thereof, the petition is granted.

The application is being forwarded to Group Art Unit 2166 for consideration of the Amendment, filed July 10, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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[1] See MPEP 711.03(c)(II).

[2] MPEP 711.03(c)(II).

[3] Id.

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Mail Date: 04/20/2010

Applicant	: Anand K. Oswal	: DECISION ON REQUEST FOR
Patent Number	: 7574209	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,006	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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THE BABCOCK & WILCOX COMPANY
PATENT DEPARTMENT
20 SOUTH VAN BUREN AVENUE
BARBERTON, OH 44203

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JUN 04 2007

OFFICE OF PETITIONS

In re Application of	:	
John William Smith	:	
Application No. 11/105,053	:	ON PETITION
Filed: April 13, 2005	:	
Attorney Docket No. Case 7106	:	

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 6, 2006, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 7, 2006.

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

This matter is being referred to Technology Center AU 3749 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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U.S. Army Medical Research and Materiel Command
ATTN: MCMR-JA (Ms. Elizabeth Arwine-PATENT ATTY)
504 Scott Street
Fort Detrick, MD 21702-5012

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OCT 27 2009

OFFICE OF PETITIONS

In re Application of Bavari et al.	:	
Application No. 11/105,057	:	Decision Dismissing Petitions
Filing Date: April 13, 2005	:	Under 37 CFR 1.78(a)(3) and (a)(6)
Attorney Docket No. 003/316/SAP	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed June 2, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

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

The petition does not comply with item (1). Specifically, the amendment is not acceptable as drafted since it improperly incorporates by reference Application Nos. 10/289,839 and 60/338,936.

The original specification incorporated by reference Application Nos. 60/562,800 and 60/562,801. The original specification did not incorporate by reference Application Nos. 10/289,839 and 60/338,936. The amendment seeks to expand the scope of the original incorporation by reference by having the incorporation by reference include Application Nos.

10/289,839 and 60/338,936. However, an incorporation by reference statement added, or expanded in scope, after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). When a benefit claim is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters is required. As a courtesy, the Office notes petitioner may wish to replace the phrase, "All priority applications listed above," in the third sentence of the specification with the phrase, "U.S. Application No. 60/562,800 and U.S. Application No. 60/452,801."

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

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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HICKMAN PALERMO TRUONG & BECKER LLP/Apple Inc.
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110-1083

Mail Date: 04/21/2010

Applicant	: Christopher J. Moulios	: DECISION ON REQUEST FOR
Patent Number	: 7580954	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,060	: OF WYETH
Filed	: 04/12/2005	:
		:

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/105,084	04/13/2005	Doo-Sik Shin	5000-1-709	2837

7590 08/06/2008
CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS, NJ 07652

EXAMINER
FOSSELMAN, JOEL W

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
08/06/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be 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 dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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P.O. Box 1450
Alexandria, VA 22313-1450
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Thomas P. Liniak
Valeo Climate Control Corp.
Intellectual Property Department
4100 North Atlantic Boulevard
Auburn Hills, MI 48323

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OFFICE OF PETITIONS

In re Application of	:	
Wachter Clemens	:	
Application No. 11/105,089	:	DECISION ON PETITION
Filed: April 13, 2005	:	TO WITHDRAW
Attorney Docket No. TDE0312	:	FROM RECORD
	:	

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 Crawford for
David Bucci
Petitions Examiner
Office of Petitions

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

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SEP 11 2007

OFFICE OF PETITIONS

In re Application of	:	
Thomas Stack	:	
Application No. 11/105,091	:	DECISION ON PETITION
Filed: April 13, 2005	:	TO WITHDRAW
Attorney Docket No. QTI-10503/01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 27, 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 Douglas J. McEnvoy on behalf of all attorneys of record who are associated with customer No. 25006.

All attorneys/agents associated with the Customer Number 25006 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed April 2, 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: THOMAS STACK
Q TECHNOLOGY, INC.
100 ENGLEWOOD DRIVE
SUITE H
LAKE ORION, MI 48359

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/105,091	04/13/2005	Thomas Stack	QTI-10503/01

CONFIRMATION NO. 2624

OC000000025691402

25006
GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Date Mailed: 09/06/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/27/2007.

- 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/105,107	04/13/2005	Yoshihiro Kashiwagi	P04-1038	2638

7590 05/21/2008
YOKOI & CO. U.S.A., INC.
13700 MARINA POINTE DRIVE #723
MARINA DEL RAY, CA 90292

EXAMINER
BEHNCKE, CHRISTINE M

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
05/21/2008	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.

Tom Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
05/22/2008 NFARMER 0000162818

CHECK Refund Total: $500.00

Adjustment date: 05/22/2008 NFARMER
04/15/2005 AADOFO1 00000025 11105107
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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Paper No. None

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OCT 29 2007

OFFICE OF PETITIONS

GALASSO & ASSOCIATES, LP
P.O. Box 26503
Austin TX 78755-0503

In re Application of Kyle P. Johnston et al. Application No. 11/105,110 Filed: April 13, 2005 Title: BOATING SAFETY APPARATUS	: : : : : :	DECISION ON PETITION UNDER 37 C.F.R. § 1.137(B)

This is a decision on the petition filed July 10, 2007, 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 Notice of Missing Parts (notice), mailed May 5, 2005, which set a shortened statutory period for reply of two months. On August 1, 2005, Petitioner submitted the fee associated with the late submission of an oath or declaration, along with a one-month extension of time. An executed oath or declaration was not received, and no further extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application

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.

became abandoned on August 6, 2005. A notice of abandonment was mailed on September 21, 2006.

With the present petition, Petitioner has submitted an executed declaration, the petition fee, and the proper statement of unintentional delay. No terminal disclaimer is required.

As such, the petition under 37 C.F.R. § 1.137(b) is **GRANTED**.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[2].

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.

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James S. Finn
C/O William Tucker
14431 Goliad Dr.
Box #8
Malakoff TX 75148

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of	:
Chiu, et al.	: DECISION ON PETITION
Application No. 11/105,124	:
For: April 13, 2005	:
Atty. Dkt. No.: WJT08-	:
0043CIPC1/0079CIPC1	:

This is a decision on the petition under 37 CFR 1.137(a), May 9, 2007, to revive the above-identified application. This matter is also being treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

This application was held abandoned June 11, 2006 for failure to timely submit a proper reply to the Notice Regarding Drawings (Notice) mailed April 10, 2006. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed March 19, 2007.

DECISION UNDER 37 CFR 1.181

Petitioners assert that a response to the Notice was timely submitted May 31, 2006.

The original response submitted May 31, 2006 has not been located. However, the copy of the response submitted herewith bears a certificate of transmission date of may 31, 2006 in accordance with 37 CFR 1.8 and is thus deemed to have been timely submitted.

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

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

DECISION UNDER 37 CFR 1.137(a)

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the

petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

In view of the withdrawal of the holding of abandonment, the petition under 37 CFR 1.137(a) is hereby **DISMISSED AS MOOT**.

Petitioners may request a refund of the $250.00 petition fee submitted with this petition by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPT./ MAIL STOP NRW-097
7801 COMPUTER AVENUE SOUTH
BLOOMINGTON, MN 55435

Mail Date: 04/21/2010

Applicant	: Michael Allen Seigler	: DECISION ON REQUEST FOR
Patent Number	: 7573684	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,128	: OF WYETH
Filed	: 04/13/2005	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPT./ MAIL STOP NRW-097
7801 COMPUTER AVENUE SOUTH
BLOOMINGTON, MN 55435

Mail Date: 05/18/2010

Applicant	: Michael Allen Seigler	: NOTICE CONCERNING IMPROPER
Patent Number	: 7573684	: DISMISSAL OF THE REQUEST
Issue Date	: 08/11/2009	: FOR RECALCULATION OF
Application No	: 11/105,128	: PATENT TERM ADJUSTMENT
Filed	: 04/13/2005	: 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 **627** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** 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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INDRU PRIMLANI
P.O. BOX 3022
RENTON, WA 98056

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SEP 26 2005

OFFICE OF PETITIONS

In re Application of	:	
Indru J. Primlani	:	
Application No. 11/105,130	:	DECISION ON PETITION
Filed: April 12, 2005	:	TO MAKE SPECIAL
For: ADIABATIC POWER GENERATING SYSTEM	:	37 CFR 1.102(c)

This is a decision on the petition under 37 CFR 1.102(c), filed April 12, 2005 to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c), MPEP § 708.02, Section IV: Applicant's Age must be accompanied any evidence showing that the applicant 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 Indru J. Primlani attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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 matter is being referred to Technology Center AU 3746 for expedited prosecution.

Amelia Au
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 05/21/2010

Applicant	: Mark A. Stennes	: DECISION ON REQUEST FOR
Patent Number	: 7631758	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/105,181	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **765** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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ROBERT D. FISH
RUTAN & TUCKER
611 ANTON BLVD 14TH FLOOR
COSTA MESA, CA 92626-1931

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APR 27 2006

OFFICE OF PETITIONS

In re Application of	:	
Bruce A. Thrush	:	
Application No. 11/105,182	:	DECISION ON PETITION
Filed: April 13, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 101342.0010US1	:	37 CFR 1.102(d)
	:	

This is a decision on the petition under 37 CFR § 1.102(d), filed March 3, 2006, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR § 1.102(d) and MPEP § 708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the Office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (c) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies wit hall the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to Technology Center AU 1772 for action on the merits commensurate with decision.

Denise Pothier
Petitions Examiner
Office of Petitions

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Robert E. Krebs
THELEN REID & PRIEST LLP
P.O. BOX 640640
SAN JOSE, CA 95164-0640

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JUL 24 2008

In re Application of	:	
John Boucard	:	
Application No. 11/105,183	:	DECISION ON PETITION
Filed: April 12, 2005	:	TO WITHDRAW
Attorney Docket No. 036079-004	:	FROM RECORD
	:	

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 7, 2008

The request is **APPROVED**.

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

The request was signed by Khaled Shami 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 John Boucard at the address indicated below.

There is an outstanding Office action mailed April 11, 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: **John Boucard**
210 N. Hudson Street
Suite 243
Pasadena, CA 91101

cc: **John Boucard**
Infinite Machines LLC
141 S. Hudson Avenue
Unit 101
Pasadena, CA 91101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/105,183	04/12/2005	John Boucard	036079-004

CONFIRMATION NO. 1639

POWER OF ATTORNEY NOTICE

Robert E. Krebs
THELEN REID & PRIEST LLP
P.O. Box 640640
San Jose, CA 95164-0640

OC000000031148524

Date Mailed: 07/23/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/07/2008.

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

/tswilliams/

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

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

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NOV 07 2005

OFFICE OF PETITIONS

In re Application of	:	
Daniel J. Keenan et al.	:	
Application No. 11/105,202	:	DECISION GRANTING PETITION
Filed: April 13, 2005	:	
Attorney Docket No. 047904/291278	:	

This is a decision on the "Petition to Grant Filing Date and To Refund Petition Fee" filed October 26, 2005 under 37 CFR 1.53(e), which is treated under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of April 13, 2005, rather than the presently accorded filing date of April 12, 2005.

Petitioner alleges that the application was deposited in Express Mail service on April 13, 2005. While the date-in on the Express Mail Label is somewhat illegible in that it isn't clear whether the intent of the USPS was to write April "12" or April "13", the Express Mail Label for package EV395776183 does bear a USPS postmark of April 13, 2005.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service was April 13, 2005 and therein, the application is entitled to a filing date of August 18, 2004.

It is therefore concluded that the incorrect filing date was occasioned by postal service error. However, in view of the evidence presented, (postmark) the petition is **GRANTED**. Therefore, the petition fee in the amount of $400 will be refunded in due course.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of April 13, 2005, not April 12, 2005 and for issuance of a corrected filing receipt.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

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JAN 25 2006

OFFICE OF PETITIONS

Applicant: Wong et al.
Appl. No.: 11/105,209
Filing Date: April 13, 2005
Title: INTEGRATED SPOT MONITORING DEVICE WITH FLUID SENSOR
Attorney Docket No.: 7404-703
Pub. No.: US 2005/0234368 A1
Pub. Date: October 20, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on December 2, 2005, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

The IDS reference, which was scanned into this application and published, has been relabeled as a reference. It would greatly benefit the Office if applicant clearly marked IDS references such as copies of previously filed applications as IDS references on the reference to assist in the scanning process.

It would greatly benefit the Office if applicant did not provide a complete copy of the application as filed and a copy of the pregrant publication, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request. If it is not clear why the error is a material error, further explanation may be warranted.

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

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

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Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

In re Application of	:
Bernard H. Cohen	: DECISION DISMISSING
Application No. 11/105,241	: PETITION UNDER
Filed: April 13, 2005	: 37 CFR 1.137(b)
Attorney Docket No. 93793	:

This is a decision on the petition, filed June 1, 2005, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See 37 CFR 1.137(f)*.

The petition is **DISMISSED** as Moot.

Upon careful review of the application file, there is no evidence that a request under 35 U.S.C. 122(b) (nonpublication request) was ever filed. In view thereof, the petition is dismissed as moot.

Additionally, petitioner may request a refund of the petition fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

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

This matter is being referred to Technology Center AU 2859.

Karen Creasy

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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William S. Frommer, Esq.
c/o Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, NY 10151

Mail Date: 07/14/2010

Applicant	: Shin Kimura	: DECISION ON REQUEST FOR
Patent Number	: 7647455	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/105,242	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **295** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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McQuaide, Blasko,
Fleming & Faulkner, Inc.
811 University Drive
State College PA 16801

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OFFICE OF PETITIONS

In re Application of :
Sen at al. :
Application No. 11/105,245 : LETTER AND NOTICE OF
Filed: April 13, 2005 : NON ENTRY OF THIRD PARTY
PG Pub: US20060100458A1 05/11/2006 : PAPERS

This application is before this office due to several documents filed by a third party on June 13, and June 19, 2006, including (1) a "petition" styled as being filed under 37 CFR 1.182 to consider the accompanying exhibits that are contended to show that there is undisclosed prior art and an undisclosed inventor.

Since this application was the subject of a pre grant publication (PG Pub)on May 11, 2006, and further, received a Notice of Allowance on May 17, 2006, both prior to the filing of the above-noted documents, the provisions of the statute (35 U.S.C. § 122(c)) the applicable rules (*e.g.*, 37 CFR §§ 1.99, 1.291, and 1.292) and procedures(e.g., MPEP §§ 1134.01, 1901.06) now place stringent limitations on the treatment, or even on the retention *vel non* in this file, of any third party submissions that protest, oppose the grant of, or seek to have other information entered and considered in, this application. See also *Third Party Attempts to Protest or Otherwise Oppose the Grant of a Published Application*, 1269 *Off. Gaz. Pat. Office* 179 (April 22, 2003)

37 CFR 1.99 requires, in pertinent part that:

> (c) The submission under this section must be served upon the applicant in accordance with § 1.248.
>
> (d) A submission under this section shall not include any explanation of the patents or publications, or any other information. The Office will not enter such explanation or information if included in a submission under this section. A submission under this section is also limited to ten total patents or publications.
>
> (e) A submission under this section must be filed within two months from the date of publication of the application (§ 1.215(a)) or prior to the mailing of a notice of allowance (§ 1.311), whichever is earlier. Any submission under this section not filed within this period is permitted only when the patents

> or publications could not have been submitted to the Office earlier, and must also be accompanied by the processing fee set forth in § 1.17(i). **A submission by a member of the public to a pending published application that does not comply with the requirements of this section will not be entered** (emphasis added).

As there is no evidence of service of the submission under this section on the applicant in compliance with 37 CFR 1.248, and as the petitions and exhibits consume some 74 pages in all, they obviously contain too much information for compliance with 37 CFR 1.99 and must be removed from this file. Furthermore as the submission is subsequent to the mailing of the Notice of Allowance, it is also time barred.

Likewise, even treating the documents in question as a protest, 37 CFR 1.291(b) does not permit retention of the submission/protest in this file record:

> (b) The protest will be entered into the record of the application if, in addition to complying with paragraph (c) of this section, the protest has been served upon the applicant in accordance with § 1.248, or filed with the Office in duplicate in the event service is not possible; and, except for paragraph (b)(1) of this section, the protest was filed prior to the date the application was published under § 1.211, or a notice of allowance under § 1.311 was mailed, whichever occurs first:
>
> > (1) If a protest is accompanied by the written consent of the applicant, the protest will be considered if the protest is matched with the application in time to permit review during prosecution.
> >
> > (2) A statement must accompany a protest that it is the first protest submitted in the application by the real party in interest who is submitting the protest; or the protest must comply with paragraph (c)(5) of this section. This section does not apply to the first protest filed in an application.

Here, the protest was filed subsequent to both publication and the mailing of the Notice of Allowance, and further, lacks any indication of service. The protest is also time barred.

As to the request in the third party petition for extraordinary relief under 37 CFR 1.182, that is likewise unavailing. First, petitioner failed to show that as a third party, he may properly invoke 37 CFR 1.182 *vis-a-vis* this application. A mere assertion of a right to have the Office act in accordance with the statutes and regulations does not confer standing upon a third party. The Boeing Company v. Commissioner of Patents and Trademarks, 853 F.2d 878, 7 USPQ2d 1487 (Fed. Cir. 1988). Further, a third party does not have standing to challenge Office decisions made ex parte. See, e.g., Godtfredsen v. Banner, 503 F.Supp 642, 647, 207 USPQ 202, 207 (D.D.C. 1980), Syntex v. United States Patent and Trademark Office, 882 F.2d 1570,

1574-1575, 11 USPQ2d 1866, 1870 (Fed. Cir. 1989), Hitachi Metals Ltd. v. Quigg, 776 F.Supp 3, 20 USPQ2d 1920 (Fed. Cir. 1989). There is nothing in the patent statutes which gives rise to a right in nonapplicants to object to the way in which patent applications of others are treated by the Patent and Trademark Office. The Court of Appeals for the Federal Circuit (Federal Circuit)has refused to accord standing to third parties challenging Office actions (outside of the an interference) during the prosecution of an application for patent. See Animal Legal Defense Fund v. Quigg, 932 F.2d 920, 930, 18 USPQ2d 1677, 1685 ("We find nothing in the law which gives rise to a right in nonapplicants to object to the way in which patent applications of others are prosecuted. A third party has no right to intervene in the prosecution of a particular patent application to prevent the issuance of an allegedly invalid patent"). The Office has promulgated regulations permitting third parties to file protests and petitions for public use proceedings in applications that have not been published under 35 U.S.C. § 122(b) and 37 CFR 1.211 et seq. (37 CFR 1.291 and 1.292) and to file prior art submissions in applications that have been published under 35 U.S.C. § 122(b) and 37 CFR 1.211 et seq. (37 CFR 1.99). The rules of practice, however, do not permit a third party to petition the Office for extraordinary relief. That the Office does permit a third party to file certain papers in an application does not afford a third party with standing to challenge Office decisions in that application. Cf. Boeing Co. v. Commissioner of Patents and Trademarks, 853 F.2d 878, 881, 7 USPQ2d 1487, 1489 (Fed. Cir. 1988)(that a third party is permitted to participate in district court action concerning a reexamination proceeding does not imply that the third party has standing to appeal a district court decision favorable to patent owner). The Office considers the filing of a petition or other paper on behalf of a party having no standing in an application, and not otherwise authorized by the rules of practice, to be a petition or paper presented for an improper purpose (37 CFR 10.18). For example, the filing of a paper on behalf of a party in situations not authorized by the rules of practice delays the examination and processing of applications, which may cause harm to the general public if it results in the Office missing any one of the examination time frames specified in 35 U.S.C. §§ 154(b)(1)(A) or 154(b)(1)(B). Therefore, the Office may refer any further third party petitions in this or any other application to the Office of Enrollment and Discipline for appropriate action.

Second, assuming for the sake of argument that a third party may properly invoke 37 CFR 1.182, such request must be refused, as the requested relief, much less retention of the request in this file, is contrary to 37 CFR 1.99 and 1.291. 37 CFR 1.182 is not a mechanism for avoiding the requirements of the established rules and procedures. See Hicks v. Costello, 1903 Dec. Comm'r Pat. 123, 125 (1903). Accordingly, to the extent that the third party petition is entitled to treatment, it is dismissed.

Given the total lack of compliance with either of the two regulations (37 CFR §§ 1.99 and 1.291) governing third party submissions of information in a published application or allowed application, the documents submitted by the third party on June 13, and 19, 2006,

cannot be permitted to remain in the file. Rather, as indicated in MPEP 1901.06 subsection V(a)(2), a copy of the original papers (no service on applicant was indicated) is being sent to the applicant. This communication is also the notice of non entry. See MPEP 1901.06 subsection V(a)(2). The documents filed by the third party on June 13, and June 19, 2006, are being closed to public inspection which is the IFW equivalent of expungement from a paper file.

This application is being referenced to the Technology Center for treatment of the IDS filed June 13, 2006.

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

Brian Hearn

Brian Hearn
Petitions Examiner
Office of Petitions

Enclosure: Copy of Third Party Papers filed June 13, and 19, 2006

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OFFICE OF PETITIONS

In re Application of	:
Dennis N. Pixton	:
Application No. 11/105,247	: DECISION GRANTING PETITION
Filed: April 13, 2005	: UNDER 37 CFR 1.137(b)
Attorney Docket No. 16.101.5	:

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

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply 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 Non-final Rejection of September 21, 2005, is accepted as having been unintentionally delayed.

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

This matter is being referred to Technology Center AU 3643.

Karen Creasy
Petitions Examiner
Office of Petitions

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ONE OXFORD CENTRE, 38TH FLOOR
301 GRANT STREET
PITTSBURGH, PA 15219-6404

Mail Date: 04/21/2010

Applicant	: Mark David Bedillion	: DECISION ON REQUEST FOR
Patent Number	: 7626894	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,248	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1267** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/105,256	04/13/2005	Takao Tani	P04-1036

YOKOI & CO. U.S.A., INC.
13700 MARINA POINTE DRIVE #723
MARINA DEL RAY CA 90292

DATE MAILED: February 12, 2007

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

This is in response to the petition under 37 CFR 1.138(d) filed January 31, 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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2000 UNIVERSITY AVENUE
E. PALO ALTO CA 94303-2248

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OFFICE OF PETITIONS

In re Application of	:	
Kraz et al.	:	DECISION ON PETITION
Application No. 11/105,257	:	TO MAKE SPECIAL
Filed: April 13, 2005	:	37 CFR1.102(D)
Attorney Docket No. 1030981-991191	:	

This is a decision on the petition under 37 CFR §1.102(d), filed April 13, 2005, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **DISMISSED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The instant petition did not provide a copy of each of the references deemed most closely related to the subject matter encompassed by the claims or a statement that each reference most closely related to the subject matter encompassed by the claims is already of record as set forth in MPEP 708.02.II. The Information Disclosure Statement submitted with the petition lists two non-patent literature documents. Only the second document can be located in the application file. A copy of the first listed document should be submitted.

Further, applicant should rephrase the Declaration submitted with the instant petition to include the proper language as stated above in (B) and (C). Specifically, the statements, "some of the claims are *unquestionably* infringed," and "a *good knowledge* of the pertinent art," should be included.

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 2632 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of	:	
Kraz et al.	:	
Application No. 11/105,257	:	ON PETITION
Filed: April 13, 2005	:	
Attorney Docket No. 1030981-991191	:	

This is a decision on the renewed petition under 37 CFR §1.102(d), filed February 13, 2006, to make the above-identified application special. The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section II: Infringement.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

Petitioner submitted an additional petition fee with the instant petition, which is unnecessary. Accordingly, the $130.00 will be credited to petitioner's deposit account as authorized.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2612 for expedited prosecution.

David Bucci
Petitions Examiner
Office of Petitions

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NEW YORK, NY 10036

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OFFICE OF PETITIONS

In re Application of	:	
Pierre Etienne Chabrier De Lassauniere, et. al.	:	
Application No. 11/105,291	:	ON PETITION
Filed: April 13, 2005	:	
Attorney Docket No. 427.025-1-DIV-5	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on December 20, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 17, 2006. A Notice of Abandonment was mailed on October 17, 2006.

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) (3).

The instant petition fails to contain the statement required by 37 CFR 1.137(b), which states 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. Therefore, this application cannot be revived until the required statement has been submitted.

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

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

By Mail: Mail Stop PETITION
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P. O. Box 1450
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By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of	:	
De Lassauniere, et. al.	:	
Application No. 11/105,291	:	ON PETITION
Filed: April 13, 2005	:	
Attorney Docket No. 427.025-1-DIV-5	:	

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

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,500; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 1626, for further processing.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

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JUN 11 2007
OFFICE OF PETITIONS

In re Application of
Joy, et al.
Application No. 11/105,294
Filed: April 13, 2005
Attorney Docket No. 50615-319450 (007-40)

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed December 20, 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**.

Petitioners state that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on October 4, 2005. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of

such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing which sets forth the projected publication date of September 13, 2007 accompanies this decision on petition.

A Notice of Allowability and a Notice of Allowance and Fee(s) Due were mailed in this case on September 20, 2006. However, in view of the nonpublication request filed with the application, the Notice of Allowance and Fee(s) Due mailed in this case did not require the submission of a publication fee. Therefore, a Notice of Publication Fee Due is being mailed concurrently, since the nonpublication request has been rescinded. Petitioner should note that payment of the publication fee must be submitted within the period set forth in the Notice to avoid abandonment of the application.

This application is being forwarded to Publishing Division to await a reply to the Notice of Publication Fee Due.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENTS: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

Notice of Publication Fee Due

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/105,294	04/13/2005	James Joy	50615-319450 (007-40)

CONFIRMATION NO. 5963

23370
JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

Date Mailed: 06/07/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 09/13/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/105,294	4/13/05	James Joy	50615-319450 (007-40)

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

DATE MAILED COPY MAILED

JUN 1 1 2007

OFFICE OF PETITIONS

NOTICE OF PUBLICATION FEE DUE

The above-identified application was filed on or after November 29, 2000 and a nonpublication request in compliance with 37 CFR 1.213 was included with the application on filing.

Since the application has been allowed, a publication fee is due.

The fee due is $300. No small entity discount is available. See 37 CFR 1.18(d).

The payment of publication fee should be mailed to:

Mail Stop Issue Fee
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Alternatively, an authorization to charge the publication fee to a deposit account or payment by credit card (form PTO-2038) may be submitted via facsimile transmission to (703) 746-4000.

The publication fee must be submitted within THREE MONTHS from the mailing date of this notice to avoid abandonment of the application. No extensions of time under 37 CFR 1.136(a) or (b) are available. If publication of the application does not occur, applicant may file a request for a refund after the patent issues. *See* 37 CFR 1.211(e).

Questions relating to this Notice should be directed to the patent publication hotline at (703) 605-4283 or by e-mail to pgpub@uspto.gov.

A copy of this notice should be returned with any reply.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA22313-1450
www.uspto.gov

TAVONNI TECHNOLOGIES, INC.
ATTN.: RANDY C. LEE
185 MARTINVALE LANE
SAN JOSE CA 95119

COPY MAILED

JUN 14 2007

OFFICE OF PETITIONS

In re Application of
Randy C. Lee et al.
Application No. 11/105,301
Filed: April 14, 2005
Title of Invention: **METHOD AND APPARATUS FOR TRANSFERRING DATA BETWEEN MOBILE TELEPHONES AND OTHER DIGITAL DEVICES**

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

This is in response to the petition filed under 37 CFR 1.47(a) on April 14, 2005.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a). and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on April 14, 2005, naming Randy C. Lee, James C. Patton and Yui Kaye Ho as joint inventors, with an oath or declaration signed only by joint inventors Lee and Patton and by Lee on behalf of joint inventor Ho, and with the instant petition seeking status under 37 CFR 1.47(a) requesting that the application be accepted without the signature of joint inventor Ho.

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.
Petitioners assert that numerous attempts have been made since December 2004 to contact joint inventor Ho but with no success.

The evidence presented is not sufficient to show that a copy of the complete application

(specification, including claims, drawings, if any, and the declaration) was ever sent to the non-signing inventor, thus, there is no evidence to show that the non signing inventor had the benefit of reviewing the application. Additionally, no evidence has been presented to show that the non-signing inventor cannot be located.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Likewise, before a *bona fide* refusal can be shown, the non-signing inventor must have been given an opportunity to review the application. Therefore, petitioners must show proof that the non-signing inventor refuses to sign the declaration after being sent or given a copy of the application papers. If there is a written refusal, petitioners should submit a copy of that refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

Finally, if it is found that joint inventor Ho is residing at a different address than that listed in the initial petition, petitioners should provide a new statement of the last known address in a renewed petition.

Since petitioners are not represented by counsel, and since no power of attorney exists for Mr. Lee to prosecute the application on behalf of all joint inventors, all documents, including the petition filed under 37 CFR 1.47, must be signed by all parties, in this instance both Mr. Lee and Mr. Patton.

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

JUL 3 0 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA22313-1450
www.uspto.gov

TAVONNI TECHNOLOGIES, INC.
ATTN.: RANDY C. LEE
185 MARTINVALE LANE
SAN JOSE CA 95119

COPY MAILED

JUN 1 4 2007

OFFICE OF PETITIONS

In re Application of
Randy C. Lee et al.
Application No. 11/105,301
Filed: April 14, 2005
Title of Invention: **METHOD AND APPARATUS FOR TRANSFERRING DATA BETWEEN MOBILE TELEPHONES AND OTHER DIGITAL DEVICES**

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

This is in response to the petition filed under 37 CFR 1.47(a) on April 14, 2005.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a). and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on April 14, 2005, naming Randy C. Lee, James C. Patton and Yui Kaye Ho as joint inventors, with an oath or declaration signed only by joint inventors Lee and Patton and by Lee on behalf of joint inventor Ho, and with the instant petition seeking status under 37 CFR 1.47(a) requesting that the application be accepted without the signature of joint inventor Ho.

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.
Petitioners assert that numerous attempts have been made since December 2004 to contact joint inventor Ho but with no success.

The evidence presented is not sufficient to show that a copy of the complete application

(specification, including claims, drawings, if any, and the declaration) was ever sent to the non-signing inventor, thus, there is no evidence to show that the non signing inventor had the benefit of reviewing the application. Additionally, no evidence has been presented to show that the non-signing inventor cannot be located.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Likewise, before a *bona fide* refusal can be shown, the non-signing inventor must have been given an opportunity to review the application. Therefore, petitioners must show proof that the non-signing inventor refuses to sign the declaration after being sent or given a copy of the application papers. If there is a written refusal, petitioners should submit a copy of that refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

Finally, if it is found that joint inventor Ho is residing at a different address than that listed in the initial petition, petitioners should provide a new statement of the last known address in a renewed petition.

Since petitioners are not represented by counsel, and since no power of attorney exists for Mr. Lee to prosecute the application on behalf of all joint inventors, all documents, including the petition filed under 37 CFR 1.47, must be signed by all parties, in this instance both Mr. Lee and Mr. Patton.

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA22313-1450
www.uspto.gov

TAVONNI TECHNOLOGIES, INC.
ATTN.: RANDY C. LEE
185 MARTINVALE LANE
SAN JOSE CA 95119

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OCT 01 2007

OFFICE OF PETITIONS

In re Application of
Randy C. Lee et al.
Application No. 11/105,301
Filed: April 14, 2005
Title of Invention: **METHOD AND APPARATUS FOR TRANSFERRING DATA BETWEEN MOBILE TELEPHONES AND OTHER DIGITAL DEVICES**

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

This is in response to the request for reconsideration filed under 37 CFR 1.47(a) [1] on September 4, 2007.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a). and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on April 14, 2005, naming Randy C. Lee, James C. Patton and Yui Kaye Ho as joint inventors, with an oath or declaration signed only by joint inventors Lee and Patton and by Lee on behalf of joint inventor Ho, and with a petition seeking status under 37 CFR 1.47(a) requesting that the application be accepted without the signature of joint inventor Ho. The petition filed April 14, 2005 with the petition was dismissed in a decision mailed June 14, 2007 because petitioners had not shown that a copy of the complete application (specification, including claims, drawings, if any, and the declaration) was ever sent to the non-signing inventor, thus, there was no evidence to show that the non signing inventor had the benefit of reviewing the application. Additionally, the evidence failed to show that the non-signing inventor could not be located.

[1] 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.

Comes now petitioner with proof that a copy of the application has been sent to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers to the non-signing inventor.

It was noted in the dismissal mailed June 14, 2007 that since petitioners are not represented by counsel, and since no power of attorney exists for Mr. Lee to prosecute the application on behalf of all joint inventors, all documents, including the petition filed under 37 CFR 1.47, must be signed by all parties, in this instance both Mr. Lee and Mr. Patton. Since Mr. Lee has signed the petition as the President the petition could be acceptable. Unfortunately though, Mr. Lee has signed the oath on behalf of non-signing inventor Ho but Mr. Lee has not provided any proof of ownership and his authority therefore to sign the oath or the petition as President on behalf of a non-signing inventor.

Thus, the declaration filed April 14, 2005 is defective in that it does not comply with 37 CFR 3.73 in that the putative assignee has not established its right to take action in accordance with 37 CFR 3.73(b). Specifically, petitioners have not provided documentary evidence of a chain of title from the original owner to the assignee, nor shown that documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*i.e.* reel and frame number). Petitioners must establish the right of an assignee to take action in accordance with 37 CFR 3.73(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 FAX: (571) 273-8300

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TAVONNI TECHNOLOGIES, INC.
ATTN.: RANDY C. LEE
185 MARTINVALE LANE
SAN JOSE CA 95119

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DEC 17 2008

OFFICE OF PETITIONS

In re Application of
Randy C. Lee et al.
Application No. 11/105,301
Filed: April 14, 2005
Title of Invention: **METHOD AND APPARATUS FOR TRANSFERRING DATA BETWEEN MOBILE TELEPHONES AND OTHER DIGITAL DEVICES**

: DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the request for reconsideration filed under 37 CFR 1.47(a)[1] on November 1, 2007.

The petition is **GRAMTED**.

The above-identified application was filed on April 14, 2005, naming Randy C. Lee, James C. Patton and Yui Kaye Ho as joint inventors, with an oath or declaration signed only by joint inventors Lee and Patton and by Lee on behalf of joint inventor Ho, and with a petition seeking status under 37 CFR 1.47(a) requesting that the application be accepted without the signature of joint inventor Ho. The petition filed April 14, 2005 with the application was dismissed in a decision mailed June 14, 2007 because petitioners had not shown that a copy of the complete application (specification, including claims, drawings, if any, and the declaration) was ever sent to the non-signing inventor, thus, there was no evidence to show that the non signing inventor had the benefit of reviewing the application. Additionally, the evidence failed to show that the non-signing inventor could not be located. A request for reconsideration filed September 4, 2007 was dismissed in a decision mailed October 1, 2007 because although petitioner was successful in demonstrating that a copy of the application had been sent to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers to the non-signing inventor, the Oath was found to be defective in that it did not comply with 37 CFR 3.73(b).

---

[1]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.

Comes now petitioner with the instant request for reconsideration and provides proof of the authority of the assignee to take action in this matter in the form of a statement under 37 CFR 3.73(b).

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 1.47(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.

This matter is being referred to Technology Center 2617 for examination in due course.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID LEWIS
1250 AVIATION AVE., SUITE 200B
SAN JOSE CA 95110

COPY MAILED

AUG 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Randy C. Lee et al.	:	
Application No. 11/105,301	:	DECISION ON PETITION
Filed: April 14, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 52-8	:	

This is a decision on the petition, filed May 29, 2009, 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 April 3, 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.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

The 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 5, 2009, accompanies this decision on petition.

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

This application is being forward to Technology Center Art Unit 2617 for examination in due course.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/105,301	04/14/2005	Randy C. Lee	52-8

CONFIRMATION NO. 3264

48196
DAVID LEWIS
1250 AVIATION AVE., SUITE 200B
SAN JOSE, CA 95110

NONPUBLICATION RESCISSION LETTER

OC000000037121035

Date Mailed: 07/29/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 11/05/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/jlburke/

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

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

JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO, CA 95814

Mail Date: 04/22/2010

Applicant	: Ming Chiang Wu	: DECISION ON REQUEST FOR
Patent Number	: 7612355	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,304	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **663** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE CT 06468

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NOV 12 2008

In re Application of :
Klint, et al. :
Application No. 11/105,324 : DECISION ON PETITION
Filed: April 12, 2005 :
Attorney Docket No. 915-007.142 :

This is a decision on the petition, filed October 3, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action mailed October 29, 2007. The Office action set a one month shortened statutory period for reply. A reply was due on or before November 29, 2007.

Petitioners state that a reply was in fact timely filed. To support this assertion, petitioners have submitted a copy of a return postcard dated November 30, 2007 acknowledging USPO receipt of the reply to the Office action. A copy of the previously submitted reply, bearing a certificate of mailing date of November 28, 2007, accompanies the petition.

The reply previously filed has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the reply was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on November 30, 2007.

This application is being referred to Technology Center AU 2116 for appropriate action in the normal course of business on the reply received with petition.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 18 2005

RICHARD L. MILLER
12 PARKSIDE DRIVE
DIX HILLS, NY 11746

In re application of Raimer E. Tossavainen Application No. 11/105,337 Filed: April 13, 2005 For: MOORAGE FOR AFFIXING TO A FLOATING DOCK AND ALLOWING A USER TO SINGLE HANDEDLY SOFT LAND, DOCK AND MOOR A BOAT THERETO	**DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)**

This is in response to the petition filed on July 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(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 requirement (E) above. Regarding item (E), applicant does not clearly state how claim 1, the only independent claim, patentably distinguishes over each of the cited references.

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

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

Applicant should promptly submit a renewed petition to the Commissioner of 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.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(571) 272-6619

RAR/dcg: 10/13/05

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Posz Law Group, PLC
12040 South Lakes Drive
Suite 101
Reston, VA 20191

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NOV 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Kristopher G. Diefenderfer et al.	:	
Application No. 11/105,363	:	DECISION ON PETITION
Filed: April 14, 2005	:	TO WITHDRAW
Attorney Docket No. 57T-008-DIV	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 10, 2008.

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

A review of the file record indicates that the power of attorney to Cynthia K. Nicholson and all attorneys/agents associated with customer number 23400 has been revoked by the assignee of the patent application on November 4, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Schwegman, Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis, MN 55402

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/105,363	04/14/2005	Kristopher G. Diefenderfer	57T-008-DIV

CONFIRMATION NO. 1746

POWER OF ATTORNEY NOTICE

23400
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

OC000000033027184

Date Mailed: 11/10/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/04/2008.

- 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).

/kainabinet/

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

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE NW, SUITE 800
WASHINGTON, DC 20037

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OFFICE OF PETITIONS

In re Application of	:	
MAKINO, Yusuke	:	
Application No. 11/105,387	:	DECISION GRANTING PETITION
Filed: April 14, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **Q87116**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 4, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on May 8, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1794 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed 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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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Byoung Yull Yang	: DECISION ON REQUEST FOR
Patent Number	: 7610779	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,400	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

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AUG 1 0 2006
OFFICE OF PETITIONS

In re Application of	:
Katoh et al.	:
Application No. 11/105,411	: DECISION ON PETITION
Filed: 14 April, 2005	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. R2184.0097/P097-C	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed 3 April, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

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

an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or a substitute 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 PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Frances Hicks

Frances M. Hicks
Lead Paralegal
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:
Katoh et al.	:
Application No. 11/105,411	: DECISION ON PETITION
Filed: 14 April, 2005	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. R2184.0097/P097-C	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed on 30 August, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

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

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt

accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

The duplicate petition fee filed on 30 August, 2006, is unnecessary and will be refunded to counsel's deposit account.

Any inquiries concerning this decision may be directed to Patent Attorney Douglas I. Wood at (571) 272-3231. 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 2622 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.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected 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
11/105,411	04/14/2005	2622	1360	R2184.0097/P097-C	4	5	1

CONFIRMATION NO. 2830

CORRECTED FILING RECEIPT

OC000000021191798

24998
DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Date Mailed: 11/13/2006

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)

Masaki Katoh, Kanagawa, JAPAN;
Yuki Nakamura, Kanagawa, JAPAN;
Katsuyuki Yamada, Shizuoka, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number **24998**.

Domestic Priority data as claimed by applicant

This application is a CON of 10/620,692 07/17/2003 PAT 6,996,041
which is a CON of 09/793,131 02/27/2001 PAT 7,068,581

Foreign Applications

JAPAN 2000-058081 03/03/2000

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

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US11/105,411

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Optical information recording medium and recording apparatus

Preliminary Class

386

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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DICKSTEIN SHAPIRO LLP
1825 EYE STREET, NW
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant	: Howard E. Rhodes	: DECISION ON REQUEST FOR
Patent Number	: 7635604	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,419	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **151** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JJGJR.: 09-04

Paper No: __

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OFFICE OF PETITIONS

WINSTON & STRAWN LLP
1700 K STREET, N.W.
WASHINGTON DC 20006

In re Application of	:	
Kritzman, et al.	:	
Application No. 11/105,438	:	ON PETITION
Filed: 14 April, 2005	:	
Attorney Docket No. 81435-498	:	

This is a decision on the petition filed on 9 September, 2005, under 37 C.F.R. §1.47(a).

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

NOTES:

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

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

BACKGROUND

The record indicates:

- the instant application was filed on 14 April, 2005, without, *inter alia*, a fully executed oath/declaration;

- on 5 May, 2005, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months;

- on 9 September, 2005, Petitioner filed the instant petition and fee (and request and fee for extension of time) with, *inter alia*, a statement by Allan A. Fanucci (Reg. No. 30,256), a statement of Menashe Terem, averred to be the CEO of Common Sense, Ltd., the averred assignee, along with an oath/declaration containing the signature of named co-inventors Kritzman and Yael (for themselves and on behalf of) but without the signature of named non-signing co-inventor Nitsa G. Nachshon (Ms. Nachshon), and an averment that Ms. Nachshon signature could not be obtained on the oath/declaration and averring that an attached transmittal letter evidenced that Ms. Nachshon was presented with a copy of the entire application (description, claims, abstract, drawings), as required, however, the letter was not filed of record and could not be obtained on inquiry to Petitioner as of this writing.

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

> **§ 1.47 Filing when an inventor refuses to sign or cannot be reached.**
> (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.
> * * *

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

> **§1.63 Oath or declaration.**
>
> (b) In addition to meeting the requirements of paragraph (a)of this section, the oath or declaration must also:
>
> (1)Identify the application to which it is directed;
>
> (2) State that the person making the oath or declaration has reviewed and understands the contents of the application, Including

> the claims, as amended by any amendment specifically referred to in the oath or declaration; and
>
> (3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

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

The commentary at MPEP §409.03(d) provides:

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

REFUSAL TO JOIN

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 C.F.R. §1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP §106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 C.F.R. §1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.

When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 C.F.R. §1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or

> in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Thus, not only must a copy of the entire application must be sent to the last known address of the non-signing inventor (or the estate representative) with a request that he/she sign the declaration for the patent application–and evidence of that transmittal submitted–but also a reasonable effort must be made to ascertain a current or last known address, and the petition (with fee) must state over the signature and registration number of the Petitioner the last known address and, if appropriate, evidence of the due diligence effort ascertaining same.

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

(The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.[1])

CONCLUSION

The record as it stands is incomplete as to the copy of the referenced transmittal letter (to support and evidence transmittal of the entire application (description, claims, abstract and drawings) to the non-signing inventor at current/valid (or at least last-known/ascertainable) addresses. The evidence of these requirements should be submitted with any renewed petition.

Out of an abundance of caution and because, *inter alia*, a property right is in question, Petitioner is requested to submit a copy of the transmittal letter with a renewed petition.

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

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

---

[1] See: MPEP 409.03(b).

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJR.: 12-05

Paper No: __

WINSTON & STRAWN LLP
1700 K STREET, N.W.
WASHINGTON DC 20006

COPY MAILED
DEC 1 2 2005
OFFICE OF PETITIONS

In re Application of	:	
Kritzman, et al.	:	
Application No. 11/105,438	:	ON PETITION
Filed: 14 April, 2005	:	
Attorney Docket No. 81435-498	:	

This is a decision on the petition filed on 12 October, 2005, under 37 C.F.R. §1.47(a).

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **GRANTED**.

BACKGROUND

The record indicates:

- the instant application was filed on 14 April, 2005, without, *inter alia*, a fully executed oath/declaration;

- on 5 May, 2005, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months;

- on 9 September, 2005, Petitioner filed the original petition and fee (and request and fee for extension of time) with, *inter alia*, a statement by Allan A. Fanucci (Reg. No. 30,256), a statement of Menashe Terem, averred to be the CEO of Common Sense, Ltd., the averred assignee, along with an oath/declaration containing the signature of named co-inventors Kritzman and Yael (for themselves and on behalf of) but without the signature of named non-signing co-inventor Nitsa G. Nachshon (Ms. Nachshon), and an averment that Ms. Nachshon signature could not be obtained on the oath/declaration and averring

that an attached transmittal letter evidenced that Ms. Nachshon was presented with a copy of the entire application (description, claims, abstract, drawings), as required, however, the letter was not filed of record and could not be obtained on inquiry to Petitioner, and so the petition was dismissed on 22 September, 2005;

- the instant petition corrects these deficiencies.

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64 and Petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

As provided under 37 C.F.R. §1.47(a), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is released to the OIPE for further processing before being forwarded for substantive 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

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

Banner & Witcoff
1001 G Street NW, Suite 1100
Washington, DC 20001

In re Application of	:	
Hiroyuki HARA	:	
Application No. 11/105,477	:	DECISION ON PETITION
Filed: April 14, 2005	:	TO WITHDRAW
Attorney Docket No. 006582.00014	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 23, 2005 and re-submitted on March 7, 2006.

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

A review of the file record indicates that the power of attorney to Christopher R. Glembocki and the attorneys associated with customer number 22907 have been revoked by the assignee of the patent application on April 17, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

for David Bucci
Petitions Examiner
Office of Petitions

cc: Oliff & Berridge, PLC
277 South Washington Street
Alexandria, VA 22314

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

Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 04/21/2010

Applicant	: Lyon King-Fook Wong	: DECISION ON REQUEST FOR
Patent Number	: 7644374	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,479	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 05/18/2010

Applicant : Lyon King-Fook Wong
Patent Number : 7644374
Issue Date : 01/05/2010
Application No : 11/105,479
Filed : 04/14/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **577** 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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WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

Mail Date: 04/20/2010

Applicant	: Teruo Maruyama	: DECISION ON REQUEST FOR
Patent Number	: 7647883	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,516	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1177** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

Mail Date: 07/23/2010

Applicant	: Yung Kun Lin	: DECISION ON REQUEST FOR
Patent Number	: 7659886	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/105,522	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1336** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DR MARK FRIEDMAN LTD
C/O BILL POLKINGHORN
9003 FLORIN WAY
UPPER MARLBORO MD 20772

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JUN 2 0 2006
OFFICE OF PETITIONS

In re Application of	:
Musman, et al.	: DECISION GRANTING PETITION
Application No. 11/105,526	: AND WITHDRAWING THE
Filed: April 14, 2005	: HOLDING OF ABANDONMENT
Attorney Docket No. 2225/9	:

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed May 17, 2006.

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

The holding of abandonment is **WITHDRAWN**.

The above-identified application became abandoned for failure to timely file a response to the Notice to File Missing Parts mailed August 23, 2005. This Office action set an extendable period for reply of two (2) months. No reply having been received, the application became abandoned on October 24, 2005. A Notice of Abandonment was mailed on May 1, 2006.

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

received and docketed.[1] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[2]

Here, petitioner has submitted a satisfactory docket record for the relevant period and met the other requirements for a grantable petition.

Accordingly, the holding of abandonment is withdrawn.

The application is being forwarded to the Office of Initial Patent Examination for re-mailing of the Notice to File Missing Parts (originally mailed August 23, 2005), setting a new period for reply.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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[1] See MPEP 711.03(c)(II).

[2] Id.

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AFFYMETRIX, INC
ATTN: CHIEF IP COUNSEL, LEGAL DEPT.
3420 CENTRAL EXPRESSWAY
SANTA CLARA CA 95051

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OFFICE OF PETITIONS

In re Application of	:	
McGall et al.	:	
Application No. 11/105,571	:	DECISION ON PETITION
Filed: April 14, 2005	:	
Attorney Docket No. AFMX-P05-064	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 12, 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 May 14, 2007, as required by the Notice of Allowance and Fee(s) Due mailed February 12, 2007. Accordingly, the date of abandonment of this application is May 15, 2007. A Notice of Abandonment was mailed June 8, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1400.00 and publication fee of $300.00; (2) the petition fee of $1,500.00; and (3) a proper statement of unintentional delay.

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

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

/Liana Walsh/
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
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12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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OCT 19 2006

OFFICE OF PETITIONS

In re Application of :
Shah-Nazaroff. :
Application No. 11/105,602 : ON PETITION
Filed: April 14, 2005 :
Attorney Docket No. 42P6490C2 :
For: METHOD AND APPARATUS FOR CONTROLLING A POINTER DISPLAY BASED ON THE HANDLING OF A POINTER DEVICE

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

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the January 24, 2006 non-final Office action. No response being received and no extensions of time being obtained, this application became abandoned on April 25, 2006. A Notice of Abandonment was mailed on August 2, 2006.

Applicant has submitted an amendment in reply to the January 24, 2006 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the January 24, 2006 non-final Office action, and the petition fee.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center AU 2673 for consideration of the amendment filed on August 2, 2006.

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

Shirene Willis Brantley

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

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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December 6, 2006

Stephen E. Feldman, P.C.
12 East 41st Street
Suite 100 East
New York, NY 10017

Patent No.: 7111351 B1
Application No.: 11/105630
Inventor(s): **Flavio DeRoma**
Issued: **September 26, 2006**
Title: **LINT ROLLER HANDLE AND COVER**

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.

A certificate of correction will be issued to correct the remaining error mentioned in your request.

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

vt

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STEPHEN E. FELDMAN, P.C.
12 EAST 41ST STREET
NEW YORK, NY 10017

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SEP 26 2007

OFFICE OF PETITIONS

In re Patent No. 7,111,351	:	
Issue Date: September 26, 2006	:	
Application No. 11/105,630	:	ON PETITION
Filed: April 13, 2005	:	
Attorney Docket No. None	:	

This is a decision on the petition filed December 19, 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**.

The $130 processing fee set forth in § 1.17(i) is being charged to counsel's deposit account as authorized.

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) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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MAGINOT, MOORE & BECK, LLP
CHASE TOWER
111 MONUMENT CIRCLE
SUITE 3250
INDIANAPOLIS IN 46204

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OFFICE OF PETITIONS

In re Application of	:	
Cox, Gary L.	:	
Application No. 11/105,634	:	DECISION ON PETITION
Filed: April 14, 2005	:	
Attorney Docket No. 1502-0064	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 5, 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 Replacement Drawings, (2) the petition fee, and (3) a proper statement of unintentional delay.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

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April 2006

Sabra-Anne R. Truesdale
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

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APR 12 2006

Technology Center 2100

In re Application of: JESSICA KAHN ET AL. Serial No.: 11/105,637 Filed: 13 April 2005 Docket: 18602-09833 (P3678) Title: NEWS FEED BROWSER	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R 1.102(d) and M.P.E.P. § 708.02 (VIII)

This is a decision on the petition filed on 13 March 2006 to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d).

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

In support of the petition, petitioner provides: a) the applicable petition fee; b) a statement that all claims are directed to a single invention, and that any election later required will be made without traverse; c) a statement that a pre-examination search was made, including the search areas; d) a copy of each of the references deemed most closely related to the claimed subject matter; and e) a discussion of seven of the cited references.

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

The requirements of MPEP § 708.02(VIII)(a), (b) and (d) are considered to have been met. However, petitioner fails to meet the requirements of MPEP § 708.02(VIII)(c) and (e) because a proper search has not been performed and because each cited reference has not been discussed with the particularity required by 37 CFR § 1.111 (b) and (c).

MPEP § 708.02(VIII)(c) requires applicant to "[submit] 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." Applicant's search included keyword-based searches in a number of patent and non-patent databases "using some or all of the terms provided in the Appendix." However, applicant has not disclosed which specific term or combination of terms in the Appendix were searched in each particular database, and therefore it is not clear that a proper search has been made.

Regarding the requirement of MPEP § 708.02(VIII)(e), 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made." Applicant has submitted three information disclosure statements (IDS) listing relevant references. Because each reference cited in these statements is presumed relevant, *each* reference must be discussed with the particularity required by 37 CFR § 1.111 (b) and (c). The petition, however, fails to discuss each reference. For example, the IDS filed 31 October 2005 cites a number of US Patent Publication Applications and non-patent references that were not discussed.

Further, regarding the seven references (A)-(G) which were discussed, applicant does not point out how the specific language of each independent claim patentably distinguishes over each reference. Rather, applicant states that "each reference does not disclose at least one limitation of independent claims 28, 31, 36-37 and 42-47." However, general statements that none of the references teaches the claimed invention are insufficient because the Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Each cited reference must be analyzed for the specific claim language it does and does not teach. Because the petition provides only a general statement regarding the patentable features of the claims, it fails to meet the requirement of MPEP § 708.02(VIII)(e).

For the above-mentioned reasons, the petition is dismissed. The application will therefore be taken up by the examiner for action in its regular turn.

Any request for reconsideration of this decision must be submitted within 2 (two) months of the date of this decision in order to be considered timely. Any request for reconsideration must include: i) the specific term or combination of terms used in each database searched; and ii) a detailed discussion of each cited reference with the particularity required by 37 CFR § 1.111 (b) and (c) that clearly points out the specific language in each independent claim that distinguishes over the reference.

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

for

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

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DEC 01 2006

Technology Center 2100

APPLE/FENWICK
SILLICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

In re Application of: Kahn, et al.
Application No. 11/105,637
Filed: 13 April 2005
For: NEWS FEED BROWSER

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the renewed petition filed 26 May 2006, under 37 C.F.R. § 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination for the subject Application, by petition originally filed 13 March 2006, and dismissed on 12 April 2006.

The Petition is **DENIED**.

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

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

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

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

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

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

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

The renewed petition filed 26 May 2006 fails to adequately meet requirement (e) as set forth above. As stated in the previous decision of 12 April 2006, the petition for accelerated examination must include a discussion of each reference deemed most closely related to the subject matter encompassed by the claims. There is no exception to avoid discussion of references that might be antedated in the course of the substantive patent examination process.

In order to comply with regulations, Petitioners must present a detailed discussion of each reference deemed most closely related to the subject matter of the invention claimed. The fact that an Application may contain a 37 CFR § 1.131 affidavit or declaration does not nullify the requirement that each pertinent reference be properly discussed. A petition cannot avoid the discussion requirement by simply citing a declaration that may antedate relevant references, because the declaration has not been substantively considered in the examination process; in other words, the mere fact that a § 1.131 affidavit or declaration has been submitted in the case will not eliminate the requirement that each relevant reference be discussed in accordance with section (e) supra.

The petition has failed to provide the necessary detailed discussion of the references related to the claimed invention.

Accordingly, the Petition to Make Special is **DENIED** since all of the requirements for special status under MPEP § 708.02(VIII) have **NOT** been met. The application is being returned to the Examiner's docket to await examination in its proper turn based on its effective filing date.

Brian L. Johnson
Workgroup Quality Assurance Specialist
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

GO

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Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110

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OFFICE OF PETITIONS

In re Application of	:	
Carla M. Woods, et al.	:	
Application No. 11/105,643	:	DECISION ON PETITION
Filed: April 13, 2005	:	TO WITHDRAW
Attorney Docket No. 05-00506(05)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2008.

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

A review of the file record indicates that the power of attorney to Bryant R. Gold and Laura Haburay Bishop has been revoked by the assignee of the patent application on August 31, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Vista IP Law Group LLP**
2040 Main Street, 9th Floor
Irvine, CA 92614

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 04/21/2010

Applicant	: Kazuhiko Matsumoto	: DECISION ON REQUEST FOR
Patent Number	: 7620224	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,647	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **827** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DANIEL S. COOLIDGE
COOLIDGE & GRAVES PLLC
108 BIBLE HILL LANE
WARNER, NH 03278

In re Application of	:	
Jacques E. LUDMAN	:	
Application No. 11/105,655	:	DECISION ON PETITION
Filed: April 15, 2005	:	TO WITHDRAW
Attorney Docket No. 10559-607001/P12891	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 13, 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 Daniel S. Coolidge on behalf of all attorneys/agents of record associated with Customer Number 54167.

All attorneys/agents of record associated with Customer Number 54167 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

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: DR. JACQUES LUDMAN
18 FLAGG ROAD
HOLLIS, NH 03049

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/105,655	04/15/2005	Jacques E. Ludman	10559-607001 / P12891

CONFIRMATION NO. 2031

POWER OF ATTORNEY NOTICE

Daniel S. Coolidge
Coolidge & Graves PLLC
108 Bible Hill Lane
Warner, NH 03278

OC000000028591467

Date Mailed: 03/03/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/13/2007.

- 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.

/dcgoodwyn/

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

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KRIEG DEVAULT LLP
ONE INDIANA SQUARE, SUITE 2800
INDIANAPOLIS IN 46204-2709

1/9/09

In re Application of:
THOMAS, BRADLEY G. et al.
Serial No. 11/105,657
Filed: Apr. 14, 2005
Docket: P22264.00/4002-3694
Title: MULTI-FUNCTION ORTHOPEDIC INSTRUMENT

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed Dec. 18, 2008 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed Oct. 29, 2008.

The petition is granted.

It is noted that the record does show that in the amendment filed on May 27, 2008, the applicant did not amend at least the claim 25. There was no change in scope of at least claim 25. Therefore, the rejection of at least claim 25 under 35 U.S.C. 103(a) as being unpatentable in view of Siebrandt (2631585) and Rinner et al. (6551316) and further in view of Casutt et al. (2004/0267279) and Paules (2668464) was not necessitated by the amendment filed on May 27, 2008. As such, the finality of the Office actions issued on Oct. 29, 2008 is premature and thus the finality of the action is hereby withdrawn.

As such, the finality of the Office action issued on Oct. 29, 2008 is premature and thus the finality of the action is hereby withdrawn. The Office action mailed on Oct. 29, 2008 will be designated as non-final Office action. The period to respond to the Office action of Oct. 29, 2008 remains unchanged. Since the finality is being withdrawn, an amendment responding to the Office action will be treated as a 37 CFR § 1.111 amendment. In finding petitioner's points of argument persuasive, the requested relief is granted.

The application is being forwarded to Supervisory Patent Examiner of Art Unit 3733 for further processing. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Robert Olszewski, Director
Technology Center 3700

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JAMES E. CURRY
P.O. BOX 12516
LA CRESCENTA, CA 91224

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OFFICE OF PETITIONS

In re Application of	:	
Andre Christian Barbe	:	
Application No. 11/105,658	:	DECISION ON PETITION
Filed: April 15, 2005	:	
Attorney Docket No. JEC005	:	

This is a decision on the petition under 37 CFR 1.137(b), filed, November 20, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before November 6, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed August 6, 2007. Accordingly, the date of abandonment of this application is November 7, 2007. A Notice of Abandonment was mailed on November 30, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $720.00, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay. Accordingly, the issue fee 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 the Office of Data Management for further processing into a patent.

Andrea Smith
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: 04/21/2010

Applicant	: Xiaodong Wang	: DECISION ON REQUEST FOR
Patent Number	: 7642354	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,668	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1123** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BOOTH ALBANESI SCHROEDER LLC
1601 ELM STREET
SUITE 1950
DALLAS TX 75201-4744

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JUL 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Richard L. LOPUSHANSKY et al.	:	
Application No. 11/105,670	:	NOTICE UNDER 37 CFR. 1.28(c)
Patent No. 7,134,346	:	
Filed: April 14, 2005	:	
Attorney Docket No. 2009-IP-019043 U1 US		

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

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Buche & Associates, P.C.
875 Prospect, Suite 305
Suite 305
La Jolla, CA 92037

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OFFICE OF PETITIONS

In re Application of	:	
Marie Shakir	:	
Application No. 11/105,673	:	DECISION ON PETITION
Filed: April 15, 2005	:	TO WITHDRAW
Attorney Docket No. Cathetar	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 2, 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 John K. Buche, sole attorney of record. John K. Buche has been withdrawn.

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

The correspondence address has been changed and is copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Marie Shakir
5207 Camden Lane
Pearland, TX 77584

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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
11/105,673	04/15/2005	Marie Shakir	Cathetar

CONFIRMATION NO. 2831

POWER OF ATTORNEY NOTICE

61226
BUCHE & ASSOCIATES, P.C.
875 PROSPECT, SUITE 305
SUITE 205
LA JOLLA, CA 92037

OC000000034782345

Date Mailed: 02/27/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

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

/kainabinet/

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

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IP SECTION
GARDERE WYNNE SEWELL LLP
3000 THANKSGIVING TOWER
1601ELM STREET SUITE 3000
DALLAS TX 75201

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In re Application of	:	
J. Davis Miller	:	
Application No. 11/105,709	:	ON PETITION
Filed: April 14, 2005	:	
Attorney Docket No. 127331-1002	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed April 3, 2009.

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

The above-identified application became abandoned for failure to timely file a reply in response to the final Office action, mailed September 4, 2008. This Office action set a shortened statutory period for reply of three (3) months. Applicant filed an Amendment on March 3, 2009, made timely by obtaining a three month extension of time. However, in an Advisory Action mailed on March 30, 2009, the Examiner informed Applicant that the Amendment did not place the application in condition for allowance. Accordingly, the application became abandoned by operation of law on March 5, 2009. The mailing of this decision precedes the mailing of a Notice of Abandonment.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an RCE.

The application is being forwarded to Group Art Unit 2857 for consideration of the RCE, filed April 3, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IP SECTION
GARDERE WYNNE SEWELL LLP
3000 THANKSGIVING TOWER
1601ELM STREET, SUITE 3000
DALLAS, TX 75201

MAILED

OCT 15 2009

OFFICE OF PETITIONS

In re Application of	:	
J. Davis Miller	:	
Application No. 11/105,709	:	DECISION ON PETITION
Filed: April 14, 2005	:	
Attorney Docket No. 127331-1002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 17, 2009, to revive the above-identified application.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Scott C. Sample appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 14, 2009, as required by the Notice of Allowance and Fee(s) Due mailed May 14, 2009. Accordingly, the application became abandoned on August 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571)272-6059.

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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IP SECTION
GARDERE WYNNE SEWELL LLP
3000 THANKSGIVING TOWER
1601ELM STREET, SUITE 3000
DALLAS, TX 75201

Mail Date: 04/21/2010

Applicant	: J. Davis Miller	: DECISION ON REQUEST FOR
Patent Number	: 7623986	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,709	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **793** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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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
11/105,711	04/13/2005	3763	1980	THER.008US3	6	21	7

CONFIRMATION NO. 2890

UPDATED FILING RECEIPT

OC000000016569335

36257
PARSONS HSUE & DE RUNTZ LLP
655 MONTGOMERY STREET
SUITE 1800
SAN FRANCISCO, CA 94111

Date Mailed: 07/20/2005

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)

Benjamin M. Rush, Oakland, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/683,659 10/09/2003 PAT 6,916,159
which claims benefit of 60/417,464 10/09/2002
and claims benefit of 60/424,613 11/06/2002

Foreign Applications

If Required, Foreign Filing License Granted: 05/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/105,711

Projected Publication Date: 10/27/2005

Non-Publication Request: No

Early Publication Request: No

Title

Fluid delivery device with autocalibration

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.

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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DON W. WEBER
235 BRISTOL
TROY, IL 62294

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JUL 0 5 2006

OFFICE OF PETITIONS

In re Application of Joe Shane Hill Application No. 11/105,724 Filed: July 15, 2005 Attorney Docket No. 373	: : : : :	DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b) or 37 CFR § 10.40, filed on November 4, 2005.

The request to withdraw as attorney or agent is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to all the attorneys or agents of record have been revoked by the sole inventor of the patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

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

Andrea Smith
Petitions Examiner
Office of Petitions

Conferee:

cc: HAVERSTOCK, GARRETT & ROBERTS, LLP
611 OLIVE STREET
SUITE 1610
ST. LOUIS, MO 63101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 04/20/2010

Applicant	: Ronald Vogels	: DECISION ON REQUEST FOR
Patent Number	: 7598078	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,725	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **856** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

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SEP 15 2008

In re Patent No. 7,213,618	:	
Issued: May 8, 2007	:	
Application No. 11/105,730	:	NOTICE
Filed: April 13, 2005	:	
Attorney Docket No.: 42368-8001.US00	:	

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

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

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

This application no longer qualifies for small entity status. Accordingly, any future fees must be paid at the large entity rate.

There is no indication that the person signing the instant communication was ever given a power of attorney or authorization of agent to prosecute the above-identified patent. However, in accordance with 37 CFR 1.34(a), the signature of Peter J. Dehlinger 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.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

TEXAS INSTRUMENTS INCORPORATED
P.O. BOX 655474, M/S 3999
DALLAS, TX 75265

In re Application of	:	
Antonio F. Mondragon-Torres et al	:	
Application No. 11/105,755	:	ON PETITION
Filed: April 14, 2005	:	
Attorney Docket No. TI-38358 (1962-18400)	:	

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 10, 2006, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 11, 2006.

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

This matter is being referred to Technology Center AU 2611 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

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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AUG 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Peyman	:	
Application No. 11/105,756	:	DECISION ON PETITION
Filed: April 14, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PMAN-38	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 2, 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 declaration statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SEP 29 2009

OFFICE OF PETITIONS

LARSON AND LARSON
11199 69TH STREET NORTH
LARGO, FL 33773

In re Application of
Kimberly PERCIVAL
Application No. 11/105,765
Filed: April 14, 2005
Attorney Docket No. **2030.0**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 8, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Frank Liebenow on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the sole named signing inventor at the address below until otherwise properly notified by the applicant.

There is an outstanding non-final Office action mailed July 17, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **KIMBERLY PERCIVAL**
GHOSTRACKS, INC
103 AVENUE D
LIBERTY, TX 77575

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 16, 2009

TO SPE OF : ART UNIT 2173

SUBJECT : Request for Certificate of Correction for Appl. No.: 11//105771 Patent No.: 7428709

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Magdalene Talley

Certificates of Correction Branch

571-272-0423 _____

Thank You For Your Assistance

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

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

Comments: _____

/Kieu Vu/ AU 2173

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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SEP 2 0 2005

OFFICE OF PETITIONS

In re Application of
Ueda, et al.
Application No. 11/105,793
Filed: April 13, 2005
Attorney Docket No. IIW-040
FOR: FUEL CELL SYSTEM AND ACTIVATION SYSTEM THEREOF

: DECISION DISMISSING
: PETITION AS MOOT

This is a decision on the petition under 37 CFR 1.10(c), filed July 6, 2005, requesting that the above-identified application be accorded a filing date of April 13, 2005.

The petition is **dismissed as moot**.

The original Official Filing Receipt in this case listed the above-identified application's filing date as April 14, 2005. On July 15, 2005, the Office mailed an Updated Filing Receipt listing the above-identified application's filing date as April 13, 2005. Office records have been altered to reflect the April 13, 2005 filing date.

Therefore, it is unnecessary to address the instant petition as the requested relief has already been *sua sponte* granted by the Office of Initial Patent Examination.

After the mailing of this decision, the application will be forwarded to Technology Center G.A.U. 1746 for examination in due course.

Any inquiries directly related to this decision should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE WA 99201

MAILED
JUL 20 2010
OFFICE OF PETITIONS

In re Application of	:	
Chee H. CHEW	:	
Application No. 11/105,806	:	ON PETITION
Filed: April 13, 2005	:	
Attorney Docket No. MS1-0319USC4	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 7, 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 November 5, 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)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is February 6, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center 2195 for further processing in the normal course of business.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 15 2006

Technology Center 2100

APPLE/FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

In re Application of: Kahn, et al.
Application No. 11/105,810
Filed: April 13, 2005
For: NEWS FEED VIEWER

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed March 13, 2006 and supplemented on May 26, 2006, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

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

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

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

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

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

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

The petition filed March 13, 2006 fails to adequately meet requirements (d) and (e) of the criteria set forth above. With respect to requirement (d), the petition fails to provide identification in the form of listing of all references deemed to be most closely related to the subject matter encompassed by the claims. Specifically, petitioner has failed to provide a listing as set forth in M.P.E.P. 609 and 37 CFR §1.98 (e.g. PTO form 1449) as well as a copy of each reference deemed to be "most closely related". Contrary to Petitioner's remarks on page 3 of the March 13, 2006 petition, copies of the ten references have not reached the file.

With respect to requirement (e), a complete detailed discussion of the (aforementioned most closely related) references has not been provided with the necessary specificity required under 37 CFR 1.111 (b) and (c). Petitioner should ensure that the above discussion is directed to how the language of ***each of*** the independent claims is specifically distinguishable and patentable from the references provided in requirement (d) above. Reference is made to each of independent claims 1, 10, 11, 16, 17, 23, 30, 34, 36, 37 & 38 pending in the instant application. Petitioner's references independent claims 39, 53, 55 and 57-58 throughout the petition, which claims do not appear to be pending in the instant application.

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

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

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

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FEB 27 2007

Technology Center 2100

APPLE/FENWICK
SILLICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

In re Application of: Kahn, et al.
Application No. 11/105,810
Filed: 13 April 2005
For: NEWS FEED VIEWER

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the renewed petition filed October 10, 2006 under 37 C.F.R. § 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination for the subject Application, by petition originally filed March 13, 2006, and dismissed on September 15, 2006.

The Petition is **DENIED**.

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

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

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

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

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

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

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

The renewed petition filed October 10, 2006 fails to adequately meet requirement (e) as set forth above. As stated in the previous decision of March 13, 2006, the petition for accelerated examination must include a discussion of each reference deemed most closely related to the subject matter encompassed by the claims. There is no exception to avoid discussion of references that might be antedated in the course of the substantive patent examination process.

In order to comply with regulations, Petitioners must present a detailed discussion of each reference deemed most closely related to the subject matter of the invention claimed. The fact that an Application may contain a 37 CFR § 1.131 affidavit or declaration does not nullify the requirement that each pertinent reference be properly discussed. A petition cannot avoid the discussion requirement by simply citing a declaration that may antedate relevant references, because the declaration has not been substantively considered in the examination process; in other words, the mere fact that a § 1.131 affidavit or declaration has been submitted in the case will not satisfy the requirement that each relevant reference be discussed in accordance with section (e) supra.

Furthermore Petitioner's statements on pages 5 and 6 of the renewed petition that, "Thus, Pilgrim 1 and Pilgrim 2 do not disclose "notifying, by the web browser, a user responsive to a determination that the file shown in the web browser contains the reference to the feed. "Independent claims 53, 55, and 57-58 contain **similar** language to claim 39. Therefore, for at least these reasons, Applicants respectfully submit that all claims now pending are patentably distinct over Pilgrim 1 and Pilgrim 2." This discussion is not sufficiently detailed, as is required. The discussion must positively state what each claim recites and compare the limitations of each claim to the reference or references with the particularity required by 37 CFR 1.111 (b) and (c). The discussion should cite what each particular independent claim recites rather than indicating that claims 53, 55 and 57-58 contain **"similar"** language. It is noted that independent claims 55 and 58 do not contain the word "notifying" in that they are directed to "enabling".

The petition has failed to provide the necessary detailed discussion of the references related to the claimed invention.

Accordingly, the Petition to Make Special is **DENIED** since all of the requirements for special status under MPEP § 708.02(VIII) have **NOT** been met. The application is being returned to the Examiner's docket to await examination in its proper turn based on its effective filing date.

Pat Salce

Pat Salce
Workgroup Quality Assurance Specialist
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3610

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Trellis Intellectual Property Law Group, PC
1900 Embarcadero Road
Suite 109
Palo Alto, CA 94303

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OFFICE OF PETITIONS

In re Application of	:	
Curtis L. Thornton et al.	:	
Application No. 11/105,857	:	DECISION ON PETITION
Filed: April 14, 2005	:	TO WITHDRAW
Attorney Docket No. 100100-000800US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 2, 2007.

The request is **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, [w]e believe that the former client asserts to the termination of the representation" 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 reason set forth in the request, "[T]ermination of services," does not meet any of the conditions set forth in 37 CFR 10.40.

A courtesy copy of this decision is being mailed to applicant.

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

A non-final office action was mailed on June 1, 2007. Failure to timely respond will result in the abandonment of this application.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Curtis L. Thornton
9253 Eaton Avenue
Chatsworth, CA 91311

cc: Provision Interactive Technologies, Inc.
9253 Eton Avenue
Chatsworth, CA 91311-5805

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OFFICE OF PETITIONS

SIDLEY AUSTIN LLP
555 CALIFORNIA STREET
SUITE 2000
SAN FRANCISCO CA 94104-1715

In re Application of

GIL, Reynaldo et al.
Application No. 11/105,868
Filed: April 13, 2005
Attorney Docket No. **27344/81002**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 02, 2008 and resubmitted on April 07, 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 Philip Woo on behalf of all attorneys of record who are associated with customer No. 37803. All attorneys/agents associated with the Customer Number 37803 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **REYNALDO GIL**
20420 VIA PAVISO, APT. C26
CUPERTINO, CA 95014-6324

cc: **MR. KEN CRITTENDON**
39199 PASEO PARE PARKWAY
SUITE A
FREMONT, CA 94538

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

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OFFICE OF PETITIONS

In re Application of

GIL, Reynaldo et al.
Application No. 11/105,868
Filed: April 13, 2005
Attorney Docket No. **84T-001**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 09, 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 Cynthia Nicholson on behalf of all attorneys of record who are associated with customer No. 23400. All attorneys/agents associated with the Customer Number 23400 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 Reynaldo Gil at the address indicated below. There is an outstanding Office action mailed October 09, 2009 that requires a reply from the applicant.

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

/Tredelle D. Jackson/
Petitions Examiner
Office of Petitions

cc: **REYNALDO GIL**
5201 GREAT AMERICA PKWY.
SUITE 320
SANTA CLARA CA 95054

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OFFICE OF PETITIONS

RICHARD M. SACCOCIO, P.A.
100 SOUTHEAST 12TH STREET
FT. LAUDERDLAE FL 33316

In re Application of	:	
Paul R. BEDARD	:	
Application No. 11/105,870	:	DECISION ON PETITION
Filed: April 14, 2005	:	
Docket No. 2.151.3	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 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, November 9, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 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 an amendment, (2) the petition fee of $810; and (3) the required 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.

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

This application is being referred to Technology Center AU 3751 for appropriate action by the Examiner in the normal course of business.

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

cc: RICHARD M. SACCOCIO
780 WET TROPICAL WAY
PLANTATION, FL 33317

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YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY, MI 48084

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OFFICE OF PETITIONS

In re Application of	:	
Christian G. Mayville, et al.	:	
Application No. 11/105,901	:	DECISION ON PETITION
Filed: April 14, 2005	:	TO WITHDRAW
Attorney Docket No. MPZ-116-B	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 20, 2007.

The request is **APPROVED**.

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

The request was signed by Andrew R. Basile, Sr. 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 first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number). The power of attorney filed on June 21, 2007 does not include one of the above two options.

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: CHRISTIAN G. MAYVILLE
22708 RAYMOND STREET
ST. CLAIR SHORES, MI 48082

cc: RICHARD SEATON
42400 MERRILL
STERLING HEIGHTS, MI 48314

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/105,901	04/14/2005	Christian G. Mayville	MPZ-116-B

CONFIRMATION NO. 3907

POWER OF ATTORNEY NOTICE

48980
YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY, MI 48084

OC000000026603704

Date Mailed: 11/05/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/20/2007.

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

/amwise/

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

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SUITE 624
TROY, MI 48084

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OFFICE OF PETITIONS

In re Application of	:	
Christian G. Mayville, et al.	:	
Application No. 11/105,901	:	DECISION ON PETITION
Filed: April 14, 2005	:	TO WITHDRAW
Attorney Docket No. MPZ-116-B	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 20, 2007.

The request is **APPROVED**.

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

The request was signed by Andrew R. Basile, Sr. 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 first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number). The power of attorney filed on June 21, 2007 does not include one of the above two options.

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 Wise

April M. Wise
Petitions Examiner
Office of Petitions

cc: CHRISTIAN G. MAYVILLE
22708 RAYMOND STREET
ST. CLAIR SHORES, MI 48082

cc: RICHARD SEATON
42400 MERRILL
STERLING HEIGHTS, MI 48314

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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 :
Berger et al. :
Application No. 11/105,910 :
Filed: April 13, 2005 :
Attorney Docket No. 2000P07914US01 :

Decision on Petition

This is a decision on the petition filed , which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that page 4 of the specification was part of the originally filed application.

The application was filed on April 13, 2005.

On May 17, 2005, a Notice was mailed stating that page 4 of the specification did not appear to be included as part of the application filed.

The present petition alleges that page 4 of the specification was deposited on April 13, 2005. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 19 pages of specification on April 13, 2005.[1]

The USPTO file for this application includes only 18 pages of specification and does not include page 4 of 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 May 17, 2005 was sent in error and is hereby vacated.

The Office of Initial Patent Examination will further process the application with a filing date of April 13, 2005, using the application papers filed on April 13, 2005, and the copy of page 4 of the specification filed on July 13, 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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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
H. Stephen BERGER et al.	:	
Application No. 11/105,910	:	DECISION ON PETITION
Filed: April 13, 2005	:	
Attorney Docket No. **09-132-CON**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 02, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 17, 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 May 18, 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 $1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of February 17, 2009 is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2419 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Robert F. Burman	: DECISION ON REQUEST FOR
Patent Number	: 7580845	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,925	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **664** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Robert F. Burman	: DECISION ON REQUEST FOR
Patent Number	: 7574366	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,926	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **860** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MICHAEL BEST & FRIEDRICH LLP
Two Prudential Plaza
180 North Stetson Avenue, Suite 2000
CHICAGO, IL 60601

Mail Date: 04/21/2010

Applicant	: Toshiyuki Futami	: DECISION ON REQUEST FOR
Patent Number	: 7657252	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,942	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **180** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 05/07/10

TO SPE OF : ART UNIT 2162

SUBJECT : Request for Certificate of Correction for Appl. No.: 11105949 Patent No.: 7437361

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: _____

/John E Breene/
SPE

2162
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

Paper No. None

KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

COPY MAILED

JAN 27 2006

OFFICE OF PETITIONS

In re Application of
Ginger Abraham, Maury D. Cosman, Kristen Billiar, Ryan Mercer, and Bruce Miller
Application No. 11/105,963
Filed: April 14, 2005
Attorney Docket No. 68603-129DIV
Title: SYSTEM AND METHOD FOR FORMING BIOENGINEERED TUBULAR GRAFT PROSTHESES

DECISION ON PETITION

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed December 15, 2005.

On April 14, 2005, the application was filed, identifying Ginger Abraham, Maury D. Cosman, Kristen Billiar, Ryan Mercer, and Bruce Miller as joint inventors. The application was deposited without an executed oath or declaration. On May 12, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

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

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

Along with the present petition, Petitioner has submitted the surcharge associated with the late submission of a declaration, a five-month extension of time to make timely this response[2], a statement of facts, copies of letters, a declaration which has been executed only by Ms. Abraham.

Petition fee requirement

The fee for filing a petition under 37 C.F.R. §1.47(a) is $200, with no reduction for small entity status. Petitioner has included an authorization to charge the surcharge to a Deposit Account, but this authorization has been strictly limited to the surcharge. As such, the Office has not been authorized to debit the petition fee from Petitioner's Deposit Account, and as such, this petition cannot be considered as the payment of the required petition fee is a prerequisite to the filing of a petition under this section of the C.F.R. Therefore, consideration of the merits of the petition before receipt of the petition fee would be premature.

In view of the foregoing, this petition is **DISMISSED**. The petition fee cannot be waived, as petition fees are jurisdictional. Petitioner will note that 37 C.F.R. §1.47(a) specifically sets forth "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(g)..."

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.47(a)," and Petitioner is encouraged to submit the petition fee with this renewed petition. 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[3], hand-delivery[4], or facsimile[5]. The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

The Revocation and Substitute Power of Attorney has been entered and made of record.

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

2 The submission contains a certificate of mailing dated December 12, 2005.
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. None

KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK NY 10036

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FEB 24 2006
OFFICE OF PETITIONS

In re Application of	:	
Ginger Abraham, Maury D. Cosman, Kristen	:	
Billiar, Ryan Mercer, and Bruce Miller	:	DECISION ON RENEWED
Application No. 11/105,963	:	PETITION UNDER
Filing Date: April 14, 2005	:	37 C.F.R. §1.47(A)
Attorney Docket Number: 68603-129DIV	:	
Title: SYSTEM AND METHOD FOR FORMING	:	
BIOENGINEERED TUBULAR GRAFT	:	
PROSTHESES		

This is a decision on the renewed petition filed February 13, 2006, under 37 C.F.R. § 1.47(a).

On April 14, 2005, the application was deposited, identifying Ginger Abraham, Maury D. Cosman, Kristen Billiar, Ryan Mercer, and Bruce Miller as joint inventors. On May 12, 2005, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with 37 C.F.R. §1.63, as well as the surcharge associated with the late submission of an oath or declaration. This Notice set a two-month period for reply.

The original petition under 37 C.F.R. §1.47(a) was submitted on December 15, 2005 along with a five-month extension of time, and was dismissed via the mailing of a decision on January 27, 2006, for failure to include the petition fee.

This application is a continuation of 10/325,444, and Petitioner has asserted that that a petition under 37 C.F.R. §1.47(a) was granted in this parent application, accepting the parent application

without the signature of Mr. Mercer.

37 C.F.R. 1.63(d)(3) sets forth:

> (3) Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under 37 C.F. R. §1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:
>
> (i) A copy of the decision granting a petition to accord 37 C.F. R. §1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under 37 C.F. R. §1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. §§120, 121, or 365(c); and
>
> (ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. §§120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

MPEP 201.06(c) sets forth:

> 37 CFR 1.63(d)(3) provides for the situation in which the executed oath or declaration, of which a copy is submitted for a continuation or divisional application, was originally filed in a prior application accorded status under 37 CFR 1.47. 37 CFR 1.63(d)(3)(i) requires a copy of any decision granting a petition to accord 37 CFR 1.47 status to such application, unless all nonsigning inventor(s) or legal representative (pursuant to 37 CFR 1.42 or 1.43) have filed an oath or declaration to join in an application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121 or 365(c). Where one or more, but not all, nonsigning inventor or legal representative (pursuant to 37 CFR 1.42 or 1.43) subsequently joins in any application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121 or 365(c), 37 CFR 1.63(d)(3)(ii) also requires a copy of any oath or declaration filed by the inventor or legal representative who subsequently joined in such application.
>
> New continuation or divisional applications filed under 37 CFR 1.53(b) which contain a copy of an oath or declaration that is not signed by one of the inventors and a copy of the decision according 37 CFR 1.47 status in the prior application, should be forwarded by the Office of Initial Patent Examination (OIPE) to the Office of Petitions before being forwarded to the Technology Center (TC). The Office of Petitions will mail applicant a letter stating that "Rule 47" status has been accorded to the continuation or divisional application, but will not repeat the notice to the nonsigning inventor nor the announcement in the Official Gazette. See 37 CFR 1.47(c).

Petitioner has supplied copies of both the petition of September 2, 2003 and the decision of October 8, 2003. As such, the above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The petition is **GRANTED**. As provided in MPEP 204.06(c), this Office will <u>not</u> forward notice of this application's filing to the non-signing inventor at the addresses given in the petition, and notice of the filing of this application will <u>not</u> be repeated in the Official Gazette.

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

Paul Shanoski

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

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FAEGRE & BENSON LLP
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2200 WELLS FARGO CENTER
90 SOUTH 7TH STREET
MINNEAPOLIS, MN 55402-3901

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NOV 04 2006

Technology Center 2100

In re Application of: HORNE, JEFFERSON DELK
Application No. 11/105,977
Filed: 14 April 2005
For: SYSTEM AND METHOD FOR SCANNING MEMORY FOR PESTWARE OFFSET SIGNATURES

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the petition filed 24 February 2006, to make the above-identified Application special under 37 CFR § 102(d) and MPEP § 708.02(VIII): Accelerated Examination.

The Petition is **GRANTED**.

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

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

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

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

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

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

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

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

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

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

GO

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PATENT DOCKETING - INTELLECTUAL PROPERTY
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

Mail Date: 04/20/2010

Applicant	: Jefferson Delk Horne	: DECISION ON REQUEST FOR
Patent Number	: 7591016	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/105,977	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **274** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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90 SOUTH 7TH STREET
MINNEAPOLIS, MN 55402-3901

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NOV 01 2006

Technology Center 2100

In re Application of: HORNE, JEFFERSON DELK
Application No. 11/105,978
Filed: 14 April 2005
For: SYSTEM AND METHOD FOR SCANNING OBFUSCATED FILES FOR PESTWARE

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the petition filed 24 February 2006, to make the above-identified Application special under 37 CFR § 102(d) and MPEP § 708.02(VIII): Accelerated Examination.

The Petition is **GRANTED**.

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

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

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

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

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

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

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

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

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

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

GO

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57 BEDFORD STREET
SUITE 103
LEXINGTON, MA 02420

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FEB 21 2006

OFFICE OF PETITIONS

In re Application of	:	
Arthur Morse	:	DECISION ON PETITION
Application No. 11/105,980	:	TO MAKE SPECIAL UNDER
Filed: April 14, 2005	:	37 CFR 1.102(c)(2)
Attorney Docket No. MOR-002	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(i), filed January 13, 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 petition states that "the invention will materially contribute to the development or conservation of resoruces" without further explanation. A review of the disclosure reveals the claimed invention is a method for generating and storing oxygen and hydrogen from wind and waves. The disclosure further states the invention uses old and existing technologies. See paragraphs 58, 63, 106 and 130 for example. Therefore, it is unclear how applicant's invention would significantly contribute to the development or conservation of energy resources.

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 your name at 571-272-3220.

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

This matter is being referred to Technology Center Art Unit 3617 for action in its regular turn.

Denise Pothier for

Amelia Au
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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57 BEDFORD STREET
SUITE 103
LEXINGTON, MA 02420

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MAR 3 1 2006

OFFICE OF PETITIONS

In re Application of	:	
Arthur Morse	:	
Application No. 11/105,980	:	DECISION ON PETITION
Filed: April 14, 2005	:	TO MAKE SPECIAL
Attorney Docket No. MOR-002	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(2)(ii), filed February 28, 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)(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 instant petition fails to meet the materiality standard of 37 CFR 102 (c)(2)(ii). Although the invention may be directed to the development of energy resources, 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 the development of energy resources. That the invention may be used, as a mean to generate hydrogen without using fossil fuels does not in itself meet the materiality standard. As noted in the previous decision on petition, mailed February 21, 2006, it is unclear as to how the claimed invention would contribute in a significant manner to the development or conservation of energy resources.

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 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.

The application is being forwarded to the Technology Center Art Unit 3617 for action in its regular turn.

Denise Pothier
Petitions Examiner
Office of Petitions

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PERKINS COIE LLP/MSFT
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SEATTLE WA 98111-1247

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JUL 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Wen et al.	:	
Application No. 11/106,017	:	ON APPLICATION FOR
Filed: April 13, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No. 418268186US	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R. § 1.705(B) filed December 22, 2008. Applicant submits that the correct patent term adjustment to be indicated on the patent is seven hundred ninety-two (792) days, not four hundred fifty-three (453) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). 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, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

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

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

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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.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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PERKINS COIE LLP/MSFT
P. O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Ji-Rong Wen	: DECISION ON REQUEST FOR
Patent Number	: 7577650	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,017	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **932** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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RICHARD F. TRECARTIN
DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
FOUR EMBARCADERO CENTER, SUITE 3400
SAN FRANCISCO, CA 94111-4187

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JUL 27 2005

OFFICE OF PETITIONS

In re Application of :
Joseph C. Ramaekers :
Application No. 11/106,054 :
Filed: April 13, 2005 :
Attorney Docket No. A-70303-3/RFT

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

This is a decision on the petition, filed May 19, 2005 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 applications set forth in the concurrently filed supplemental application data sheet.

The petition is **GRANTED**.

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

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

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional applications as required by 37 CFR 1.78(a)(5)(iii). Additionally, the instant nonprovisional application was filed within twelve months of the filing date of the prior-filed provisional applications.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the prior-filed provisional applications has been included in an ADS, as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the prior-filed provisional applications 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)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date 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. §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 provisional applications, 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.

This matter is being referred to the Initial Patent Examination Unit for further processing.

Frances Hicks

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

Attachment: Corrected Filing Receipt

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SYNNESTVEDT & LECHNER, LLP
1101 MARKET STREET, SUITE 2600
PHILADELPHIA PA 19107-2950

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JUN 16 2008

In re Application of	:	
RAMAEKERS, Joseph C.	:	
Application No. 11/106,054	:	DECISION ON PETITION
Filed: April 13, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **P33671-B USA**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 27, 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 the certification by registered attorney Peter J. Butch, III attesting to the age of inventor Nick Kostandaras. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-1600.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 1612 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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AUG 01 2008

OFFICE OF PETITIONS

In re Application of :
RAMAEKERS, Joseph C. :
Application No. 11/106,054 :
Filed: April 13, 2005 :
Attorney Docket No. **P33671-B USA** :

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

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 27, 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 the certification by registered attorney Peter J. Butch, III attesting to the age of inventor Joseph C. Ramaekers. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-1600.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 1612 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 04/21/2010

Applicant	: Pietro Rizzetto	: DECISION ON REQUEST FOR
Patent Number	: 7587916	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,072	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1003** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 05/18/2010

Applicant : Pietro Rizzetto
Patent Number : 7587916
Issue Date : 09/15/2009
Application No : 11/106,072
Filed : 04/14/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **1093** 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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AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK, NY 10016

Mail Date: 04/21/2010

Applicant	: Shoji Miyazaki	: DECISION ON REQUEST FOR
Patent Number	: 7648617	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,078	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1085** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DIW Sep-05

YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

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SEP 3 0 2005

OFFICE OF PETITIONS

In re Application of	:
Mayville, Wawsczyk, and	: DECISION REFUSING STATUS
Hutchison	: UNDER 37 CFR 1.47(a)
Application No. 11/106,082	:
Filed: 14 April, 2005	:
Atty Docket No. MPZ-118-B	:

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

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION**. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 14 April, 2005, without an executed oath or declaration. Accordingly, on 10 May, 2005, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set.

In response, on 9 September, 2005, a petition under 37 CFR 1.47(a), and a two (2) month extension of time and fee were filed. A declaration naming Christian G. Mayville, Chrstopher J.

Wawsczyk, and Jeffrey S. Hutchison signed and all inventors except Hutchison on behalf of themselves and non-signing joint inventor Hutchison was also filed.

Petitioners assert that joint inventor Hutchison has failed to sign the declaration. In support, petitioners have provided declarations from Joseph Schultcz and Denise Glassmeyer, stating that attorney Glassmeyer sent a copy of the declaration and power of attorney to non-signing inventor Hutchison at his last known addresse(s), but that no response was received.

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

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

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

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1) and (5).

In regards to item (1), petitioners have not shown that joint inventor Hutchison was sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).[1] Based on the showing of record, it does not appear that the specification, including claims, and the drawings, were among the application papers sent to the non-signing inventor.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

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[1] MPEP 409.03(d).

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact.

With regards to item (5), it is noted that two addresses for Hutchison were provided. The last known address is that address at which the inventor customarily receives mail.[2] Ordinarily, the last known address will be the last known residence of the non-signing inventor.[3] Petitioners should specify, in their renewed petition, a last known address for the non-signing inventor.

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

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

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

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

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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[2] See MPEP 605.03.
[3] MPEP 409.03(e).

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OFFICE OF PETITIONS

In re Application of	:
Mayville, Wawsczyk, and	: DECISION ACCORDING STATUS
Hutchison	: UNDER 37 CFR 1.47(a)
Application No. 11/106,082	:
Filed: 14 April, 2005	:
Atty Docket No. MPZ-118-B	:

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 30 November, 2005.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Jeffrey S. Hutchison, has refused to review the application and sign the declaration. Specifically, petitioners have shown, via the declaration of Denise M. Glassmeyer, that a copy of the application papers was sent to the last known address of non-signing inventor Hutchsion, but that he failed to return an executed declaration naming him as a joint inventor along with Christian G. Mayville and Christopher J. Wawsczyk.

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 renewed petition, not the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application will be forwarded to Technology Center Art Unit 1714 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DIW Dec-05

Jeffrey S. Hutchison
420 Sprague Avenue
Kalamazoo MI 49006

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DEC 1 3 2005

OFFICE OF PETITIONS

In re Application of
Mayville et al.
Application No. 11/106,082
Filed: 14 April, 2005
For: POLYMERIC ARTICLE HAVINGA MULTILAYER FILM INCLUDING AT LEAST ONE PIGMENTED LAYER, METHOD OF MAKING THE SAME AND PIGMENT ADDITIVE PACKAGE AND COMPOSITION SUITABLE FOR USE THEREIN

Dear Mr. Hutchison:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

YOUNG AND BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

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

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

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OCT 24 2007

OFFICE OF PETITIONS

In re Application of	:	
Christian G. Mayville et al.	:	
Application No. 11/106,082	:	DECISION ON PETITION
Filed: April 14, 2005	:	TO WITHDRAW
Attorney Docket No. MPZ-118-B	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 20, 2007.

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

A review of the file record indicates that the power of attorney to Young & Basile, P.C. has been revoked by the assignee of the patent application on June 21, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

TWilliams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Brooks Kushman P.C.**
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075

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FRANCIS C. HAND, ESQ.
CARELLA, BYME, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN
5 BECKER FARM ROAD
ROSELAND, NJ 07068

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SEP 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Harry BUSSEYJR, et al.	:	
Application No. 11/106,108	:	DECISION ON PETITION
Filed: April 14, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 24, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue/publication fees on or before July 10, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 10, 2009. Accordingly, the date of abandonment of this application is July 11, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and publication fee of $300, (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

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

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

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 16 2005

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482-0980

In re Application of	:	
STANLEY, PAUL	:	DECISION ON PETITION
Application No. 11/106,113	:	
Filed: April 14, 2005	:	
Attorney Docket No. PAST-100US	:	

This is a decision on the petition under 37 C.F.R. § 1.102, filed July 13, 2005 to make the above-identified application special.

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

The petition complies with M.P.E.P. § 708.02, Item VIII: Accelerated Examination, in that it is accompanied by (a) a check covering the required petition fee of $130.00, (b) a statement that all claims are directed a single invention or an offer to make an oral election without traverse should the Patent and Trademark Office hold that the claims are not directed to a single invention, (c) a statement that a pre-examination search has been made by the inventor, attorney, agent, or professional searchers, etc., the field of search was also provided, (d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and (e) a detailed description of the submitted references and discussions pointing out how the claimed subject matter distinguishes over these references.

For the above stated reasons, the petition is GRANTED.

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

If the examiner can make this application special without prejudice to any possible interfering applications, and he/she should make a rigid search for such, he/she is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, he/she should consider such application simultaneously with this application and should state in the official letter of such application that he/she is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application becomes involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

The petition is granted to the extent indicated.

Jose' G. Dees, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 24 2010

OFFICE OF PETITIONS

Bryan Cave, LLP
1290 Avenue of the Americas
New York NY 10104

In re Application of
Greene, et al.
Application No. 11/106,124
Filed: April 14, 2005
Attorney Docket No. C055405/0203208
For: COATED CLUMPING LITTER

ON PETITION

This is a decision on the petition, filed February 23, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The above-identified application became abandoned for failure to timely submit a reply within one month of the mailing of the January 9, 2009 Notice of Non-Compliant Amendment (Notice). No response being received, this application became abandoned on February 10, 2009. A Notice of Abandonment was mailed on January 13, 2010.

Applicants have submitted an amendment in reply to the January 9, 2009 Notice, an acceptable statement of the unintentional nature of the delay in responding to the January 9, 2009 Notice, and the petition fee.

The petition is **GRANTED**.

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

After the mailing of this decision the application will be forwarded to Technology Center AU 3644 for consideration of the amendment filed on February 23, 2010.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: JAMES B. SURBER
BRYAN CAVE LLP
211 NORTH BROADWAY, SUITE 3600
ST. LOUIS MO 63102

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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

MAILED

MAY 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Humphrey et al.	:	
Application No. 11/106,150	:	DECISION ON PETITION
Filed: April 13, 2005	:	TO WITHDRAW
Attorney Docket No. 1880-18	:	FROM RECORD
	:	

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 1, 2005.

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

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on February 16, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Alicia Kelley at 571-272-6059.

Carl Friedman
Petitions Examiner
Office of Petitions

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

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RISSMAN JOBSE HENDRICKS & OLIVERIO, LLP
100 Cambridge Street
Suite 2101
BOSTON MA 02114

MAILED

JAN 30 2009

OFFICE OF PETITIONS

In re Application of	:
John C. Docherty et al.	:
Application No. 11/106,154	: DECISION ON PETITION
Filed: April 14, 2005	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. N001/7000US1	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed August 7, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

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

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

This pending nonprovisional application was filed on April 14, 2005 and is a continuation of Application No. 09/744,034, filed April 27, 2001 which is a national stage entry of PCT application No. PCT/US00/22088, filed August 11, 2000. This petition is for a delayed claim for priority to provisional application 60/155,652, filed September 24, 1999. The PCT application claims priority to the provisional application.

A proper chain of copendency must exist from the instant nonprovisional application to provisional application 60/155,652. However, application 09/744,034 does not have a proper claim of priority back to provisional application 60/155,652. Specifically, the specification in application 09/744,034 references only provisional application 60/155,652 with no claim to PCT application PCT/US00/22088. 37 CFR 1.78(a)(2)(i) requires that the application "must contain or be amended to contain a reference to each such prior filed application." Without reference to the PCT application, application 09/744,034 does not have benefit of the PCT application and thus does not have benefit of provisional application 60/155,652.

Accordingly, before the petition under 37 CFR1.78(a)(6) can be granted, petitioner must file a petition under 37 CFR 1.78(a)(3) in application 09/744,034 for delayed claim for priority of the PCT application.

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

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

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

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

Any questions concerning this matter may be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

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NOV 05 2009

OFFICE OF PETITIONS

RISSMAN HENDRICKS & OLIVERIO, LLP
100 Cambridge Street
Suite 2101
BOSTON MA 02114

In re Application of	:	
John C. Docherty et al.	:	
Application No. 11/106,154	:	DECISION ON PETITION
Filed: April 14, 2005	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. N001/7000US1	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed May 27, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

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

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

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected filing receipt was previously mailed on July 8, 2008.

Any inquiries concerning this decision may be directed to Carl Friedman at (571) 272-6842. 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 3737 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Siegfried Johannes Luft	: DECISION ON REQUEST FOR
Patent Number	: 7606147	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,163	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **890** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Ngo et al.	:	
Application No. 11/106,173	:	ON APPLICATION FOR
Filed: April 13, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No. 345288002US1	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R. § 1.705(B) filed February 18, 2009. Applicants submit that the correct patent term adjustment is nine hundred nine (909) days not four hundred ninety-four (494) days as calculated by the Office. Applicants request this correction on the basis that the Office will take in excess of three years to issue this patent[1].

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.703(b). (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).

Applicant is given TWO (2) MONTHS from the issue date of the patent to file a written request for reconsideration of the

[1] Applicants assert this calculation assuming the patent will issue on June 30, 2009.

patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Applicant may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

Rather than file the request for reconsideration of Patent Term Adjustment at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

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

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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

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

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No.

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

MAILED

MAR 11 2010

OFFICE OF PETITIONS

In re Patent No. 7,565,681	: DECISION ON REQUEST
Ngo et al.	: FOR
Issue Date: July 21, 2009	: RECONSIDERATION OF
Application No. 11/106,173	: PATENT TERM ADJUSTMENT
Filed: April 13, 2005	: and
Atty Docket No. 345288002US1	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on August 25, 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 nine hundred thirty (930) 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 nine hundred thirty (930) days is **GRANTED**.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) on February 18, 2009. 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 **nine hundred thirty (930)** days.

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

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,565,681 B2

DATED : **July 21, 2009** **DRAFT**

INVENTOR(S) : Ngo 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 527 days

Delete the phrase "by 527 days" and insert – by 930 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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HITACHI GLOBAL STORAGE TECHNOLOGIES, INC.
5600 COTTLE ROAD, NHGB/0142
IP DEPARTMENT
SAN JOSE, CA 95193

Mail Date: 04/21/2010

Applicant	: Masahiko Sega	: DECISION ON REQUEST FOR
Patent Number	: 7580221	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,175	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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THOMAS LOOP
P.O. BOX 21466
SEATTLE WA 98111

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JAN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Branch et al.	:	
Application No. 11/106,190	:	ON PETITION
Filed: April 13, 2005	:	
Attorney Docket No. 03-1012-02US	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(i), filed June 23, 2006, to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section V: Environmental Quality.

The petition is **DISMISSED**.

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

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 basis life-sustaining natural elements as set forth in M.P.E.P. § 708.02(V). The specification and claims as originally filed indicate the invention is directed to an affordable product that can reduce emissions from diesel engines. However, the instant petition fails to meet the materiality standard of 37 CFR 1.102(c)(2)(ii). Although the invention is directed to a process of making articles from thermo-plastic material, 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 the maintenance of basic life-sustaining natural elements. That the invention may reduce emissions does not in itself meet the materiality standard. As a result, no material contribution to the restoration or maintenance of basic life-sustaining natural elements has been persuasively shown.

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 1732 for action in its regular turn.

David Buccei
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

PEARSON & PEARSON, LLP
10 GEORGE STREET
LOWELL, MA 01852

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OFFICE OF PETITIONS

In re Application of :
Pam C. Demeroulakos, et al. :
Application No. 11/106,197 :
Filed: April 14, 2005 :
Attorney Docket No. :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 1, 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 18, 2006. No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is January 19, 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 $395, and the submission required by 37 CFR 1.114; (2) the petition fee of $750; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3652 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MELVIN K. SILVERMAN
500 WEST CYPRESS CREEK ROAD
SUITE 500
FT. LAUDERDALE FL 33309

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SEP 21 2005

OFFICE OF PETITIONS

In re Application of	:
Ronald Pero et al.	:
Application No. 11/106,200	: DECISION ACCORDING STATUS
Filed: April 14, 2005	: UNDER 37 CFR 1.47(a)
Attorney Docket No. 425.094.1	:

This is in response to the petition filed September 1, 2005 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on April 14, 2005, naming Ronald Pero and Vincent C. Giampapa but without the signature of joint inventor Pero. Accordingly, on May 12, 2005, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, an oath or declaration executed by joint inventor Giampapa on his own behalf and on behalf of the non-signing inventor, a petition under 37 CFR 1.47(a) and two month extension of time was filed. The petition argues that joint inventor Pero, by his actions, refuses 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 efforts to have nonsigning inventor Pero execute the Oath or Declaration includes correspondences mailed to his last known address. Mr. Pero acknowledged receipt of the correspondences by email and petitioner sent a follow-up email regarding the need for the executed oath or declaration, but none of the efforts resulted in an executed oath or declaration by the non-signing inventor.

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.

This matter is being referred to Technology Center 1614 for examination in due course.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SEP 21 2005

OFFICE OF PETITIONS

RONALD PERO
TORNAPLATSEN 3
223 63 LUND
SWEDEN

In re Application of
Ronald Pero et al.
Application No. 11/106,200
Filed: April 14, 2005
For: SUPPLEMENT CONTAINING CAROTENOID, NICOTINAMIDE, ZINC, WATER SOLUBLE EXTRACT OF UNCARIA SPECIES AND METHOD OF THE SAME

Dear Mr. Pero:

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:

MELVIN K. SILVERMAN
500 WEST CYPRESS CREEK ROAD
SUITE 500
FT. LAUDERDALE FL 33309

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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YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY, MI 48084

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JAN 1 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Wawsczyk et al.	:	
Application No. 11/106,210	:	Decision Refusing to Accord
Filed: April 14, 2005	:	Status Under 37 CFR 1.47(a)
Attorney Docket No. MPZ-114-B	:	
For: Article Having a Multilayer Film	:	
Outer Skin Including ...	:	

This is a decision on the petition under 37 CFR 1.47(a), filed September 9, 2005.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refuses to sign after having been presented with the application papers (specification, claims, and drawings),
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $200 as specified in 37 CFR 1.17(g), and
(4) the last known address of the omitted inventor(s).

The instant petition fails to satisfy (1) above.

As to item (1), the failure to respond to a letter normally can be treated by the Office as constructive refusal. However, the instant facts are insufficient to establish constructive refusal. An inventor is unable to sign a declaration stating he or she has "reviewed and understands the application papers" when the inventor has not been presented with a copy of the application and therefore has not reviewed the application. In addition, until an inventor reviews the papers and reads the specification and claims, an inventor cannot know if he or she is actually an inventor of the claimed invention. The petition fails to establish the non-signing inventor was presented with

a copy of the application papers. If the inventor did not receive a copy of the application, then the inventor was required to refuse to sign the declaration.

Petitioner should send a copy of the application to the last known address of the inventor along with instructions setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as a certified mail return receipt, cover letter of instructions, telegram, etc.

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

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY, MI 48084

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APR 13 2006
OFFICE OF PETITIONS

In re Application of	:	
Wawsczyk et al.	:	
Application No. 11/106,210	:	Decision According Status
Filed: April 14, 2005	:	Under 37 CFR 1.47(a)
Attorney Docket No. MPZ-114-B	:	
For: Article Having a Multilayer Film	:	
Outer Skin Including ...	:	

This is a decision on the renewed petition under 37 CFR 1.47(a), filed February 7, 2006.

The petition is **granted**.

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

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

The Office of Initial Patent Examination will be informed of the instant decision so that it may continue to prepare the application for examination.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

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OFFICE OF PETITIONS

In re Application of	:	
Christopher j. Wawsczyk, et al.	:	
Application No. 11/106,210	:	DECISION ON PETITION
Filed: April 14, 2005	:	TO WITHDRAW
Attorney Docket No. MPZ-114-B	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 20, 2007.

The request is **APPROVED**.

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

The request was signed by Andrew R. Basile, Sr. 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 first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number). The power of attorney filed on June 21, 2007 does not include one of the above two options.

There is an outstanding Office action mailed September 13, 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: CHRISTOPHER J. WAWSCZYK
46 SHERIDAN STREET
MOUNT CLEMENS, MI 48043

cc: RICHARD SEATON
42400 MERRILL
STERLING HEIGHTS, MI 48314

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
11/106,210	04/14/2005	Christopher J. Wawsczyk	MPZ-114-B

CONFIRMATION NO. 4379

POWER OF ATTORNEY NOTICE

48980
YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY, MI 48084

OC000000026603723

Date Mailed: 11/05/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/20/2007.

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

/amwise/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

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NOV 05 2007
OFFICE OF PETITIONS

In re Application of
Christopher j. Wawsczyk, et al.
Application No. 11/106,210
Filed: April 14, 2005
Attorney Docket No. MPZ-114-B

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 20, 2007.

The request is **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 Andrew R. Basile, Sr. 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 first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number). The power of attorney filed on June 21, 2007 does not include one of the above two options.

There is an outstanding Office action mailed September 13, 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: CHRISTOPHER J. WAWSCZYK
46 SHERIDAN STREET
MOUNT CLEMENS, MI 48043

cc: RICHARD SEATON
42400 MERRILL
STERLING HEIGHTS, MI 48314

UNITED STATES PATENT AND TRADEMARK OFFICE

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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

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OFFICE OF PETITIONS

In re Application of
WAWSCZYK et al.
Application No. 11/106,210
Filed: 04/14/2005
Attorney Docket No. GIPH 0110 PUSP

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

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

This application became abandoned for failure to reply properly and timely to the final Office Action mailed on January 10, 2008, which set a three (3) month shortened statutory period to reply. No extensions of this time period were obtained. Accordingly, this application became abandoned on April 11, 2008. A Notice of Abandonment was mailed on July 23, 2008.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of a Request for Continued Examination and submission, paid the petition fee, and made the proper statement of unintentional delay.

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

This matter is being referred to Technology Center Art Unit 1794.

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

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
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BROOKS KUSHMAN P.C. / LEAR CORPORATION
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075-1238

Mail Date: 06/18/2010

Applicant	: H. Winston Maue	: DECISION ON REQUEST FOR
Patent Number	: 7633252	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/106,223	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **164** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN ALEMANNI
KILPATRICK STOCKTON LLP
1001 W. FOURTH ST.
WINSTON-SALEM, NC 27401

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JUN 0 1 2006

OFFICE OF PETITIONS

In re Application of	:	
Frank J. Lawson et al	:	
Application No. 11/106,224	:	DECISION ON PETITION
Filed: April 14, 2005	:	TO WITHDRAW
Attorney Docket No. 49942-297512	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 2, 2005.

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

A review of the file record indicates that the power of attorney to John C. Alemanni and attorneys associated with customer number 43925 has been revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Annella Au
Petitions Examiner
Office of Petitions

cc: Goran P. Stojkovic
c/o Nelson, Mullins, Riley & Scarborough, LLP
380 Knollwood Street
Winston-Salem, NC 27103

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 MAIN STREET, 17TH FLOOR
COLUMBIA, SC 29201

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JUL 01 2009

OFFICE OF PETITIONS

In re Application of :
Frank J. LAWSON, et al. :
Application No. 11/106,224 : DECISION GRANTING PETITION
Filed: April 14, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **26401/09007** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 29, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 5, 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 2123 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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NELSON MULLINS RILEY & SCARBOROUGH, LLP
IP DEPARTMENT
100 NORTH TRYON STREET 42ND FLOOR
CHARLOTTE, NC 28202

MAILED

OCT 1 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Lawson et al.	:	DECISION ON PETITION
Application No. 11/106,224	:	TO WITHDRAW
Filed: April 14, 2005	:	FROM RECORD
Attorney Docket No. 26401/09007	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 9, 2009.

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

A review of the file record indicates that on September 8, 2009 the power of attorney to Nelson Mullins Riley & Scarborough, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: JELD-WEN, Inc. – Stoel Rives LLP
900 SW Fifth Avenue
Portland OR 97204-1268

cc: Goran P. Stojkovich
380 Knollwood Street, Suite 530
Winston Salem NC 27103

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JELD-WEN, Inc. - Stoel Rives LLP
900 SW Fifth Avenue
Suite 2600
Portland, OR 97204-1268

Mail Date: 04/21/2010

Applicant	: Frank J. Lawson	: DECISION ON REQUEST FOR
Patent Number	: 7640073	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,224	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1072** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DEC 10 2007

Carolyn Elmore
ELMORE PATENT LAW GROUP, P.C.
209 MAIN STREET
N. CHELMSFORD MA 01863

In re Application of	:
Magnuson et al	:
Serial No.: 11/106,240	:Decision on Petition
Filed : 14 April 2005	:
Attorney Docket No.: 4010.3001 US1	:

This letter is in response to the

(a) Petition under 37 C.F.R. 1.144 filed on 26 July 2007 requesting reconsideration of the restriction requirement

(b) Petition under 37 C.F.R. 1.181 filed on 13 August 2007 requesting entry of the Amendment After final dated 3 May 2007 and

(c) Petition under 37 C.F.R 1.181 filed on 9 October 2007 requesting decisions on the aforementioned petitions. The delay in acting upon these petitions is regretted.

BACKGROUND

On 17 April 2006, the examiner mailed a restriction requirement in which the original claims 1-37 were divided into 12 groups. This restriction requirement further required types of species to be provisionally elected for examination.

On 24 May 2006, Applicants elected Group III, (Claims 3 and 29) with traverse and the species of chokeberry or combination of chokeberry with bilberry or raspberry with traverse.

On 16 June 2006 the examiner considered the traversal, made the restriction requirement FINAL and mailed to applicants a non-final Office action, rejecting claims 3 and 29 under 35 USC 112. 1st and 2nd paragraphs.

On 21 December 2006, the examiner considered applicants response, and mailed to applicants a final Office action, rejecting claims 3 and 29.

On 21 March 2007, Applicants filed an amendment which added new claim 38 and amended claims 3 and 29.

On 9 April 2007, the examiner denied entry of the after final amendment filed 21 March 2007.

19 April 2007, applicants filed a Notice of Appeal.

On 3 May 2007, Applicants filed an Amendment after final, which was refused entry.

On 25 July 2007, Applicants filed an Amendment after final, which was refused entry.

On 26 July 2007, applicants filed a petition under 37 C.F.R. 1.144 filed on 26 July 2007 requesting reconsideration of the restriction requirement.

On 13 August 2007, Applicants filed a petition under 37 C.F.R. 1.181 filed requesting entry of the Amendment After final dated 3 May 2007.

On 9 October 2007, Applicants filed a petition under 37 C.F.R 1.181 filed requesting decisions on the aforementioned petitions.

On 15 October 2007, the Office mailed applicants a letter withdrawing the finality of the Office action mailed 21 December 2006.

DISCUSSION

The petitions and file history have been carefully considered.

35 U.S.C. 121 sets forth the appropriate means for restriction which permits, "If two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions.".

MPEP 802.01 helps define the terms independent and distinct. The term "independent" (i.e., unrelated) means that there is no disclosed relationship between the two or more inventions claimed, that is, they are unconnected in design, operation, and effect. Related inventions are distinct if the inventions as claimed are not connected in at least one of design, operation, or effect (e.g., can be made by, or used in, a materially different process) and wherein at least one invention is PATENTABLE (novel and nonobvious) OVER THE OTHER (though they may each be unpatentable over the prior art).

The MPEP also provides guidance in 806.01, stating "In passing upon questions of double patenting and restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence."

Finally, "Where the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, restriction there between should never be required. This is because the claims are not directed to distinct inventions; rather they are different definitions of the same disclosed subject matter, varying in breadth or scope of definition" (see MPEP 806.06).

In this application, the restriction requirement improperly set forth groups which overlapped in scope, and encompassed the same embodiments varying only in breadth of scope.

Concerning the restriction among Groups I-VI and XI-XII, the independent method claims 1, 2, 3, 6, 7, 8, 34 and 35 all generally require an active step of administering an effective amount of a chemotherapeutic agent and a composition comprising anthocyanins. The chemotherapeutic agent in some claims narrowly defined a 5-fluorouracil and the composition comprising anthocyanins in some claims is defined as a berry extract, a vegetable extract, a specific berry or a combination of berries. The various methods provide preambles that require the combined administration, which may be sequential or simultaneous, to result in an enhanced cytotoxicity against abnormal cell proliferation in general or colon cancer cells in particular, a decreased toxicity against chemotherapeutic agent or an increased therapeutic index of a chemotherapeutic agent.

The examiner reasoned that Groups I-VI and XI-XII were independent, ie, unrelated. This is incorrect. Not only are the inventions of Groups I-VI and XI-XII all related to each other as being directed to therapeutic administration of anthrocyanins and chemotherapeutic agents, they are patentably indistinct from each other, such that the claims in one group are encompassed by or encompass embodiments in the other groups.

Similarly, the methods of in vitro screening, Groups VII-X, claims 30-33, respectively, are directed at methods which are patentably indistinct from each other.

DECISION

The Petition under 37 C.F.R. 1.144 filed on 26 July 2007 requesting reconsideration of the restriction requirement is **GRANTED**.

The request to withdraw the restriction requirement between Groups I-VI and XI-XII is **GRANTED**.

The request to withdraw the restriction requirement between Groups VII-X is **GRANTED**.

The restriction requirement set forth between rejoined Group (I-VI and XI-XII), drawn to method of treatment and rejoined Group (VII-X), drawn to method of in vitro screening, is maintained.

Groups I-II, IV-VI and XI-XII (Claims 1-2 and 4-28, 34-37) have been rejoined with elected invention of Group III (claims 3 and 29) for examination.

The Petition under 37 C.F.R. 1.181 filed on 13 August 2007 requesting entry of the Amendment After final dated 3 May 2007 is **DISMISSED**, in view of the entry of the Amendment filed 21 March 2007.

The Petition filed 10 October 2007 requesting consideration of the petitions filed on 26 July 2007 and 13 August 2007 is **DISMISSED** in view this decision.

The finality of the Office action mailed 21 December 2006 has been withdrawn in the letter mailed 16 October 2007.

The after final amendment filed 21 March 2007 has been entered.

The application will be forwarded to the examiner for further action consistent with this decision and for the preparation of a new non-final action on the merits which addresses rejoined Groups I-VI and XI-XII and the claims as pending in the 21 March 2007 Amendment.

Any request for reconsideration must be filed within two (2) months of the mailing date of this decision.

Should there be any questions about this decision, please contact Special Program Examiner Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Bruce Kisliuk
Director, Technology Center 1600

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/106,247	02/18/2005	Yu-Chen Shen	LUM-04-06-01

CONFIRMATION NO.
4272

SILICON VALLEY PATENT GROUP LLP
2350 MISSION COLLEGE BOULEVARD
SUITE 360
SANTA CLARA CA 95054

Date Mailed: March 22, 2006

Decision Granting Petition under 37 CFR 1.138(c)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized and the application has been withdrawn from publication. A notice of abandonment is attached.

Telephone inquiries should be directed to the Office of Patent Publication, the Pre-Grant Publication Division, at 703-605-4283.

Barbara J. Debnam
Pre-Grant Publication Division
Office of Patent Publication

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PETER J. GORDON, PATENT COUNSEL
AVID TECHNOLOGY, INC.
ONE PARK WEST
TEWKSBURY MA 01876

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MAR 15 2006
OFFICE OF PETITIONS

In re Application of	:	
Howard et al.	:	DECISION ON PETITION TO
Application No. 11/106,278	:	WITHDRAW HOLDING OF
Filed: 13 April, 2005	:	ABANDONMENT
Atty Docket No. A2004004CP	:	

This is a decision on the petition filed on 2 February, 2006, to withdraw the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

The application was held abandoned for failure to timely submit the oath or declaration and surcharge for its late filing in response to the Notice to File Missing Parts of Nonprovisional Application mailed on 12 May, 2005. Notice of Abandonment was mailed on 31 January, 2006.

Petitioners assert that the declaration and fee were timely submitted, with an extension of time, via facsimile on 28 October, 2005. In support, petitioners have provided a copy of the transmittal letter bearing a certificate of facsimile transmission and the sending unit report, dated 28 October, 2005, showing that the response was faxed to 571-272-4000.

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 to the personal knowledge of transmitting the ***original*** response on the date indicated on the Certificate of Transmission (*see* 37 CFR 1.8 and MPEP 512).

The showing of record is that is that petitioners did not use the correct facsimile number. Specifically, the Official Gazette notice published on 12 July, 2005, states that as of 15 July, 2005, the U.S. Patent and Trademark Office requires most patent related correspondence submitted by facsimile to be faxed to the Central FAX number of 571-273-8300.[1] As the reply to the Notice to File Missing Parts does not fall within one of the exceptions provided for in the notice, replies must be faxed to the above-referenced number. It is noted that the number to which petitioners attempted to fax the reply, 571-272-4000, is the voice telephone number for the Office of Initial Patent Examination.

While it is noted that the sending unit report appears to indicate that the facsimile which petitioners attempted to send on 28 October, 2005, was properly sent, the report cannot serve as evidence that the response was timely sent because the number indicated on the transaction report, 571-272-4000, is not the specified number for receipt of facsimile transmissions in the USPTO. Furthermore, 571-272-4000 is a voice line and cannot accept facsimile transmissions.

As such, the showing of record is that the reply which petitioners attempted to file on 28 October, 2005, was not filed because an improper facsimile number was used. As such, the application was properly held abandoned, and the holding of abandonment will not be withdrawn.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. **This period may not be extended.**[2]

Petitioners may wish to consider filing a petition to revive the application under 37 CFR 1.137(a) or (b).

---

[1] See 1296 O.G. 76 (July 12, 2005).

[2] 37 CFR 1.181(f).

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

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

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

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

Telephone inquiries 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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PETER J. GORDON, PATENT COUNSEL
AVID TECHNOLOGY, INC.
ONE PARK WEST
TEWKSBURY MA 01876

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OFFICE OF PETITIONS

In re Application of	:	
Howard et al.	:	
Application No. 11/106,278	:	DECISION ON PETITION
Filed: 13 April, 2005	:	
Attorney Docket No. A2004004CP	:	

This is a decision on the petition filed on 27 March, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 13 July, 2005, for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed on 12 May, 2005, which set a two (2) month shortened period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 31 January, 2006. The petition to withdraw the holding

[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)).

of abandonment mailed on 2 February, 2006, was dismissed on 15 March, 2006.

Petitioners have filed the required declaration and late-filing surcharge.

The statement contained in the instant petition does not set forth that the entire delay from the due date of the required reply to the date of the filing of a grantable petition was unintentional as required by 37 CFR 1.137(b)(3). However, the statement contained in the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[2] The four (4)-month extension request filed on 2 February, 2006, was submitted more than five (5) months after the end of the period for reply to the Office communication mailed on 12 May, 2005, and therefore is unnecessary. The extension of time fee will be applied to the petition fee, as requested, and the balance refunded to counsel's deposit account.

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

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IBM CORPORATION, INTELLECTUAL PROPERTY LAW
DEPT 917, BLDG. 006-1
3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

Mail Date: 04/21/2010

Applicant	: Richard D. Dettinger	: DECISION ON REQUEST FOR
Patent Number	: 7606829	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,282	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **839** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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DEPT 917, BLDG. 006-1
3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

Mail Date: 04/21/2010

Applicant	: Richard D. Dettinger	: DECISION ON REQUEST FOR
Patent Number	: 7580949	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,283	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **836** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Annandale, NJ 08801-0900

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OFFICE OF PETITIONS

In re Application of	:	
William A. Wachter, et. al.	:	
Application No. 11/106,289	:	ON PETITION
Filed: April 14, 2005	:	
Attorney Docket No. GJH-0520 (P2004J009)	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on March 19, 2008, to revive the above-identified application.

The application became abandoned for failure to file a timely reply to the non-final Office action mailed August 22, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and Terminal Disclaimer under 37 CFR 1.321 with the $130 fee; (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of $1,050 for a three months extension of time filed on March 19, 2008. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the $1,050 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application file is being referred to Technology Center Art Unit 1797 for review of the amendment filed with the instant petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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rd

Mailed: 11-06-06

In re application of	:	
Dong, Feng	:	DECISION ON
Serial No. 11/106,292	:	PETITION
Filed: April 14, 2005	:	
For: WET FRICTION MATERIAL WITH PITCH CARBON FIBER		

This is a decision on the PETITION TO ACCEPT COLOR DRAWINGS OR PHOTOGRAPHS under 37 C.F.R. 1.84(a)(2) or (b)(2), filed October 23, 2006. The petition includes (1) the fee as required by 37 CFR 1.17(h), (2) three sets of color photographs, (3) an amendment to the specification which includes the language set forth in 37 CFR 1.84(a)(2)(iii), and (4) an explanation stating why color photographs are necessary.

A review of the application record indicates that all of the requirements for acceptance of color photographs have been met.

The Petition is **GRANTED**.

Rena L. Dye
Supervisory Patent Examiner
Technology Center 1700

BORGWARNER INC.
PATENT DEPARTMENT
3850 HAMLIN ROAD
AUBURN HILLS MI 48326-2872

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ALBERT B. KIMBALL, JR.
BRACEWELL & PATTERSON L L P
711 LOUISANA SUITE 2300
HOUSTON, TX 77002

Mail Date: 04/21/2010

Applicant	: Larry S. Fung	: DECISION ON REQUEST FOR
Patent Number	: 7596480	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,300	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **366** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 Edward H. Priepke et al. Application No. 11/106,310 Filed: April 14, 2005 Attorney Docket No.: 18046 Title: MATERIAL CLAMPING MECHANISM	:	DECISION ON TWO PETITIONS PURSUANT TO 37 C.F.R. §§ 1.137(B) AND 1.181(A)

This is a decision on the two petitions pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn, and 37 C.F.R. § 1.137(b), to revive the above-identified application. These petitions were filed concurrently on June 19, 2008.

The petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED.**

The alternate petition pursuant to 37 C.F.R. § 1.137(b) will be held in abeyance so as to afford Petitioner the opportunity to file a renewed petition seeking the withdrawal of the holding of abandonment. **If Petitioner would prefer to seek revival under the unintentional standard, a response to this decision should be submitted with words to this effect.**

The concurrently filed Change of Correspondence Address has been entered and made of record.

BACKGROUND

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 4, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue or publication fees.[1] Accordingly, the above-identified application became abandoned on April 5, 2008. A Notice of Abandonment was mailed on April 28, 2008.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.8(b) sets forth, *in toto*:

> (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.

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may

1 See MPEP § 710.02(e).

require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

ANALYSIS

Petitioner has asserted that a response to the Notice of Allowance and Issue Fee Due was timely submitted on March 31, 208, via facsimile transmission.

Certificate of facsimile transmission practice provides a mechanism by which applicants may evince that a paper was timely submitted to the Office, in the event that the correspondence is not received.

This submission has been reviewed: with the present petition, Petitioner has informed the Office of the previous facsimile transmission, and has provided both an additional copy of the previously submitted correspondence and the certificate of facsimile transmission that accompanied the same. However, it is noted that the certificate of facsimile transmission was executed by an individual by the name of Sandra J. Mowrey, and Petitioner has not included a statement from this individual.[2] Rule 1.8(b)(3) requires the inclusion of a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. **On renewed petition, Petitioner may wish to include a statement from Ms. Mowrey.**

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled

2 Petitioner has indicated "[a]ttached hereto is a statement attesting to the timely transmission of the correspondence…" However, the electronic file does not appear to contain any such statement.

"Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[3] hand-delivery,[4] or facsimile.[5] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[6]

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[7] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
7 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 of Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OFFICE OF PETITIONS

BLUE LEAF I.P., INC.
P.O. BOX 1895
M.S. 641
NEW HOLLAND PA 17557

In re Application of Edward H. Priepke et al. Application No. 11/106,310 Filed: April 14, 2005 Attorney Docket No.: 18046 Title: MATERIAL CLAMPING MECHANISM	DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.181(A)

This is a decision on renewed petition pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn, filed on October 6, 2008.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

BACKGROUND AND PROCEDURAL HISTORY

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 4, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue or publication fees.[1] Accordingly, the above-identified application became abandoned on April 5, 2008. A Notice of Abandonment was mailed on April 28, 2008.

An original petition pursuant to 37 C.F.R. § 1.181(a) and a petition pursuant to 37 C.F.R. § 1.137(b) were filed

1 See MPEP § 710.02(e).

concurrently on June 19, 2008. A decision was mailed on September 29, 2008, which granted the former and held the latter in abeyance.

ANALYSIS

Petitioner has asserted that a response to the Notice of Allowance and Issue Fee Due was timely submitted on March 31, 208, via facsimile transmission.

The decision on the original petition pursuant to 37 C.F.R. § 1.181(a) indicated that Petitioner had informed the Office of the previous facsimile transmission, and had provided both an additional copy of the previously submitted correspondence and the certificate of facsimile transmission that accompanied the same. However, it was noted that the certificate of facsimile transmission was executed by an individual by the name of Sandra J. Mowrey, and Petitioner failed to include a statement from this individual.

With this renewed petition, Petitioner has included a statement from Ms. Mowrey, and as such, Petitioner has provided a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely transmission.

CONCLUSION

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted, pursuant to 37 C.F.R. § 1.8.

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

Pursuant to this decision, the Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

It is noted that the issue and publication fees, along with form PTOL-85b, were received in the Office on June 19, 2008.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival or withdrawal of the holding of abandonment has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the

Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[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/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: PATRICK SHELDRAKE
PATENT COUNSEL
CNH AMERICA, LLC
500 DILLER AVENUE
MS 641
NEW HOLLAND, PENNSYLVANIA 17557-0903

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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.

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Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

WilmerHale/Columbia
University
399 PARK AVENUE
NEW YORK NY 10022

In re Patent No. 7,463,362	:	
Lasker, et al.	:	DECISION DISMISSING
Application No. 11/106,348	:	REQUEST FOR
Issue Date: December 9, 2008	:	RECONSIDERATION OF
Filed:April 13, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	UNDER 37 CFR 1.705
19240.438US2	:	

This is in response to the APPLICTAION FOR PATENT TERM ADJUSTMENT AND REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 CFR §§ 1.702-1.705, filed February 9, 2009. Patentee requests that the determination of patent term adjustment be corrected from four hundred and six (406) days to six hundred forty-six (646) 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 406 days.

BACKGROUND

This application was filed on April 13, 2005. On May 27, 2008, a request for continued examination (RCE) was filed. On December 9, 2008, the application matured into U.S. Patent No. 7,463,362, with a revised patent term adjustment of 406 days. The Office determined that the 44 days of Office delay pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b)[1,2] overlaps with

[1] Pursuant to 35 U.S.C. 154(b)(1)(B), 37 CFR 1.702(b) provides, in pertinent part, that:

the 463 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 filing of the request for continued examination. As such, the Office allowed only entry of the adjustment of 463 days. No additional days of patent term adjustment were entered at issuance under the three-year pendency provision. Given the applicant delay of 57 days, the patent issued with a revised patent term adjustment of 406 (463 - 57) days.

On February 9, 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 646 days under the court's interpretation of the overlap provision as set forth in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Specifically, patentee states:

Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b).

[2] As of the filing of the RCE on May 27, 2008, the application was pending three years and 44 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 was not mailed until September 19, 2007, fourteen months and 463 days after the application filing date, April 13, 2005.

(2) 240 days under 37 CFR §§ 1.702(b) and 1.703(b) for the Patent Office delay exceeding three years in issuing the patent, from April 13, 2008 (three years from the filing date of April 13, 2005)until the issue date of the patent, December 9, 2008.

37 CFR § 1.703(f) states in pertinent part (emphasis added):

> 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.

It is readily apparent that Periods (1) and (2) do not overlap, as specified in 37 C.F.R. § 1.703(f), and therefore **Patentees believe the subject patent is entitled to a patent term adjustment that is the sum of these periods, which is 646 days.**

Application for Patent Term Adjustment and Request for Reconsideration of the Patent Term Adjustment under 37 CFR §§ 1.702-1.705 filed February 9, 2009, p. 2.

OPINION

Initially, the Office notes that the patentees incorrectly calculated the period of adjustment under 37 CFR 1.702(b) as 240 days. Furthermore, patentees used the incorrect number of 240 days in calculating the requested patent term determination of 646 (463 + 240 - 57) days.

Pursuant to 37 CFR 1.703(b), the period of adjustment is 44 days, counting the number of days in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a), April 14, 2008, and ending on the date the RCE was filed May 27, 2008.

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)*[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. 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.

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[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), April 13, 2005, and ending on the date of filing of a request for continued examination (RCE), May 27, 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), 463 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), 44 days of patent term adjustment accrued for Office

issuance of the patent more than 3 years after the filing date of the application.

All of the 44 days of patent term adjustment under 37 CFR 1.702(b) overlap with the 463 days of patent term adjustment under 37 CFR 1.702(a)(1). Entry of both the 463 days and the 44 days is neither permitted nor warranted. 463 days is the actual number of days issuance of the patent was delayed.

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

CONCLUSION

In view thereof, the Office affirms that the revised determination of patent term adjustment at the time of the issuance of the patent is 406 days.

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

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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GROOVER & ASSOCIATES
BOX 802889
DALLAS, TX 75380-2889

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OFFICE OF PETITIONS

In re Application of :
Bentley N. Scott :
Application No. 11/106,356 :
Filed: April 14, 2005 :
Attorney Docket No. PHDS-35U2 :

ON PETITION

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed July 12, 2006, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 13, 2006.

The above-identified application is being revived solely for purposes of continuity with a Request For Continued Examination (RCE) filed on October 2, 2007.

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

This matters is being referred to Technology Center AU 1743 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

In re Application of	:	
Bentley N. Scott	:	
Application No. 11/106,357	:	DECISION ON PETITION
Filed: April 14, 2005	:	
Attorney Docket No. PHDS-35U1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed, December 18, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before December 12, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed September 12, 2007. Accordingly, the date of abandonment of this application is December 13, 2007. A Notice of Abandonment was mailed on January 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $720.00, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay. Accordingly, the issue fee 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 the Office of Data Management for further processing into a patent.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE, WI 53203

Mail Date: 04/20/2010

Applicant	: Chanmin Su	: DECISION ON REQUEST FOR
Patent Number	: 7596990	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,366	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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SEP 03 2008

OFFICE OF
DATA MANAGEMENT

STEPHAN V. KROECKER
3747 S. RIDGE CIRCLE
TITUSVILLE FL 32796

In re Application of	:	
Stephan V. Kroecker	:	**DECISION ON PETITION**
Application No. 11/106,372	:	
Filed: 4/14/2005	:	
Attorney Docket No.: N/A	:	

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) on May 15, 2008.

The 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 July 10, 2007 which set forth a three (3) month statutory period for reply. The Notice of Abandonment was mailed on November 6, 2007.

The Fee(s) transmittal form 85b was received in the USPTO within the three month time period for response on October 10, 2007 as evidenced by the copy of the facsimile reply submitted on September 3, 2008 as an addendum to the previously submitted petition. An issue fee payment of $700.00 and a publication fee payment of $300.00 were also received on October 10, 2007. However, due to an increase in patent fees effective September 30, 2007, the issue fee payment was insufficient. Applicant was notified to pay the Balance of the Issue Fee ($20.00) on October 29, 2007 and was given a three month time period to respond from the mailing date of the Notice to Pay Balance of Issue Fee. Applicant paid the additional $20.00 within the 3 month time period on November 19, 2007.

In view of the foregoing, the holding of abandonment for failure to timely submit the issue fee is hereby withdrawn and the application is restored to pending status.

Petitioner should note that the Notice of Allowability mailed on July 10, 2007 included a requirement to submit corrected drawings including changes required in the Office action of Mail Date 5/15/07. A search of the file history shows no Office Action mailed on 5/15/07. It is surmised that the Examiner intended to use the date of 05/17/05. If that is the case, new drawings were submitted in response to the 05/17/05 request and were received in the USPTO on July 19, 2005. These drawings will be used to print the patent.

Petitioner should further note that the Power of Attorney filed on May 16, 2008 can not be entered as it names Dawn M. Huff as the Practitioner. 37 CFR 1.32 (a) (1) defines a patent practitioner as a registered patent attorney or registered agent. A register of attorneys and agents is kept in the Office on which are entered the names of all

individuals recognized as entitled to represent applicants having prospective or immediate business before the Office in the preparation and prosecution of patent applications. Individuals must apply to the USPTO Director in writing by completing an application for registration form supplied by the Office of Enrollment and Discipline Director. Therefore correspondence for this application will continue to be sent to the following address.

STEPHAN V. KROECKER
3747 S. RIDGE CIRCLE
TITUSVILLE FL 32796

Telephone inquires relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.

Kimberly Terrell, Manager
Office of Data Management
Publications Branch

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Merchant & Gould, PC
P.O. Box 2903
Minneapolis, MN 55402-0903

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MAY 01 2007

OFFICE OF PETITIONS

In re Application of	:	
Stephen M. Hubig et al.	:	
Application No. 11/106,384	:	DECISION ON PETITION
Filed: April 14, 2005	:	TO WITHDRAW
Attorney Docket No. 163.2115US01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 22, 2007.

The request is **APPROVED**.

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

The request was signed by Sarah M. Monfeldt, former attorney with the firm of Merchant & Gould, PC.

Sarah M. Monfeldt 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 Kimberly Inabinet at 571-272-4618.

Frances Hicks
Petitions Examiner
Office of Petitions

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DOUGHERTY, CLEMENTS, HOFER, BERNARD & WALKER
SUITE 300
1901 ROXBOROUGH ROAD
CHARLOTTE NC 28211

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FEB 10 2009

OFFICE OF PETITIONS

In re Application of
Marcin B. Bauza et al.
Application No. 11/106,400
Filed: April 14, 2005
Attorney Docket No.: **INST02 - Docket 4296**

ON PETITION

This is a decision on the petition filed January 26, 2009, under 37 CFR 1.137(a),[1] to revive the above-identified application. The petition is treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.[2]

---

[1]A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
(2) the petition fee as set forth in § 1.17(l);
(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

[2]MPEP 711.03(c) states, in pertinent part:
In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited'to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The petition under 37 CFR 1.181(b) is **GRANTED.**

This application became abandoned on August 1, 2008, for failure to file a timely response to the Restriction Requirement mailed June 30, 2008, which set a one (1) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed January 23, 2009. Petitioner asserts that the office action was never received.

The file record discloses that the Office Action was mailed to the address of record which is the same address used on all correspondences from the USPTO including the Notice of Abandonment. In support of the allegation that the Office Action mailed on June 30, 2008 was never received, petitioners have submitted a copy of counsel's docket record and states that practitioner's search of the file jacket indicates that the Office Action was not received. The statement additionally states that practitioner reviewed the incoming mail log from June 30, 2008 through July 15, 2008, and it did not include an Office Action for the present case. The petition further states that the IP Master docketing system is used. A copy of the mail log and docket record have been referenced in the petition and are included herewith.

A review of the record indicates no irregularity in the mailing of the Office Action mailed on June 30, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office Action mailed on June 30, 2008, was properly mailed to hhe address of record. This presumption may be overcome by a showing that the Office Action mailed on June 30, 2008 was not in fact received.

The docket record filed with the petition appears to be a master docket record, and is being so construed. Petitioners must inform the Office if this is an incorrect interpretation.

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

As the holding of abandonment has been withdrawn, the petition under 37 CFR 1.137(a) is unnecessary. The petition fee will be credited to counsel's deposit account.

This matter is being referred to Technology Center 3656 for appropriate action on the response to the June 30, 2008 office action which was filed January 26, 2009.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENNTH E CALLAHAN
377 ABW/JAN
2251 MAXWELL SE
KIRTLAND AFB, NM 87117

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SEP 17 2007

OFFICE OF PETITIONS

In re Application of O'Loughlin :
Application No. 11/106,407 :
Filing Date: April 14, 2005 :
Attorney Docket No. PRS-115 :

Decision on Petition

This is a decision on the petition filed May 16, 2007, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed.**

The Office mailed a Notice of Allowance on January 5, 2007.

The Notice of Allowance set a statutory period for reply of three (3) months.

On January 16, 2007, petitioner sent an issue fee transmittal form to the Office by facsimile transmission. The Office sent back an "Auto-Reply Facsimile Transmission." The Auto-Reply included a section titled, "Received Cover Page." The section was blank. Attorney Callahan states the January 16, 2007 transmission was the first facsimile transmission he has ever sent to the Office.

The evidence allows one to reasonably infer petitioner transmitted the wrong side of the issue fee transmittal form.

A Notice of Abandonment was mailed April 30, 2007, stating the Office never received the issue fee.

Petitioner did not recognize the problem indicated by the "Auto-Reply Facsimile Transmission" after receiving the Notice of Abandonment.

In order for the petition to be granted, petitioner must prove,

(1) A reply was timely filed, and
(2) The reply was proper.

Petitioner has failed to prove item (2) above. The reply filed with the Office was a blank piece of paper. The fact petitioner attempted to file a proper reply does not alter the fact such a reply was not filed.

Since a proper reply was not timely filed, the holding of abandonment will not be withdrawn.

Petitioner's current options:

(1) Take no action and allow the application to remain abandoned.

(2) File a request for reconsideration and additional evidence demonstrating a proper reply was timely filed. Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

(3) File a petition under 37 CFR 1.137(a). A grantable petition under 37 CFR 1.137(a) must be accompanied by the reply required to the outstanding Office action or notice (already filed May 16, 2007), the petition fee of $500 for a large entity, and a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable.

A delay resulting from an error, such as a typographical error or improperly sending a paper by facsimile transmission, may provide the basis of a showing of "unavoidable" delay in certain situations.

Example of situation that might be unavoidable:

Assume Employee A was the individual who sent the transmission.
Assume Employee A has sent more than 1,000 transmissions using the machine used that day.
Assume petitioner is unaware of Employee A ever sending a paper using the "wrong side."
Assume Employee A provides a statement supporting the facts above.
Assume the self-generated transmission confirmation report produced by the machine was checked after the paper was sent and a review of the form fails to indicate the wrong side of the issue fee transmittal paper was sent.

The facts above might support a petition under 37 CFR 1.137(a).

(4) File a petition under 37 CFR 1.137(b). Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee ($1,500 for a large entity), and a statement that the

entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Portable Document Format (PDF) fillable forms for use when filing a petition under 37 CFR 1.137(a) or 37 CFR 1.137(b) may be found at: "http://www.uspto.gov/web/forms/index.html".

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

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENNTH E CALLAHAN
377 ABW/JAN
2251 MAXWELL SE
KIRTLAND AFB, NM 87117

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OFFICE OF PETITIONS

In re Application of O'Loughlin :
Application No. 11/106,407 : Decision on Petition
Filing Date: April 14, 2005 :
Attorney Docket No. PRS-115 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 24, 2007, to revive the above-identified application.

The petition is **granted**.

The Office mailed a Notice of Allowance on January 5, 2007.

The Notice of Allowance set a statutory period for reply of three (3) months.

On January 16, 2007, petitioner sent an issue fee transmittal form to the Office by facsimile transmission. The Office sent back an "Auto-Reply Facsimile Transmission." The Auto-Reply included a section titled, "Received Cover Page." The section was blank. Attorney Callahan states the January 16, 2007 transmission was the first facsimile transmission he has ever sent to the Office.

The evidence allows one to reasonably infer petitioner transmitted the wrong side of the issue fee transmittal form.

A Notice of Abandonment was mailed April 30, 2007, stating the Office never received the issue fee.

The instant petition requests revival of the application.

Petitioner has submitted the required petition fee of $1,500. Petitioner has submitted a reply to the Notice of Allowance in the form of the issue fee. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

The Office of Patent Publications will be informed of the instant decision and the application will be issued as a patent in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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LEE H. WILSON
NO. 41
1940 E. MAPLE ROAD
BIRMINGHAM, MI 48009

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NOV 09 2005

OFFICE OF PETITIONS

In re Application of	:	
Lee H. Wilson	:	DECISION ON PETITION
Application No. 11/106,413	:	TO MAKE SPECIAL UNDER
Filed: April 15, 2005	:	37 CFR 1.102(c)(1)
For: Match-Play Version Basketball Process	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 5, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of an operator license and a statement by Lee H. Wilson attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to Technology Center AU 3711 for action on the merits commensurate with this decision.

Denise Pothier
Petitions Examiner
Office of Petitions

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Heller Ehrman LLP
4350 La Jolla Village Drive, 7th Floor
San Diego, CA 92122

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OFFICE OF PETITIONS

In re Application of	:	
Mark S. Dennis	:	
Application No. 11/106,415	:	DECISION ON PETITION
Filed: April 13, 2005	:	TO WITHDRAW
Attorney Docket No. 39766-0221R1P2	:	FROM RECORD
	:	

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 25, 2008.

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

A review of the file record indicates that the power of attorney to Heller Ehrman LLP has been revoked by the assignee of the patent application on September 12, 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.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Genetech, Inc.**
1 DNA Way
South San Francisco, CA 94080

OIPE JC11
JUN 2 9 2005
PATENT & TRADEMARK OFFICE

Docket No.: 265797US2CONT

OBLON
SPIVAK
McCLELLAND
MAIER
&
NEUSTADT
P.C.

ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 11/106,424
Applicants: Hidetake ITOH, et al.
Filing Date: April 15, 2005
For: METHOD FOR EVALUATING OPTICAL INFORMATION MEDIUM AND OPTICAL INFORMATION MEDIUM
Group Art Unit: 1762
Examiner: Markham, Wesley

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700

SIR:

Attached hereto for filing are the following papers:
PETITION TO MAKE SPECIAL UNDER MPEP § 708.02(VIII), INFORMATION DISCLOSURE STATEMENT, PTO-1449, INTERNATIONAL SEARCH REPORT, CITED REFERENCES (7)

JUL 2 1 2005

Our check in the amount of **$130.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

James J. Kulbaski
Registration No. 34,648

Scott A. McKeown
Registration No. 42,866

Customer Number
22850
(703) 413-3000 (phone)
(703) 413-2220 (fax)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 5 , 2007

TO SPE OF : **Technology Center 1762**

SUBJECT : Request for Certificate of Correction on Patent No.: **11/106424 – 7138155 B2**

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

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

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

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

Comments:

TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER

SPE

1762
Art Unit

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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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
Hidetake Itoh, et al. :
Application No. 11/106,436 : DECISION ON PETITION
Filed: April 15, 2005 : TO MAKE SPECIAL
For: **METHOD FOR EVALUATING OPTICAL INFORMATION MEDIUM AND OPTICAL INFORMATION MEDIUM** :

This is a decision on the petition filed June 29, 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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Oren Haggai	: DECISION ON REQUEST FOR
Patent Number	: 7606259	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,464	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1142** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 05/18/2010

Applicant : Oren Haggai
Patent Number : 7606259
Issue Date : 10/20/2009
Application No : 11/106,464
Filed : 04/15/2005

: 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 **1175** 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ___

DATE : 3/4/08

TO SPE OF : ART UNIT 2817

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/106471 Patent No: 7874261 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

2817
Art Unit

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OFFICE OF PETITIONS

In re Patent No. 7,568,145	:	
Dinoi, et al.	:	DECISION ON REQUEST
Issue Date: July 28, 2009	:	FOR RECONSIDERATION OF
Application No. 11/106,474	:	PATENT TERM ADJUSTMENT
Filed: April 15, 2005	:	AND NOTICE OF INTENT
Attorney Docket No. 078700-040700/US	:	TO ISSUE CERTIFICATE OF CORRECTION

This is a decision on the petition filed on September 24, 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 nine hundred fifty-two (952) 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 nine hundred fifty-two (952) days is **GRANTED to the extent indicated herein.**

Patentees assert entitlement to a patent term adjustment of 952 days (518 + 469 reduced by 0 overlap - 35 (patentees' delay)).

In calculating the period of delay under 35 U.S.C. § 154(b)(1)(B) ("B Delay"), patentees indicate the period of delay ended on July 28, 2009, the date the patent issued. However, when a Request for Continued Examination ("RCE") is filed, the period of B Delay ends of the day before the filing of the RCE. In this case, a RCE was filed October 2, 208.

Per 35 U.S.C. 154(b)(1)(B)(i), B Delay does not include "any time consumed by continued examination of the application requested by the applicant under section 132(b)." The period of B Delay in this case is 169 days, which is the number of days beginning on April 16, 2008, the day after the date three years after the application's filing date, and ending on October 1, 2008, the day before the date the RCE was filed.

The correct patent term adjustment is 652 days, which is the sum of 518 days of delay under 35 U.S.C. § 154(b)(1)(A) ("A Delay") and 169 of B Delay and reduced by 35 days for patentees' delay.

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

The application is being forwarded to the Certificates of 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 **six hundred fifty-two (652)** days.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,568,145 B2

DATED : **July 28, 2009** **DRAFT**

INVENTOR(S) : Dinoi 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 U.S.C. 154(b) by 483 days

Delete the phrase "by 483 days" and insert – by 652 days--

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 06/29/2010

Applicant	: Toshiya Iwahashi	: DECISION ON REQUEST FOR
Patent Number	: 7609328	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/106,477	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **580** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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WASHINGTON, DC 20005-3096

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OFFICE OF PETITIONS

In re Patent of Tabata et al. :
Patent No. 7,128,477 :
Issue Date: October 31, 2006 : Decision on Petition
Application No. 11/106,501 :
Filing Date: April 15, 2005 :
Attorney Docket No. 050006-0197 :

This is a decision on the petition under 37 CFR 1.183 filed May 23, 2007, to waive the rules and accept the correction of the assignee data on the front page of the above-identified patent. The petition is also being treated as a request under 37 CFR 3.81 to accept the correction of the assignee data.

The petition under 37 CFR 1.183 is **DISMISSED AS MOOT.**

The request under 37 CFR 3.81 is **GRANTED.**

Effective June 25, 2004, the practice relating to issuance of a patent to an assignee was modified by requiring that, after payment of an issue fee, a request for a certificate of correction must be filed in order to obtain issuance of the patent to an assignee. Thus, where the assignment data is submitted after payment of the issue fee, the patent document will not include the assignment information. Therefore, as 37 CFR 3.81(b) was modified to provide for issuance of the patent to the assignee, the practice of waiving the rule (37 CFR 3.81(a)) under 37 CFR 1.183 is longer necessary and has been eliminated.

37 CFR 3.81(b), as modified, reads:

> 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.

In other words, the request under 37 CFR 3.81(b) will be granted when:

(1) a request under 37 CFR 3.81 and the fee set forth in 37 CFR 1.17(i) are filed,
(2) the assignment was submitted for recordation prior to issuance of the patent, and

(3) a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a) are submitted.

Patentees have met the requirements set forth above. Therefore, the request is granted.

The Certificates of Correction Branch will be informed of the instant decision and the requested Certificate of Correction will be issued in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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SHOOK, HARDY & BACON L.L.P.
(MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

Mail Date: 04/21/2010

Applicant	: Gregory L. Hendrickson	: DECISION ON REQUEST FOR
Patent Number	: 7596296	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,549	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1202** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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FALLS CHURCH, VA 22041

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OFFICE OF PETITIONS

In re Application of	:	
Kun-Ming Chen	:	
Application No. 11/106,552	:	ON PETITION
Filed: April 15, 2005	:	
Attorney Docket No. BHT-3249-38	:	

This is a decision on the petition filed November 6, 2006 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed April 7, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 8, 2006.

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

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

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Yao-Hui LU	:	
Application No. 11/106,560	:	ON PETITION
Filed: April 15, 2005	:	
Attorney Docket No. BHT-3127-101	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 7, 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 September 26, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is December 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 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.

The Revocation Power of Attorney and Change of Address filed with the petition dated December 7, 2009, has been acknowledged and accepted.

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

This application is being referred to Technology Center AU 1795 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.

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/106,560	04/15/2005	Yao-Hui Lu	BHT-3127-101

CONFIRMATION NO. 3638

POWER OF ATTORNEY NOTICE

BRUCE H. TROXELL
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

OC000000040254107

Date Mailed: 02/24/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/07/2009.

- 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).

/dcgoodwyn/

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

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INTEGRAL INTELLECTUAL PROPERTY INC.
1370 DON MILLS ROAD, SUITE 300
TORONTO ON M3B 3N7
CANADA

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In re Application of	:	
Adams et al.	:	
Application No. 11/106,633	:	ON APPLICATION FOR
Filed: April 15, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No. RIM015-01US	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b) filed April 29, 2009. Applicant requests that the determination of patent term adjustment be increased by eight hundred sixteen (816) days to one thousand, one hundred thirty-nine (1139) days, if the patent issues on Tuesday, August 18, 2009.[1] Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.703(b).

Applicant is given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent

[1] Applicants have miscalculated the date that is 28 weeks from the mailing of the Notice of Allowance and Issue Fee Due to be August 11, 2009.

within 3 years. A copy of this decision should accompany the request. Applicant may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

Rather than file the request for reconsideration of Patent Term Adjustment at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

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

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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INTEGRAL INTELLECTUAL PROPERTY INC.
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In re Patent No. 7,558,387	:	
Adams et al.	:	DECISION ON
Issue Date: July 7, 2009	:	REQUEST FOR
Application No. 11/106,633	:	RECONSIDERATION OF
Filed: April 15, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No.: GATHERING	:	
RANDOMNESS IN A WIRELESS SMART	:	
CARD READER	:	

This is a decision on the "Application For Patent Term Adjustment under 37 C.F.R. § 1.705(d)," filed September 3, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from eight hundred and sixteen (816) days to one thousand, one hundred and four (1104) days.

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

On April 29, 2009, prior to the issuance of this patent, a petition pursuant to 37 C.F.R. § 1.705(d) was filed, which was held in abeyance via the mailing of a decision on June 9, 2009, which indicated that no fee would be required for any subsequent timely request for consideration of this matter.[1]

On July 7, 2009, the above-identified application matured into US Patent No. 7,558,387 with a patent term adjustment of 816 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).

[1] As such, the $200 payment which accompanied this petition is unnecessary, and will be refunded to Petitioner's credit card in due course.

Citing the approach set out in Wyeth v. Dudas, Patentees assert entitlement to a patent term adjustment of 1104 days (448 + 830 reduced by 160 overlap - 14 (applicant delay)).

The Office agrees that the application issued 3 years and 448 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 830 days for Office delay was entered. At issue is whether Patentees should accrue 288 days of patent term adjustment for the Office taking in excess of three years to issue the patent (448 days less the 160 days of overlap), as well as 830 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the entire 448-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. 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 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[2]

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, April 15, 2005 to July 7, 2009. 830 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

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[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).

application. All of the 448 days for Office delay in issuing the patent overlap with the 830 days of Office delay. During that time, the issuance of the patent was delayed by 830 days, not 830 + (448 - 160 = 288) days. Other than the period of Office delay pursuant to 37 C.F.R. § 1.702(a)(1) which totals 830 days, the Office took all actions set forth in 37 C.F.R. § 1.702(a) within the prescribed timeframes.

Nonetheless, given the initial 830 days of Office delay and the 14 days of applicant delay and the time allowed within the time frames for processing and examination, the patent issued three years and 448 days after its filing date. The Office did not delay 830 days and then an additional 288 days. The 448 days attributed to the delay in the issuance of the patent overlaps with the adjustment of 830 days attributable to the grounds specified in 37 C.F.R. § 1.702(a)(1). Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment for the Office taking in excess of 3 years to issue the patent. 830 days is determined to be the actual number of days that the issuance of the patent was delayed.

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

Telephone inquiries specific to this matter should be directed to Paul Shanoski, Senior Attorney, at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of	:
Yogo Kawasaki et al	:
Application No. 11/106,642	: DECISION GRANTING PETITION
Filed: April 15, 2005	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 270557US90DIV	:

This is a decision on the petition, filed April 10, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 27, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 3729 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Apr9\106642.wpd

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/106,670	04/15/2005	Nam In Kim	123029-05046585	4778

EXAMINER
RADEMAKER, CLAIRE L

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
03/03/2010	PAPER

22429 7590 03/03/2010
LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

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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DECISION ON PETITION

In re Application of
In Kim et al.
Serial No. 11/106,670
Filed: December 2, 2005
For: Structural Reinforcement Article And Process For Preparation Thereof

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 for improperly withdrawing claims from consideration.

The Examiner in the Final Rejection dated October 26, 2009 found that newly submitted claims 11-13 were directed to inventions that were independent or distinct from the invention originally claimed. The Examiner further stated that new claims 11-13 were directed to a "distinct species".

The examiner's position was that since applicant received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

Claims added by amendment following action by the examiner, MPEP § 818.01, § 818.02(a), to an invention other than previously claimed, should be treated as indicated by 37 CFR 1.145.

37 CFR 1.145

Subsequent presentation of claims for different invention.
If, after an office action on an application, the applicant presents claims directed to an invention distinct from and independent of the invention previously claimed, the applicant will be required to restrict the claims to the invention previously claimed if the amendment is entered, subject to reconsideration and review as provided in §§ 1.143 and 1.144.

Election by original presentation does not apply to newly added species claims

DECISION

The petition is **GRANTED**.

The Examiner is directed to consider the withdrawn claims and to determine if an election of species should be issued.

11/106,670

/JACQUELINE STONE/

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

Yoon S. Ham
LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
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ALEXANDRIA VA 22314

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AUG 1

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

In re Application of	:
Ger-Jan Sanderink et al	:
Serial No.: 11/106,692	: PETITION TO MAKE SPECIAL
Filed: April 14, 2005	:
Attorney Docket No.: 03806.0591	:

This is in response to applicants' petition filed July 21, 2006, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII. Therefor the petition is **GRANTED**.

The following condition applies to the grant of this petition: If, upon examination, it is determined that a restriction requirement is necessary because of multiple inventions being claimed, applicant will be required to make an election without traverse of a single invention to be prosecuted. Failure to make an election without traverse will void the special status accorded in this decision.

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

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at the general Office facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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12TH FLOOR
1750 TYSONS BOULEVARD
MCLEAN, VA 22102

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In re Application of	:	
Eric Aaron	:	
Application No. 11/106,720	:	DECISION ON PETITION
Filed: April 15, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 43689.016600	:	37 CFR 1.102(d)
	:	

This is a decision on the petition under 37 CFR §1.102(d), filed November 29, 2005, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to Technology Center Art Unit 2644 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
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In re Application of
Ulrich MANTZ, et al
Application No. 11/106,726
Filed: April 15, 2005
Attorney Docket No. 543822013000

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 9, 2007.

The request is **APPROVED**.

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

The request was signed by Deborah S. Gladstein on behalf of all attorneys of record who are associated with customer No. 25227.

All attorneys/agents associated with Customer Number 25227 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: ULRICH MANTZ
ALEXANDER-HERZEN-STR. 19
DRESDEN, 01109
GERMANY

cc: GERO G. MCCLELLAN
PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD,
SUITE 1500
HOUSTON, TX 77056

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/106,726	04/15/2005	Ulrich Mantz	543822013000

CONFIRMATION NO. 3545

OC000000024354431

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 06/14/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/09/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Desire Goodwyn

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

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In re Application of
Ulrich MANTZ, et al
Application No. 11/106,726
Filed: April 15, 2005
Attorney Docket No. 543822013000

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 9, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Deborah S. Gladstein on behalf of all attorneys of record who are associated with customer No. 25227.

All attorneys/agents associated with Customer Number 25227 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

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In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: ULRICH MANTZ
ALEXANDER-HERZEN-STR. 19
DRESDEN, 01109
GERMANY

cc: GERO G. MCCLELLAN
PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD,
SUITE 1500
HOUSTON, TX 77056

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/106,726	04/15/2005	Ulrich Mantz	543822013000

CONFIRMATION NO. 3545

OC000000024354431

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 06/14/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/09/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

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Applicant: Chunthrarapai et al.
Appl. No.: 11/106,762
Filing Date: April 15, 2005
Title: ASSAY FOR ANTIBODIES
Attorney Docket No.: P2075R1
Pub. No.: US 2006/0099662 A1
Pub. Date: May 11, 2006

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on July 11, 2006, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in dependent claim 26 wherein "the detectable antibody is amplified by a fluorimetric or colorimetric reagent" is misprinted as "the detectable antibody is amplified by a fluorimetric or calorimetric reagent."

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor wherein "colorimetric reagent" is misprinted as "calorimetric reagent" in dependent claim 26 may be an Office error, but it is not a material Office error under 37 CFR 1.221. The typographical error does not affect the understanding of the application, as the "colorimetric reagent" is well known and the phrase is printed corrected in the application. The application is clearly understandable to one of ordinary skill in the art reading the application and claims. 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

[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).

application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

Applicant is advised that he may want to file application papers that are clearer, as the error 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.

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.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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SUITE 3
SAN LUIS OBISPO CA 93401

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In re Application of
Lewis Dale Peterson, et al.
Application No. 11/106,771
Filed: April 14, 2005
Attorney Docket No. UT02222005

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed September 14, 2007 and October 5, 2007.

The request is **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, "attorney of record has been hired by another law firm, 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 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: SCOTT PETERSON
3428 SYCAMORE
SAN LUIS OBISPO, CA 93401

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MHKKG / GLOBALFOUNDRIES
P.O. Box 398
Austin, TX 78767-0698

Mail Date: 04/20/2010

Applicant	: Derek Golightly	: DECISION ON REQUEST FOR
Patent Number	: 7636555	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,774	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **769** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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William W. Enders
O'KEEFE, EGAN & PETERMAN, LLP
Building C
1101 Capital of Texas Highway South, Suite 200
Austin, TX 78746

Mail Date: 04/21/2010

Applicant	: Fahd B. Pirzada	: DECISION ON REQUEST FOR
Patent Number	: 7590075	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,779	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **527** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

Mail Date: 06/11/2010

Applicant	: Yongcai Wang	: DECISION ON REQUEST FOR
Patent Number	: 7622185	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/106,789	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **625** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Alexandria, VA 22313-1450
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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO IL 60606-1080

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DEC 16 2008

In re Application of	:	
Peter Sutovsky et al.	:	
Application No. 11/106,796	:	DECISION ON PETITION
Filed: April 15, 2005	:	
Attorney Docket No. UVMO:033US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 24, 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 29, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 29, 2008. Accordingly, the date of abandonment of this application is May 30, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $720.00 and the publication fee of $300.00, (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Office of Data Management for processing into a patent.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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ECOLAB INC.
MAIL STOP ESC-F7, 655 LONE OAK DRIVE
EAGAN MN 55121

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SEP 15 2008

OFFICE OF PETITIONS

In re Application of
Joseph P. Morrelli et al.
Application No. 11/106,798
Filed: April 15, 2005
Attorney Docket No: **2005US01**

: 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 13, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional applications 10/374,690 and 09/589,902.

The petition is **DISMISSED AS MOOT**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The current procedure where a claim for priority under 37 CFR §§ 1.78(a)(3) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application with the time period set forth in 37 CFR §§ 1.78(a)(2)(ii). However, on the other hand, if the

USPTO does not note the claim for priority to the prior-filed application(s) set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR §§ 1.78(a)(3).[1]

Along with the instant petition under 37 CFR §§ 1.78(a)(3), petitioner has submitted an amendment to the first sentence of the specification following the title to correct the relationship to the prior-filed nonprovisional applications.

In vew of the above, the $1410.00 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

Any questions concerning this decision on petition may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed the Technology Center.

This matter is being referred to Technology Center Art Unit 1713 for appropriate processing of the amendment filed March 13, 2008.

Anthony Knight
Supervisor
Office of Petitions

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[1] *Note* MPEP 201.11 (V), page 200-75 (Rev. 1. Feb. 2004 and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

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IP Legal Services
1500 East Lancaster Avenue, Suite 200
P.O. Box 1027
Paoli PA 19301

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SEP 15 2008
OFFICE OF PETITIONS

In re Application of :
Falkowski et al. :
Application No. 11/106,814 : ON PETITION
Filed: April 15, 2005 :
Attorney Docket No. Falkowski 3-3-6-3 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 30, 2008, which, for the reasons stated below, is being treated as a request for a two month extension of time.

The request for a two month extension of time is **GRANTED.**
The petition filed under 37 CFR 1.137(b) is **DISMISSED**

The record shows that a Notice of Noncompliant Amendment was mailed on April 22, 2008, which set a one month shortened statutory period for reply. Accordingly, a reply was due on or before May 22, 2008, or on or before September 22, 2008 with the submission of an extension of time fee pursuant to the provisions of 37 CFR 1.136(a). Since petitioner may obtain an extension of time up to and including September 22, 2008, this case is not in fact abandoned. Accordingly, the filing of a petition to revive is inappropriate until the maximum extendable period for reply has expired. The Notice of Abandonment was prematurely mailed.

In view of the above, the overpayment of $2130.00 will be refunded to petitioner in due course.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3215.

This application is being referred to Art Unit 2184 for further action as the nature of the case may require.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

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FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK NY 10104-3800

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JUL 09 2010

OFFICE OF PETITIONS

In re Patent No. 7,645,459
Issued: January 12, 2010
Application No. 11/106,816
Filed: April 15, 2005
Attorney Docket No. 02911.012150

: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R.§ 1.705(d) filed on March 2, 2010, requesting that the patent term adjustment be corrected from 726 to 1216 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 fifteen (1215) days is **GRANTED to the extent indicated herein**.

At the outset, patentees have miscalculated the total patent term examination. It is undisputed that the period of examination delay, "A" delay", pursuant to 37 CFR 1.702(a)(1) is 818 days. The "B" delay period, the over three year period begins on April 15, 2008 and ends on January 12, 2010 and therefore is 637 days. As such, the patent term adjustment is 1215 days (818 plus 637 minus 148 overlap minus 92 day applicant delay), not 1216 days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand two hundred fifteen (1215)** days.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,645,459 B2

DATED : January 12, 2010

INVENTOR(S) : Richard John Dansereau

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 (726) days

Delete the phrase "by 726 days" and insert – by 1215 days--

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SHERRILL LAW OFFICES
4756 BANNING AVE
SUITE 212
WHITE BEAR LAKE, MN 55110-3205

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JUN 0 4 2008

OFFICE OF PETITIONS

In re Application of
Larry Holmberg
Application No. 11/106,828
Filed: April 15, 2005
Attorney Docket No. HLMBL006USPT06

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed June 4, 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) was obtained. Accordingly, the application became abandoned on September 5, 2007. A Notice of Abandonment was subsequently mailed on 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 a Request for Continued Examination (RCE), including the fee of $405 and the submission required by 37 CFR 1.114; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 3662 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

Mail Date: 04/21/2010

Applicant	: Larry Holmberg	: DECISION ON REQUEST FOR
Patent Number	: 7643132	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/106,828	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **116** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.

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NEW YORK NY 10017

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OFFICE OF PETITIONS

In re Application of
Chornenky et al.
Application No. 11/106,835
Filing Date: April 15, 2005
Attorney Docket Number:
M-001 CON1/309819
Title: APPARATUS AND METHOD FOR REDUCING SUBCUTANEOUS FAT DEPOSITS, VIRTUAL FACE LIFT AND BODY SCULPTURING BY ELECTROPORATION

DECISION ON PETITION PURSUANT TO 37 C.F.R. §§ 1.78(a)(3) and (a)(6)

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed on November 13, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to both the two prior-filed provisional applications and the prior-filed non-provisional application, set forth in an amendment to the specification submitted concurrently with this petition.

The petition is **DISMISSED as premature**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i)

of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

Petitioner seeks to introduce the following benefit claim: this application is a continuation of prior filed application No. 09/931,672, which claims the benefit of two U.S. provisional applications: 60/267,106 and 60/225,775. However, application No. 09/931,672 does not claim the benefit to these two provisional applications, and as such, a reissue application of 09/931,672 (12/571,927) was filed on October 1, 2009, so as to claim the benefit of these two prior-filed provisional applications.

This petition is premature. A renewed petition should be filed when the reissue has been issued and priority to these two provisional applications has been established.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Chris Bottorff
Supervisor
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/106,879	04/14/2005	Mark S. Smyth	PRTX-P01-006	6395

28120 7590 05/04/2007
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

EXAMINER
FREISTEIN, ANDREW B

ART UNIT	PAPER NUMBER
1626	

MAIL DATE	DELIVERY MODE
05/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES
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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
Alexandria, VA. 22313-1450
WWW.USPTO.GOV

Maya Escobar, Ph.D.
Fish & Neave IP Group, Ropes & Gray LLP
One International Place
Boston, Massachusetts 02110-2624

Date: May 1, 2007
Application No. 11/106,879
Filed: April 14, 2005
Subject: **COMPOUNDS FOR ENZYME INHIBITION**

ON PETITION
37 CFR 1.48(b)

Receipt is acknowledged of the petition filed April 2, 2007 under 37 CFR 1.48(b) for correction of inventorship. The petition has been **GRANTED**.

In view of the papers filed, the inventorship in this application has been changed by the **deletion of John Clifford Chabala** as co-inventor. 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 inventorship as corrected.

JOSEPH K. MCKANE
United States Patent and Trademark Office
Technology Center 1600
SPE, ART UNIT 1626
Remsen 5A05
571-272-0699

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/106,895	04/14/2005	Takao Tani	P04-1031

YOKOI & CO. U.S.A., INC.
13700 MARINA POINTE DRIVE #723
MARINA DEL RAY CA 90292

DATE MAILED: February 12, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed January 29, 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/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/106,895	04/14/2005	Takao Tani	P04-1031

YOKOI & CO. U.S.A., INC.
13700 MARINA POINTE DRIVE #723
MARINA DEL RAY CA 90292

DATE MAILED: February 12, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed January 29, 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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OCT 0 5 2005

Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago IL 60690-1135

In re Application :
Gholam A. Peyman :
Serial No.: 11/106,922 : DECISION ON PETITION
Filed: April 15, 2005 :
For: Intraocular Lens Adapted For Adjustment
Via Laser After Implantation :

This is in response to applicants' petition filed April 15, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact Frederick Schmidt by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (571) 272-2975 or by facsimile transmission at (571) 272-8300.

Frederick R. Schmidt

Frederick R. Schmidt, Director
Technology Center 3700

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OMELVENY & MYERS LLP
400 SOUTH HOPE ST
LOS ANGELES CA 90071-2899

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OFFICE OF PETITIONS

In re Application of	:	
Jan Henrik Bryde	:	
Application No. 11/106,925	:	DECISION ACCORDING STATUS
Filed: April 14, 2005	:	UNDER 37 CFR 1.47(b)
Attorney Docket No. 681331-144	:	

This is in response to petition under 37 CFR 1.47(b), filed October 5, 2005.

The petition under 37 CFR 1.47(b) is **GRANTED**.

The above-identified application was filed on April 14, 2005, without an executed oath or declaration. Accordingly, on May 5, 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 under 37 CFR 1.47(b) and paid both the petition fee and the surcharge for late filing of the declaration. To make timely this reply, applicant obtained a three month extension of time. Accompanying the petition was a declaration signed by Randall H. Holliday, listing the name, citizenship, and residence of nonsigning inventor Jan Henrik Bryde.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that all of the inventors cannot be reached or refuse 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) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage; (4) the petition fee; (5) a statement of the last known address of the non-signing inventor; and (6) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application.

On petition, Rule 47 applicant has established that Bryde made an oral refusal to sign the declaration. While Rule 47 applicant has not established that Bryde was presented with the application papers (specification, claims, and drawings), it is clear from the evidence presented on petition that Bryde knew what he was being asked to sign.

While petitioner did not meet requirement (3) above (i.e. a statement that a filing date is necessary to preserve the rights of the party or prevent irreparable damage - See MPEP 409.03(g)), that requirement is being waived in this instance *sua sponte* by the Office.

The petition and the declaration have been reviewed and found to be in compliance with 37 CFR 1.47(b) and 37 CFR 1.63.

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 last known 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 Group Art Unit 3747 for docketing and 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

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JAN HENRIK BRYDE
ROSTMYRVEIEN 7
3007 DRAMMEN
NORWAY N3030

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NOV 25 2005

OFFICE OF PETITIONS

In re Application of Jan Henrik Bryde Application No. 11/106,925 Filed: April 14, 2005 Title: Control System for Distributed Power Generation, Conversion, and Storage System	:	LETTER

Dear Mr. Bryde:

You are named as the sole 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(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, 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 Arne Congo
Petitions Attorney
Office of Petitions

Brian M. Berliner
O'Melveny & Myers LLP
400 South Hope St
Los Angeles, CA 90071-2899
213-430-6000

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

ACUSHNET COMPANY
333 BRIDGE STREET
P. O. BOX 965
FAIRHAVEN MA 02719

In re Application of	:
Ladd, et al.	: DECISION ON PETITION
Application No. 11/106,926	:
Filed: April 15, 2005	:
Atty. Dkt. No: B03-14	:

This decision is in response to the "PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b)," filed November 29, 2007. This matter is also being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

This application was held abandoned March 6, 2007 for failure to timely submit a proper reply to the non-final Office action mailed February 5, 2007. The non-final Office action set a one month shortened statutory period of time for reply. Notice of Abandonment was mailed November 15, 2007.

DECISION UNDER 37 CFR 1.181

Petitioners argue non-receipt of the non-final Office action mailed February 5, 2007. Petitioners further indicate that the non-final Office action was returned to the Office was undeliverable.

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 action on the part of the United States Patent and Trademark Office. Nonetheless, the Office action was, for unknown reasons, returned to the USPTO.

There is no indication in the record that the Office attempted to re-mail the Office action as set forth at MPEP 707.13.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

DECISION UNDER 37 CFR 1.137(a)

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).

In view of the withdrawal of the holding of abandonment, the petition under 37 CFR 1.137(b) is hereby **DISMISSED AS MOOT**.

No petition fee has been assessed in connection with this matter.

The application file is being forwarded to 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

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. 060905

Elsie C. Turner
Suite 204
201 Park Place
Altamonte Springs FL 32701

JUL 2 2 2005

In re Application of:
PIAZZA *et al.*
Serial No.: 11/106927
Filed: April 15, 2005
For: **SYSTEM AND METHOD FOR CALCULATING TEMPERATURE AS A FUNCTION OF TIME**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed April 15, 2005, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.) § 708.02, Section IV: Applicant's Age.

A grantable petition to make special under 37 C.F.R. § 1.102, and in accordance with M.P.E.P. § 708.02, Section IV, must include evidence showing that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a statement from the applicants stating that Pietro Piazza is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

Inquiries regarding this decision should be directed to Clayton LaBalle at (571) 272-1594.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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PAYOR CASHMAN, LLP
410 PARK AVENUE
NEW YORK, NY 10022

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JUL 30 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Jim Bell et al :
Application No. 11/106,954 :
Filed: April 15, 2005 :
Attorney Docket No. 2270.051 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 8, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 14, 2006, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 15, 2006.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3711 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

MIELE LAW GROUP PC
36 LOVERING STREET
MEDWAY MA 02053

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MAR 06 2008

OFFICE OF PETITIONS

In re Application of	:	
Vanduyn et al.	:	DECISION ON
Application No. 11/106,956	:	PETITION
Filed: April 15, 2005	:	
Atty Docket No. A1163-US-NP/	:	
XERX-P001US	:	

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION UNDER 37 CFR 1.181 AND MPEP 711.03(c)I.A," filed October 26, 2007.

The above-identified application became abandoned by operation of law for failure to file a timely and proper reply to the non-final Office action mailed March 26, 2007. The Office action set a three-month shortened statutory period for reply, with extensions of time obtainable under §1.136(a). No reply received and no extension of time obtained, the application became abandoned effective June 27, 2007. The filing of the instant petition precedes the mailing of a courtesy Notice of Abandonment.

Applicants filed the instant petition on the basis that the Office action was never received at the correspondence address of record, pursuant to a change of correspondence address filed September 2, 2005. In support thereof, applicants submitted a copy of the change of correspondence address and of the USPTO auto-facsimile confirmation acknowledging receipt of 35 pages including 34 change of correspondence address forms. (The change of address was resubmitted on June 22, 2007 and made of record.)

Petitioner's evidence has been considered and found persuasive that a change of correspondence address was filed in this application by facsimile transmission to the Office's Official facsimile number on September 2, 2005. Moreover, the change of correspondence address was properly completed by an attorney of record. However, the change of correspondence address was not made of record. Consequently, the Office action was mailed to an incorrect address. Under the circumstances, withdrawal of the holding of abandonment is warranted.

In view thereof, the holding of abandonment is hereby **WITHDRAWN**. (No Notice of Abandonment was mailed in this application. Nonetheless, the application did become abandoned by operation of law for failure to prosecute. See 35 U.S.C. 133).

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

The correspondence address of record is consistent with the change of address filed January 8, 2008.

Technology Center AU 2877 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, if necessary, and for re-mailing of the non-final Office action mailed March 26, 2007 and for restarting of the period for reply. (It does not appear from IFW that the Office action was re-mailed on February 5, 2008 as indicated in PALM, as no such Office action is present in the Image File Wrapper).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219. Questions regarding the re-mailing of the Office action should be directed to the Technology Center.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No. 20080310

MIELE LAW GROUP PC
36 LOVERING STREET
MEDWAY MA 02053

In re Application of: ::
VANDUYN *et al.* ::
Serial No.: 11/106,956 : DECISION ON PETITION
Filed: April, 15, 2005
Attorney Docket No.: **A1163-US-NP/XERX-P001US**

This is a decision on the petition filed October 20, 2007. The petition has been treated as a petition to withdraw the holding of abandonment of the above-identified application under 37 C.F.R. § 1.181, and to remail the final Office action mailed on March 26, 2007. No petition fee is required.

The petition is **GRANTED**.

The petitioner asserts that the final Office action mailed on March 26, 2007 was not received. It is further asserted that a check of the PAIR system reveled that the Office action had been returned to the USPTO as undeliverable.

M.P.E.P. 707.13 states in part:

> *Letters are sometimes returned to the Office because the United States Postal Service has not been able to deliver them. The examiner should use every reasonable means to ascertain the correct address and forward the letter again, after stamping it "remailed" with the date thereof and redirecting it if there be any reason to believe that the letter would reach applicant at such new address. If the Office letter was addressed to an attorney, a letter may be written to the inventor or assignee informing him or her of the returned letter. The period running against the application begins with the date of remailing. Ex parte Gourtoff, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924).*

A review of the record shows that a non-final Office action was mailed on March 26, 2007, and returned by the United States Postal Service to the United States Patent and Trademark Office on April 2, 2007. From the review of the official record, it does not appear that an attempt to remail the final Office action was made. Accordingly, the final Office action was not remailed pursuant to M.P.E.P. § 707.13.

For the above stated reasons, the petition is granted.
The application file is being forwarded to the Technology Center 2800 support staff for re-mailing the final Office action dated March 26, 2007. The shortened statutory period for response set therein will be reset to run three months from the date the final Office action is remailed.

Inquiries regarding this decision should be directed to Gregory J. Toatley, Jr. at (571) 272-2059.

Robert Oberleitner, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN TX 78701-4039

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SEP 06 2005

OFFICE OF PETITIONS

In re Application of Hubert Foucault Application No. 11/106,966 Filed: April 15, 2005 Attorney Docket Number: 074263.0263 Title of Invention: Field Synthesis System and Method for Optimizing Drilling Operations	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 12, 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 December 29, 2003, without a declaration executed by the sole inventor Foucault.

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 items (1), (2), and (6).

As to item (1), rule 47 applicant has failed to provide sufficient evidence to establish inventor Foucault cannot be reached. Applicant must demonstrate diligent efforts were made to find or reach non-signing inventor. See MPEP 409.03(d). To the extent seeks to argue that inventor Foucault has refused to execute the application papers sufficient evidence has not been provided. Once it was determined inventor Foucault no longer resided at the address the application papers were mailed, what steps were taken to

locate Foucault. It is not sufficient to electronically mail the application papers to inventor Foucault via his former employer's e-mail address. Did rule 47 applicant contact known colleagues for a forwarding address of non-signing inventor? Was an electronic search conducted to locate the last known address? Sufficient statements have not been provided in the petition to illustrate "diligent effort" was made to locate inventor Foucault. Applicant should present copies of documentary evidence that support a finding that the non-signing inventor could not be found or reached and the steps taken to locate the non-signing inventor. If applicant is aware the non-signing inventor can not be reached at the address provided in the declaration, applicant should make a showing that diligent effort has been made to locate the inventor. If applicant provides sufficient evidence that diligent effort has been made to locate the inventor and inventor can not be located, 47 applicant is not required to send a copy of the application. If a current address is located for inventor Foucault it should be included in the declaration.

As to item (2), applicant failed to submit a proper 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.

As to item (6), Applicant has not provided a showing that the granting of rule 47 status is necessary to preserve the rights of the party or prevent irreparable damage. See MPEP 409.03(h).

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:	U.S. Patent and Trademark Office

(FedEx, UPS, DHL, etc.) 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
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 DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN TX 78701-4039

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DEC 0 9 2005

OFFICE OF PETITIONS

In re Application of
Hubert Foucault
Application No. 11/106,966
Filed: April 15, 2005
Attorney Docket Number: 074263.0263
Title of Invention: Field Synthesis System and Method for Optimizing Drilling Operations

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 November 3, 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 inventors have 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Herbert Foucault
9 Rue Jean Mermoz
Evry 91000
France
AIRMAIL

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DEC 0 9 2005

OFFICE OF PETITIONS

In re Application of
Hubert Foucault
Application No. 11/106,966
Filed: April 15, 2005
Attorney Docket Number: 074263.0263
Title of Invention: Field Synthesis System and Method for Optimizing Drilling Operations

: LETTER

Dear Mr. Foucault:

You are named as a the sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 118 (United States Code) and 37 CFR 1.47(b). Should a patent be granted on the application you will be designated therein as a co-inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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98 SAN JACINTO BLVD., SUITE 1500
AUSTIN TX 78701-4039
ATTN: BRIAN E. SZYMCZAK

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P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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OFFICE OF PETITIONS

In re Application of	:	
Coleman et al.	:	DECISION ON PETITION
Application No. 11/106,972	:	TO WITHDRAW
Filed: April 15, 2005	:	FROM RECORD
Attorney Docket No. 07324-075001	:	

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 25, 2008.

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.*

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to Alicia Kelley at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/106,994	04/14/2005	3748	1130	D5755	3	15	3

CONFIRMATION NO. 6486

UPDATED FILING RECEIPT

OC000000016769027

30409
INTERNATIONAL ENGINE INTELLECTUAL PROPERTY COMPANY
4201 WINFIELD ROAD
P.O. BOX 1488
WARRENVILLE, IL 60555

Date Mailed: 08/12/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Terry G. Wood, Countryside, IL;
Grzegorz Siuchta, Glendale Heights, IL;
Wesley J. Terry, Union, IL;

Power of Attorney: The patent practitioners associated with Customer Number **30409**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/106,994

Projected Publication Date: 10/19/2006

Non-Publication Request: No

Early Publication Request: No

Title

System and method for relieving engine back-pressure by selectively bypassing a stage of a two-stage turbocharger during non-use of EGR

Preliminary Class

060

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

ROBERT D. SHEDD, PATENT OPERATIONS
THOMSON LICENSING LLC
P.O. BOX 5312
PRINCETON NJ 08543-5312

In re Application of :
Burkart et al. :
Application Number: 11/107016 :
Filing Date: 04/15/2005 : ON PETITION
Attorney Docket Number: :
PD040040

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on October 9, 2009.

The petition is **GRANTED**.

This application became abandoned on October 1, 2009, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on June 30, 2009, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on October 15, 2009.

Receipt of the issue and publication fees paid on October 9, 2009, 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 the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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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OFFICE OF PETITIONS

BURNS & LEVINSON LLP
1700 K STREET, NW
SUITE 720
WASHINGTON DC 20006

In re Application of :
DURBAN, Jack P. et al. :
Application No. 11/107,019 : DECISION ON PETITION
Filed: April 15, 2005 : TO WITHDRAW
Attorney Docket No. **23506.2.3** : 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 February 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 Kimberly B. Whitehead on behalf of all attorneys of record who are associated with customer No. 40320. 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 November 28, 2006 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **JACK DURBAN**
22371 SUNBROOK
MISSION VEIJO, CA 92692

cc: **STEVEN J. GENUSER**
c/o OPTISTREAMS, INC.
7545 N. DEL MAR AVENUE
SUITE 203
FRESNO, CA 93700-6872

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/107,019	04/15/2005	Jack P. Durban	23506.2.3

CONFIRMATION NO. 5671

OC000000023401858

40320
BURNS & LEVINSON LLP
1700 K STREET, NW
SUITE 720
WASHINGTON, DC 20006

Date Mailed: 04/17/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/08/2007.

- 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.

Michelle R. Edson

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY

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Quine Intellectual Property Law Group, P.C.
P.O. 458
Alameda, CA 94501

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JAN 28 2008

OFFICE OF PETITIONS

In re Application of	:	
Mai H. Nguyen	:	
Application No. 11/107,029	:	DECISION ON PETITION
Filed: April 15, 2005	:	TO WITHDRAW
Attorney Docket No. UCLAP032X1/2002-186-2	:	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 December 13, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Jonathan Alan Quine and all attorneys/agents associated with customer number 22798 has been revoked by the applicant of the patent application on January 15, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

While the assignee attempted to intervene in the above-identified application, the Revocation of Power of Attorney filed on January 15, 2008, does not comply with the requirements of 37 CFR 3.73(b). 37 CFR 3.73(b)(1)(i), requires a statement 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 37 CFR 3.11. Therefore, in order to perfect the power of attorney filed on January 15, 2008, compliance with 37 CFR 3.73(b) must be satisfied.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Beyer Weaver, LLP
P.O. Box 70250
Oakland, CA 94612-0250

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2 6 SEP 2007

Dr. Max Fogiel
44 Maple Court
Highland Park NJ 08904

In re Application of	:	
ELLMAN, Siegfried et al.	:	
U.S. Application No.: 11/107,050	:	DECISION
Filing Date: 15 April 2005	:	
Attorney Docket No.: None	:	
For: VEHICLE CHASSIS	:	

This decision is in response to applicant's petition to process this application as a filing under 35 USC 371, rather than under 35 USC 111(a), filed in the United States Patent and Trademark Office on 25 July 2007.

BACKGROUND

On 29 October 2005, applicant filed international application PCT/EP2003/011969, claiming a priority date of 28 November 2002. Accordingly, the thirty-month period for paying the basic national fee in the United States expires at midnight on 28 May 2005.

On 15 April 2005, applicant filed *inter alia*, a transmittal letter, a copy of a German language application, claims, drawings, a preliminary amendment, fees and a declaration. The transmittal letter and declaration both indicated that the application claimed priority to a PCT application, alternately identified as PCT/3003/011969 and PCT/EP3003/011969. The transmittal letter was titled "New PCT Application".

On 16 November 2005, applicant submitted "Request For Immediate Examination of PCT Application Under 35 U.S.C. 371," asking that the Office immediately examine the application under 35 USC 371(f).

On 25 July 2007, applicant filed this petition to process the 29 October 2005 submission as a 35 USC 371 filing.

DISCUSSION

A review of the above-captioned application file indicates it is a utility application filed under 35 U.S.C. 111(a).

The USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national

> stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.
>
> * * *
>
> If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111.

Applicant's submission nowhere identified itself as a national phase filing under 35 USC 371. It did claim to be a new PCT application, but a new PCT filing is not a national phase filing. Rather a new PCT filing is a filing made with the United States as Receiving Office under 35 USC 361. However, the submission was not accompanied by a Request form and the submission appears to lack a US citizen or resident for such a filing. A claim to priority does not make this application a 35 USC 371 filing. Rather such a claim is also consistent with a filing under 35 USC 111(a). In the absence of clear instructions, the submission was properly processed as a 35 USC 111(a) application.

The processing of new applications as expressed in the Official Gazette notice quoted above is not a balancing test. However, nothing in applicant's submission indicated that the submission was a national phase filing. The submission of a copy of a PCT publication does not make this submission a national phase filing. A PCT can proceed in one of two ways at 30 months. It can either proceed as a national phase under 35 USC 371 or national application under 35 USC 111(a). Applicant created the 35 USC 111(a) application.

Finally, applicant points to a Request For Immediate Examination of PCT Application Under 35 U.S.C. 371 as a clear indication that the submission was intended as a 35 USC 371 filing. However, the paper did not accompany the initial submission. It was filed seven months later. The papers must be clearly identified as a filing under 35 USC 371 at filing.

U.S. Statutes and Regulations do not make specific provision for conversion of the application to a national phase and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available.

Applicant has created a 35 USC 111(a) application, but has not made a valid priority claim to the international application and its priority document. Applicant may wish to consider filing a petition under 37 CFR 1.78 to add an unintentionally delayed priority claim.

CONCLUSION

As indicated above, this application will be processed as a 35 USC 111(a) filing.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within **TWO (2) MONTHS** from the mail date of this decision.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the Office of Initial Patent Examination for continued processing.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

2 1 DEC 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Dr. Max Fogiel
44 Maple Court
Highland Park NJ 08904

In re Application of	:
ELLMANN et al.	:
Application No. 11/107,050	: DECISION ON PETITION
Filed: April 15, 2005	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 9, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed international application set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED** without prejudice.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The priority claim listed in the amendment identifies this application as a continuation of international application PCT/EP3003/011969. However, PCT/EP3003/011969 does not yet

exist. In addition, applicant's benefit claim should also identify the status of the parent application, indicating for example, whether it is abandoned or patented. See MPEP 201.11.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Erin Thomson at (571) 272-3292.

Boris Milef
Legal Examiner
PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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0 2 JUL 2008

Dr. Max Fogiel
44 Maple Court
Highland Park NJ 08904

In re Application of	:
ELLMANN et al.	:
Application No. 11/107,050	: DECISION ON PETITION
Filed: April 15, 2005	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 14, 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 concurrently with the instant petition.

The petition is **DISMISSED** without prejudice.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Items (2)-(3) have been satisfied.

On January 08, 2008, the Office mailed a Final Rejection in the above case. On January 14, 2008, applicant supplied the priority claim reference by way of an amendment after final rejection pursuant to the provisions of 37 CFR 1.116.

An amendment after final rejection is not entered as a matter of right but must be approved for entry by the examiner. The examiner has been consulted and has indicated that the amendment will not be entered. An advisory action will be mailed by the examiner in due course. Petitioner may wish to consider submitting a request for continued examination (RCE) under the provisions of 37 CFR 1.114.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PCT
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0459
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Erin Thomson at (571) 272-3292.

This application is being referred to the examiner for appropriate action on the amendment after final rejection filed 14 January 2008.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/18/10

TO SPE OF : ART UNIT 3745

SUBJECT : Request for Certificate of Correction for Appl. No.: 11107073 Patent No.: 7458310

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

Ed Looh AU. 3745

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P.O. Box 1450
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OFFICE OF PETITIONS

CALFEE, HALTER & GRISWOLD
1110 FIFTH THIRD CENTER
21 EAST STATE STREET
COLUMBUS, OH 43215-4243

In re Application of	:	
Randolph M. Howes	:	
Application No. 11/107,076	:	DECISION ON PETITION
Filed: April 15, 2005	:	TO WITHDRAW
Attorney Docket No. 29794/04013	:	FROM RECORD
	:	

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 10, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the attorneys associated with customer no. **27874** in addition to Joan N. Drew and the attorneys associated with customer no. **24024** has been revoked by the applicant of the patent application on February 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/assignee or the current attorneys of record.

This application is being referred to Technology Center AU 1616 to await a reply to the Office Notice mailed April 25, 2006.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

Conferee:

cc:

GREENBLUM & BERNSTEIN
1950 ROLAND CLARKE PLACE
RESTON VA 20191

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY MI 48007

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In re Application of	:	
Jack L. Glenn et al	:	
Application No. 11/107,084	:	DECISION DISMISSING PETITION
Filed: April 15, 2005	:	UNDER 37 CFR 1.313(a)
Attorney Docket No. DP-311935	:	

This is a decision on the petition under 37 CFR 1.313(a), filed May 22, 2008, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on April 17, 2008, with the issue fee being due on or before July 17, 2008. The petition states that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

The matter is being referred to Technology Center AU 2826 for appropriate processing of the RCE filed May 22, 2008, and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

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JUN 29 2010
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Applicant: Melissa BEALL et al.	:	DECISION ON REQUEST FOR
Patent Number:Not Yet Available	:	RECALCULATION of PATENT
Issue Date: Not Yet Available	:	TERM ADJUSTMENT IN VIEW OF
Application No. 11/107,086	:	WYETH
Filed: April 15, 2005	:	

The Applicant's Request for Recalculation is **DISMISSED AS PREMATURE**. Applicant has filed the request based upon the USPTO determination that is provided to applicant in the notice of allowance.

The USPTO does not calculate and inform the applicant of the patent term adjustment based upon the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) or the overlapping provision in 35 USC § 154(b)(2)(A) in the notice of allowance because the USPTO must know the date the patent will issue to be able to calculate the patent term adjustment based upon these provisions. Accordingly, the USPTO does not determine the amount of "B" delay or the amount of overlap as required by Wyeth until the USPTO establishes a grant date.

Thus, reconsideration of the patent term adjustment indicated in the patent as it relates to the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) and any overlap pursuant to 35 USC § 154(b)(2)(A) are not considered matters that could have been raised in an application for patent term adjustment under 37 CFR 1.705(b)(provides for reconsideration of the patent term adjustment indicated in the notice of allowance). Therefore, a request for reconsideration of the patent term adjustment calculation based on the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) and the overlapping provision of 35 USC §

154(b)(2)(A) will be considered timely filed if filed within two months of the issue date of the patent.

Applicant may file a reply to this decision dismissing the Request for Recalculation. Applicant 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.

Applicant 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.

Applicant should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent 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.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FULBRIGHT & JAWORSKI L.L.P.
80 SOUTH EIGHTH STREET
SUITE 2100
MINNEAPOLIS MN 55402

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In re Application of
Biel, et al.
Application No. 11/107,105
Filed: April 14, 2005
Attorney Docket No. 22,272-26US
For: PHOTODYNAMIC THERAPY UTILIZING MULTIPLE DUTY CYCLE LIGHT MODULATION

ON PETITION

This is a decision on the petition, filed December 2, 2008, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the August 29, 2007 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on November 30, 2007. A Notice of Abandonment was mailed on April 2, 2008.

Applicants have submitted an amendment in reply to the August 29, 2007 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the August 29, 2007 non-final Office action, and the $810.00 petition fee.

All of the requirements under 37 CFR 1.137(b) being met, 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.

After the mailing of this decision, the application will be returned to Technology Center AU 3769 for consideration of the amendment filed on December 2, 2008.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

CC: JOHN KLOS
BRIGGS & MORGAN
80 S. 8TH STREET; SUITE 2200
MINNEAPOLIS MN 55402

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United States Patent and Trademark Office
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MAR 18 2010

OFFICE OF PETITIONS

CHARLES G. CALL
361 WILD COFFEE LANE
MARCO ISLAND, FL 34145

In re Application of	:	
Hayes Solos Raffle, et al.	:	
Application No. 11/107,120	:	ON PETITION
Filed: April 15, 2005	:	
Attorney Docket No. F-06	:	

This is a decision on the petition, filed December 14, 2009, to revive the above-identified application under 37 CFR 1.137(b).

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 pay the issue and publication fees on or before November 23, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed August 21, 2009. Accordingly, the application became abandoned on November 24, 2009. A Notice of Abandonment was mailed on December 9, 2009. On December 14, 2009, the present petition was filed.

Petitioner submitted a petition fee of $1,620 for treatment of the present petition. In view of the fee submission as a large entity, status as small entity has been removed. If this is an incorrect interpretation of applicant's status, petitioner must promptly notify the Office in the renewed petition.

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 petition lacks item (1).

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 this case petitioner submitted an issue fee payment of $755, which is the fee required for a small entity. Since, status as a small entity no longer applies and there is no authorization to charge any fee deficient to a deposit account, the petition cannot be granted until the $755 balance of the issue fee has been paid.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web[1]

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: CHARLES G. CALL
20 E. GOETHE ST., CH 1
CHICAGO, IL 60610-2382

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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CHARLES G. CALL
361 WILD COFFEE LANE
MARCO ISLAND, FL 34145

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MAY 03 2010

OFFICE OF PETITIONS

In re Application of
Hayes Solos Raffle, et al.
Application No. 11/107,120
Filed: April 15, 2005
Attorney Docket No. F-06

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b) to revive the above-identified application, filed March 23, 2010.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue and publication fees on or before November 23, 2009. A Notice of Abandonment was mailed on December 9, 2009. On December 14, 2009, a petition under 37 CFR 1.137(b) was filed; however, the petition was subsequently dismissed in a decision mailed March 18, 2010. In response, on March 23, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,510 issue fee and $300 publication fee; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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BERKELEY LAW & TECHNOLOGY GROUP, LLP
17933 NW EVERGREEN PARKWAY
SUITE 250
BEAVERTON, OR 97006

COPY MAILED

MAY 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Scott C. Best, et al.	:	
Application No. 11/107,121	:	DECISION ON PETITION
Filed: April 15, 2005	:	TO WITHDRAW
Attorney Docket No. 024.P001	:	FROM RECORD
	:	

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, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Berkeley Law & Technology Group, LLP has been revoked by the assignee of the patent application on February 14, 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

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Jones Day
77 West Wacker
Chicago, IL 60601-1692

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FEB 01 2008

OFFICE OF PETITIONS

In re Application of	:	
Douglas M.Vick et al.	:	
Application No. 11/107,123	:	DECISION ON PETITION
Filed: April 15, 2005	:	TO WITHDRAW
Attorney Docket No. 634223605009	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 10, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Jones Day has been revoked by the assignee of the patent application on October 11, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Baker, Donelson, Bearman, Caldwell & Berkowitz**
Six Concourse Parkway
Suite 3100
Atlanta, GA 30328

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WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA PA 19103

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JUL 0 3 2006
OFFICE OF PETITIONS

In re Application of	:	
Alston et al.	:	DECISION ON PETITION
Application No. 11/107,128	:	TO WITHDRAW
Filed: April 15, 2005	:	FROM RECORD
Attorney Docket No. BELL-0347/02335CIP	:	

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 **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the attorneys associated with Customer Number 38952 has been revoked by the assignee of the entire interest of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicants.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at 571-272- 3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

David Bucci
Petitions Examiner
Office of Petitions

cc:

WITHERS & KEYS FOR BELL SOUTH
P. O. BOX 71355
MARIETTA, GA 30007-1355

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ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT&T WAY
BEDMINSTER, NJ 07921

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AUG 14 2009

OFFICE OF PETITIONS

In re Application of Alston et al. Application No. 11/107,128 Filed: April 15, 2005 Attorney Docket No. 20009.0257USI1 (02-0335CIP)	: : : : :	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 26, 2009.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 45695 was revoked by the assignee of the patent application on June 17, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: AT&T LEGAL DEPARTMENT - SZ
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT&T WAY
BEDMINSTER NJ 07921

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YOKOI & CO. U.S.A., INC.
13700 MARINA POINTE DRIVE, APT 723
MARNIA DEL REY, CA 90292

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AUG 1 8 2008

In re Application of	:	
MARUTA, Naoto	:	
Application No. 11/107,134	:	DECISION GRANTING PETITION
Filed: April 14, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P04-1027	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 12, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 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 2622 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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FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Thiruvilwamalai Venkatraman Raman	: DECISION ON REQUEST FOR
Patent Number	: 7650340	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,142	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **991** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 05/17/2010

Applicant	: Thiruvilwamalai Venkatraman Raman	: NOTICE CONCERNING IMPROPER
Patent Number	: 7650340	: CALCULATION OF PATENT TERM
Issue Date	: 01/19/2010	: ADJUSTMENT BASED UPON USPTO
Application No	: 11/107,142	: IMPROPERLY MEASURING REDUCTION
Filed	: 04/14/2005	: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to 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 **1081** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/107,146	04/15/2005	Stephen B. Crain	CJM 9665; A2343US	6267

321 7590 02/26/2010
SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS, MO 63102

EXAMINER
MARSH, STEVEN M

ART UNIT	PAPER NUMBER
3632	

NOTIFICATION DATE	DELIVERY MODE
02/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 25 2010

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SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST. LOUIS, MO 63102

In re application of Stephen B. Crain et al. Application No. 11/107,146 Filed: April 15, 2005 For: MOUNT SYSTEM FOR HANDHELD ELECTRICAL DEVICE	: : : : :	**DECISION ON PETITION TO WITHDRAWAL FINALITY FILED UNDER 37 CFR 1.181**

This is a decision on Applicants' petition filed on April 15, 2009 to withdraw the "current rejections of the claims in conformance with the interview memorialized in the statement dated October 21, 2008". The petition will be treated as a petition under 37 CFR 1.181 to invoke supervisory review of prosecution of the instant application.

The petition is **DISMISSED.**

As set forth in MPEP §714.01(a), 37 CFR 1.33 requires that correspondence respecting patent applications must be signed in order for the correspondence to be entered. Although this petition was not signed as required by 37 CFR 1.33, it is being treated on the merits.

The record reflects that on July 15, 2008, a Final Office action was mailed rejecting claims 1-17. On October 21, 2008, Applicants filed a statement of substance of interview detailing a telephone conference held on October 15, 2008 between the Examiner and Applicants' representative. In this statement, Applicants' representative stated that the Examiner would allow the claims in view of the discussion of the interview.

Interview procedures are set forth in 37 CFR 1.133(b), which states:

> (b) [i]n every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office actions as specified in §§ 1.111 and 1.135.

Additionally, 37 CFR 1.2 sets forth that:

> 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.

MPEP § 713.04 states:

> . . . that the Interview Summary form will not be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant, or the examiner to include, all of the applicable items required below concerning the substance of the interview. The complete and proper recordation of the substance of any interview should include at least the following applicable items:
>
> (A) a brief description of the nature of any exhibit shown or any demonstration conducted;
>
> (B) identification of the claims discussed;
>
> (C) identification of specific prior art discussed;
>
> (D) identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary form completed by the examiner;
>
> (E) the general thrust of the principal arguments of the applicant and the examiner should also be identified, even where the interview is initiated by the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner;
>
> (F) a general indication of any other pertinent matters discussed;
>
> (G) if appropriate, the general results or outcome of the interview; and . . .

Additionally, MPEP § 713.04 sets forth that the Examiner is responsible to check the Applicants' summary of what took place at the interview to determine accuracy of any argument or statement attributed to the examiner during the interview.

A review of the record reveals that Applicants' Statement of Substance of Interview filed on April 15, 2009 failed to identify the claims discussed and to identify the specific prior art discussed. As set forth in 37 CFR 1.2 above, no attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is

disagreement or doubt. In reviewing the record, the Office disagrees with Applicants' representative's assertion that the claims are in condition for allowance. Because disagreement as to the allowability of the claims in this application is present, the Applicants' Statement of Substance of Interview is held to be inaccurate.

In regards to the request for refund, Applicants are not entitled to a refund of fees for the subsequent filing of the Notice of Appeal, Appeal Brief and Petition since the statutory period for reply continues to run from the date of the final Office action, Applicants were required to take appropriate action to ensure the pendency of this application.

An Appeal Brief was filed on April 15, 2009. Accordingly, the application will be forwarded to the Examiner for consideration of the Appeal Brief.

SUMMARY: The Petition is DISMISSED.

Any questions regarding this decision should be directed to J. Allen Shriver at (571) 272-6698.

Katherine L Matecki

Kathy Matecki, Director
Technology Center 3600
(571) 272-5250

KM/jas : 10/22/2009

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OFFICE OF PETITIONS

W. ERIC BOYD, ESQ.
39 ALBERGAR
SAN CLEMENTE, CA 92672

In re Application of	:	
Ryan Weber, et al.	:	
Application No. 11/107,151	:	DECISION ON PETITION
Filed: April 18, 2005	:	TO WITHDRAW
Attorney Docket No. Stabilization Device	:	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 November 13, 2006.

The request is **APPROVED**.

A review of the file record indicates that W. Eric Boyd: (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, W. Eric Boyd 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 at the first copied address below until otherwise properly notified by the applicant.

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: RYAN WEBER
38605 DAVLINA LANE
PALMDALE, CA 93551

cc: REBECCA WEBER
1401 ARROYO GRANDE DR
SACREMENTO, CA 95864

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/107,174	04/15/2005	Takao Tani	P04-1034

YOKOI & CO. U.S.A., INC.
13700 MARINA POINTE DRIVE #723
MARINA DEL RAY CA 90292

DATE MAILED: February 12, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed January 29, 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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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS, TN 38132

Mail Date: 04/21/2010

Applicant	: Roy Lim	: DECISION ON REQUEST FOR
Patent Number	: 7575580	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,192	: OF WYETH
Filed	: 04/15/2005	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PASADENA CA 91101

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JUL 2 5 2005

OFFICE OF PETITIONS

In re Application of
Harout Alajajyan
Application No. 11/107,202
Filed: April 18, 2005
Att'y Docket No. 12,723

DECISION GRANTING PETITION

This is a decision on the petition filed June 20, 2005, in response to the Notice of Incomplete Nonprovisional Application mailed May 16, 2005, requesting that the above identified application be accorded a filing date of April 18, 2005. The petition is treated under 37 CFR 1.53.

On April 18, 2005 the application was filed.

On May 16, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, the present petition and 2 sheets of drawings, were filed. Petitioners argue that the drawings were filed with the other application papers on April 18, 2005. In support of the petition, a copy of petitioner's postcard receipt which shows an official USPTO date-stamp of April 18, 2005, and the above-identified application number, and acknowledges receipt of, *inter alia*, drawings, was supplied with the present petition. Petitioner has also supplied copies of the drawings. Petitioner requests that the application, including the drawings, be accorded a filing date of April 18, 2005.

Upon review, the drawings purportedly deposited on April 18, 2005 have not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 18, 2005, included drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the 2 sheets of drawings, was complete on filing and entitled to a filing date of April 18, 2005

In view of the above, the petition is **GRANTED**.

The Notice of Incomplete Nonprovisional Application mailed May 16, 2005, is withdrawn. Therefore, petitioner is entitled to a refund of the petition fee in the amount of $400.00 and may request a refund from the Office of Finance.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of April 18, 2005, using the application papers filed on April 18, 2005 and the drawings supplied on June 20, 2005.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/107,203	04/15/2005	2851	725	SIG-001013-U-2	9	29	3

CONFIRMATION NO. 5676

CORRECTED FILING RECEIPT

OC000000017491581

Daniel H. Sherr
Suite 550
11921 Freedom Drive
Reston, VA 20190

Date Mailed: 11/22/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Xiao-Dong Sun, Freemont, CA;
Jian-Qiang Liu, Campbell, CA;

Assignment For Published Patent Application

Superimaging, Inc.

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/563,376 04/19/2004
and claims benefit of 60/579,067 06/10/2004
and claims benefit of 60/586,746 07/10/2004
and claims benefit of 60/590,469 07/24/2004
and claims benefit of 60/598,527 08/03/2004
and claims benefit of 60/599,826 08/07/2004
and claims benefit of 60/626,152 11/08/2004
and claims benefit of 60/645,245 01/20/2005
and claims benefit of 60/658,242 03/03/2005

Foreign Applications

If Required, Foreign Filing License Granted: 11/18/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/107,203

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Excitation light emission apparatus

Preliminary Class

353

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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PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

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OFFICE OF PETITIONS

In re Application of	:	
Hangeland et al.	:	
Application No. 11/107,218	:	DECISION ON PETITION
Filed: April 15, 2005	:	
Attorney Docket No. 10274 NP	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 21, 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 5, 2008, as required by the Notice of Allowance and Fee(s) Due mailed February 4, 2008. Accordingly, the date of abandonment of this application is May 6, 2008. A Notice of Abandonment was mailed May 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,440.00 and 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/
Liana Walsh
Petitions Examiner
Office of Petitions

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KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: Bor-Yuh Evan Chang	: DECISION ON REQUEST FOR
Patent Number	: 7590978	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,276	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1046** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

In re Patent No. 7,455,985
Issued: November 25, 2008
Application No. 11/107,293
Filed: April 15, 2005
Attorney Docket No. **07880-0129001**
/UMA 04-19

: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)" filed January 23, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from three hundred thirty-two (332) days to five hundred fifty-six (556) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On November 25, 2008, the above-identified application matured into US Patent No. 7,455,985 with a patent term adjustment of 332 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that in view of the decision in Wyeth, they are "entitled to a total patent term adjustment of 556 days, which is the sum of 224 days of patent term adjustment due to exceeding three year pendency and 389 days due to USPTO delay in prosecution."

The 224-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on April 15, 2005, and the patent having been issued on November 25, 2008, three years and 224 days later. Patentees assert that in addition to this 224-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a), of 389 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 57 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 (224 days) and the period of Examination Delay (389 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 613 days, which is the sum of the period of Three Year Delay (224 days) and the period of Examination Delay (389 days), reduced by the period of overlap (0 days). As such, patentees assert entitlement to a patent term adjustment of 556 days (224 + 389 reduced by 0 overlap – 57 (applicant delay)).

The Office agrees that as of the issuance of the patent on November 25, 2008, the application was pending three years and 224 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 389 days is correct. At issue is whether patentees should accrue 224 days of patent term adjustment for the Office taking in excess
of three years to issue the patent, as well as 389 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 224 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. It is incorrect to treat the relevant period as starting on April 15, 2008, the date that is three years after the actual 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, April 15, 2005, to the date the patent issued on November 25, 2008. Prior to the issuance of the patent, 389 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 224 days for Office delay in issuing the patent overlap with the 389 days of Office delay. During that time, the issuance of the patent was delayed by 389 days, not 389 + 224 days. The Office took 14 months and 389 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 initial 389 days of Office delay and the 57 days of

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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).

applicant 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 224 days. The Office did not delay 389 days and then an additional 224 days. Accordingly, 389 days of patent term adjustment (not 389 and 224 days) was properly entered since the period of delay of 224 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 389 days attributable to grounds specified in § 1.702(a)(1). Entry of both periods is not warranted. Thus, 389 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 224 days over three years to the issuance of the patent.

Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment for the Office taking in excess of three years to issue the patent.

In view thereof, no adjustment to the patent term will be made.

Patentees remain under a duty to disclose to the Office entry of additional patent term adjustment that is not warranted.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Kery A. Fries

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mail Date: 04/21/2010

Applicant	: Jason D. Hetcher	: DECISION ON REQUEST FOR
Patent Number	: 7574950	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,314	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **396** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

Issue Classification	Application/Control No.	Applicant(s)/Patent under Reexamination	
	11/107,335	LIU ET AL.	
	Examiner	Art Unit	
	FRANK W. LU	1634	

ISSUE CLASSIFICATION

ORIGINAL		CROSS REFERENCE(S)							
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)						
435	69.1	435	6	91.1	252.3	320.1			
INTERNATIONAL CLASSIFICATION									
C 1 2 P	21/06								
C 1 2 Q	1/68								
C 1 2 P	19/34								
C 1 2 N	1/20								
C 1 2 N	15/00								

(Assistant Examiner) (Date)	/Frank W Lu/ 4/23/2010	Total Claims Allowed: 19
(Legal Instruments Examiner) (Date)	(Primary Examiner) (Date)	O.G. Print Claim(s): 1 / O.G. Print Fig.: 2

☐ Claims renumbered in the same order as presented by applicant ☒ CPA ☐ T.D. ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1		31		61		91		121		151		181
2	2		32		62		92		122		152		182
3	3		33		63		93		123		153		183
4	4		34		64		94		124		154		184
5	5		35		65		95		125		155		185
	~~6~~		36		66		96		126		156		186
6	7		37		67		97		127		157		187
7	8		38		68		98		128		158		188
8	9		39		69		99		129		159		189
9	10		40		70		100		130		160		190
10	11		41		71		101		131		161		191
11	12		42		72		102		132		162		192
12	13		43		73		103		133		163		193
13	14		44		74		104		134		164		194
14	15		45		75		105		135		165		195
15	16		46		76		106		136		166		196
16	17		47		77		107		137		167		197
	~~18~~		48		78		108		138		168		198
17	19		49		79		109		139		169		199
18	20		50		80		110		140		170		200
19	21		51		81		111		141		171		201
	~~22~~		52		82		112		142		172		202
	~~23~~		53		83		113		143		173		203
	~~24~~		54		84		114		144		174		204
	~~25~~		55		85		115		145		175		205
	~~26~~		56		86		116		146		176		206
	~~27~~		57		87		117		147		177		207
	~~28~~		58		88		118		148		178		208
	~~29~~		59		89		119		149		179		209
	~~30~~		60		90		120		150		180		210

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/2/09

Paper No.: —

TO SPE OF : ART UNIT 2113

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/107337 Patent No.: 7613954 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: Joshua Lotich

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

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

Mail Date: 04/20/2010

Applicant	: James A. Grey	: DECISION ON REQUEST FOR
Patent Number	: 7613954	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,337	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1092** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

MAILED
MAR 25 2010
OFFICE OF PETITIONS

In re Application of :
Anders Vinberg, et al. :
Application No.: 11/107,339 : ON PETITION
Filed: April 15, 2005 :
Attorney Docket No.: MS1-2359USC2 :

This is a decision on the petition, filed March 23, 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 March 18, 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 2123 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/12/07

Paper No.: _____

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/107342 Patent No.: 7146283 B2

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Virginia Tolbert
Certificates of Correction Branch

703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — All changes apply.
- ☒ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: The change in the claims at column 13, line 59, does not apply because usually any mistake affecting claim scope must be corrected by reissue as stated in MPEP 1481. In addition, column 13, line 59, is the first line of claim 9, so that if the change was made claim 9 would be depending from claim 9 (i.e. itself).

MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800
SPE

2857
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/4/07

Paper No.: —

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/107342 Patent No: 7146283 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: The change in the claim at column 13, line 59, is respectfully denied because usually any mistake affecting claim scope must be corrected by reissue as stated in MPEP 1481.

6/19/07
ELISEO RAMOS-FELICIANO
SUPERVISORY PATENT EXAMINER
SPE

2857
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

August 14, 2007

Jeffrey C. Hood, Esq.
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P. O. Box 398
Austin, TX 78767-0398

Patent No: 7146283 B2
Application No: 11/107342
Applicant: Clayton H. Daigle, et al.
Issued: December 5, 2006
Title: **CALIBRATING ANALOG-TO-DIGITAL SYSTEMS USING A PRECISION REFERENCE AND A PULSE-WIDTH MODULATION CIRCUIT TO REDUCE LOCAL AND LARGE SIGNAL NONLINEARITIES**

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322.

In reference to the change in the claim at column 13, line 59. Usually any mistake affecting the scope of a claim must be corrected by reissue as stated in MPEP 1481.

In view of the foregoing your request in this matter are hereby again **denied**.

Virginia Tolbert
For Cecelia Newman, Supervisor
Decisions and Certificate of Correction
(703) 308-8309 or (703) 308-9390 ext. 113

vt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ___

DATE : 6/26/08

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/107342 Patent No: 7146283B2

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:
Patented claim 9 corresponds to original claim 10. Original claim 10 was dependent on original claim 9 which printed as patented claim 8. Thus the change in dependency for patented claim 9 from "7" to --8-- corresponds to the dependency as originally filed. Thus the change is approved. /E.R.F./

ELISEO RAMOS-FELICIANO
SUPERVISORY PATENT EXAMINER
SPE

2857
Art Unit

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WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

COPY MAILED
FEB 05 2007
OFFICE OF PETITIONS

In re Application of	:	
Dalebout, et al.	:	
Application No. 11/107,375	:	NOTICE
Filed: April 14, 2005	:	
Attorney Docket No. 24334	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed October 20, 2006.

As set forth at 37 CFR 1.28(c), the deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full." Accordingly, the fee deficiency submission under 37 CFR 1.28 is hereby **accepted**.

The change of status to a large entity has been entered and made of record.

This 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) 272-3205.

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

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/27/2010

Applicant	: William T. Dalebout	: DECISION ON REQUEST FOR
Patent Number	: 7604573	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/107,375	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **534** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 6300
SEATTLE, WA 98104-7092

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MAR 0 9 2006

OFFICE OF PETITIONS

In re Application of	:	
Louis George Sukovaty et al	:	
Application No. 11/107,376	:	DECISION ON PETITION
Filed: April 15, 2005	:	TO WITHDRAW
Attorney Docket No. 700139.401	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 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 Timothy L. Boller on behalf of all attorneys of record who are associated with customer No. 500. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle for
Amelia Au
Petitions Examiner
Office of Petitions

cc: Louis George Sukovaty
Jennifer Lynn Argraves
P.O. Box 309
Winthrop, WA 98862

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJr: 06-06

Paper No: __

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JUL 10 2006
OFFICE OF PETITIONS

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

In re Application of	:	
Ron	:	
Application No. 11/107,395	:	DECISION
Filed: 14 April, 2005	:	
Attorney Docket No.: ENS-040.02	:	

This is a decision on the petition under 37 C.F.R. §1.10, filed on 13 July, 2005, seeking for the above-identified application a filing date of 14 April, 2005, rather than the previously accorded filing date of 15 April, 2005.

NOTE:

There is no indication that Petitioner has sought to file with the Office a Status Inquiry since the filing of the instant petition, and Petitioner is reminded that the filing of such inquiries at a minimum of three- (3-) month intervals may provide a showing of diligence should the extended delay be questioned (for example, as required under 37 C.F.R. §1.181).

The petition is **DISMISSED**.

BACKGROUND AND ANALYSIS

The instant application was deposited with the Office on 18 April, 2005, and given a filing date of 15 April, 2005.

On 9 May, 2005, the Office mailed a Notice of Missing Parts (filing fee, oath/declaration, surcharge and set a two- (2-) month period for reply.

On 13 July, 2005, Petition filed the instant petition with, *inter alia*, a request and fee for extension of time, an executed oath/declaration, fees, and surcharge.

The controlling regulations are set forth at under 37 C.F.R. §1.10.[1]

---

[1] The regulations at 37 C.F.R. §1.10 provide:

§ 1.10 Filing of papers and fees by "Express Mail."

(a) Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date. See § 1.6(a).

(b) Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked. Persons dealing indirectly with the employees of the USPS (such as by deposit in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. The paper(s) or fee(s) that constitute the correspondence should also include the "Express Mail" mailing label number thereon. See paragraphs (c), (d) and (e) of this section.

(c) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

(d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office toAddressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

(e) Any person mailing 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 not received by the Office, may petition the Commissioner to consider such correspondence filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Commissioner, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

(f) The Office may require additional evidence to determine if the correspondence was deposited as "Express Mail" with the USPS on the date in question.

[48 Fed. Reg. 2708, Jan. 20, 1983, added effective Feb. 27, 1983; 48 Fed. Reg. 4285, Jan. 31, 1983, paras. (a) & (c), 49 Fed. Reg. 552, Jan. 4,

A review of Office records evidences that, as of this writing, the Office now indicates for the instant application a filing date of 14 April, 2005.

Therefore, the instant petition is **dismissed as moot**, and the petition fee is waived and refunded.

This application is released to OIPE for further processing with direction to OIPE to provide to Petitioner a corrected filing receipt setting forth a filing date of 14 April, 2005.

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

1984, effective Apr. 1, 1984; paras. (a)-(c) revised and paras. (d) - (f) added, 61 Fed. Reg. 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (d) & (e) revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997]

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Sachin Agarwal	: DECISION ON REQUEST FOR
Patent Number	: 7669130	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,397	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **920** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

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JUL 2 9 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Julian Adams et al. :
Application No. 11/107,404 :
Filed: April 15, 2005 :
Attorney Docket No. IPX-006.04 :

This is a decision on the "Petition for Correction of the Filing Date.....", filed July 14, 2005, which is treated under 37 CFR 1.10 (c), to correct the filing date to April 14, 2005, rather than the presently accorded filing date of April 15, 2005.

Petitioner alleges that the application was deposited in Express Mail service on April 14, 2005. In support, on July 14, 2005, petitioner supplied a copy of Express Mail Label No. EV479559276US (the same Express Mail number found on the transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail Label is April 14, 2005.

Additional evidence of the filing date included a copy of the "Certificate of Express Mailing pursuant to 37 CFR 1.10. Petitioner should note that there is no requirement of 37 CFR 1.10(d) for a certificate of mailing by "Express Mail",[1]

In view of the above, the petition is **GRANTED**. The petition fee in the amount of $400.00 will be credited to deposit account no. 06-1448 as no petition fee is due in light of the circumstances.[2]

This matter is being referred to the Office of Initial Patent Examination for correction of the **filing date to April 14, 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

---

[1] See 1174 O.G. Pat. Of. 92 (May 16, 1995).

[2] The petition was filed under 37 CFR 1.53 which carries a fee of $400.00. While $130.00 was submitted with the petition an additional $270.00 was charged to petitioner's deposit account for treatment of the petition under 37 CFR 1.53.

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PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE
SUITE 1200
ATLANTA, GA 30361

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OFFICE OF PETITIONS

In re Application of :
Tiller, et al. :
Application No. 11/107,412 :
Filed: April 14, 2005 :
Attorney Docket No. MIT 9260 CON :

ON PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed July 1, 2005, requesting that the above-identified application be accorded a filing date of April 14, 2005, rather than the presently accorded filing date of April 15, 2005.

Petitioners allege that the application was deposited in Express Mail service on April 14, 2005. In support, the petition is accompanied by a copy of Express Mail Receipt No. EV479559259US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of April 14, 2005. Additionally, the express mail receipt contains a United States Postal Service postmark of April 14, 2005.

In view of the above, the petition is **GRANTED**.

Accordingly, the application is entitled to a filing date of April 14, 2005.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of April 14, 2005 and issuance of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

7/31/08

In re Application of:	:	
WILSON, DAVID J. et al	:	
Serial No.: 11/107,422	:	
Filed: Apr. 15, 2005	:	DECISION ON PETITION
Docket: 60137-350	:	
Title: TUB ENCLOSURE WITH HINGES BETWEEN WALLS	:	

This is a decision on the petition filed on Jun. 16, 2008 seeking to withdraw the objection to the claim language in the final Office action mailed Jan. 23, 2008. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is dismissed as untimely.

In the Jun. 16, 2008 petition, the petitioner requests the objection of claim language in the final Office action of Jan. 23, 2008 be withdrawn because the petitioner believes there is proper antecedent basis for the claimed subject matter of claims 7, 8, 11, 16 and 17 in the specification. The petitioner also argues that word-for-word correspondence between the specification and claims is not required in accordance with MPEP 1302.01 and MPEP 608.01(O).

The record shows that:

1) In response to a non-final office action of Aug. 3, 2007, on Nov. 5, 2007, the applicant submitted a Reply under 37 CFR 1.111 with substantive amendment to the claims and traversed the rejection.

2) On Jan. 23, 2008, the examiner mailed a final Office action. In addition to the art rejection of claims, the examiner objected to the claim language as amended in the amendment of Aug. 3, 2007. In particular, the examiner objected the specification for failure to provide proper antecedent basis for the newly amended claimed subject matter in accordance with 37 CFR 1.75(d)(1) and MPEP § 608.01(O). The examiner stated that claims 7 and 8 call for a back wall having "at least a portion thereof generally parallel to said first side walls and said second side wall when positioned in the U-shape" and "another portion" generally parallel to the first and second sidewalls. However, the written disclosure does not employ such terminology. The

disclosure also does not describe a "first portion" or transversely extending "second portions" as specified in claims 11, 16, and 17.

3) On Feb. 27, 2008, the applicant filed a Request for Reconsideration under 37 CFR 1.116 and argued that the word-for-word correspondence between the specification and claims is not required. Applicant utilizes the terminology "center wall portion 23" in the specification (see paragraph 17 and Figure 3), i.e., a first portion of the wall. There is proper antecedent basis for the claimed subject matter.

4) On Mar. 26, 2008, the examiner promulgated an Advisory Action notifying the applicant's Request for Reconsideration did not place the application in condition for allowance.

5) On Jun. 16, 2008, the current petition was filed along with an Appeal Brief. In the petition, the petitioner request the objection to the claim language be withdrawn.

Discussion and Analysis

A review of the record shows that the instant petition of Jun. 16, 2008 was filed more than two months after the mailing date of the Advisory Action of Mar. 6, 2008. Pursuant to 37 CFR 1.181(f)[1], the petition must be filed within two months from the action complained of. Since the petition was not timely filed, the requested withdrawal of objection to the specification in the final Office action of Jan. 23, 2008 will not be granted.

Conclusion

In view of the record, petitioner's request to withdraw the objection to the specification for failure to provide antecedent basis of the added claim language is dismissed as untimely.

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 3751 for preparation of an Examiner's Answer. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.

Frederick R. Schmidt, Director
Technology Center 3700

[1] 37 CFR 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

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Sue Funk
SECO Manufacturing Company, Inc.
935 Stewart Drive
Sunnyvale, CA 94085

Mail Date: 04/21/2010

Applicant	: Stephen B. Crain	: DECISION ON REQUEST FOR
Patent Number	: 7669816	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,441	: OF WYETH
Filed	: 04/15/2005	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Jacques Devierre	: DECISION ON REQUEST FOR
Patent Number	: 7566300	: RECALCULATION of PATENT
Issue Date	: 07/28/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,455	: OF WYETH
Filed	: 04/15/2005	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SEATTLE WA 98111-1247

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OFFICE OF PETITIONS

In re Application of	:	
David MITBY et al.	:	
Application No. 11/107,456	:	DECISION ON PETITION
Filed: April 15, 2005	:	
Attorney Docket No. **418268617US02**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 02, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 16, 2008 which set a shortened statutory period for reply of three (3) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 17, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of April 16, 2008 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 2626 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

Cc: **PERKINS COIE LLP**
P.O. BOX 1208
SEATTLE, WASHINGTON 98111-1208

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1501 FOURTH AVENUE
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OFFICE OF PETITIONS

In re Application of :
Mansour Samadpour :
Application No. 11/107,458 :
Filed: April 15, 2005 :
Attorney Docket No. 66090-23 :

DECISION GRANTING PETITION

This is a decision on the petition filed June 20, 2005, to vacate the language in the "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") relative to the alleged omitted Figures 15 through 18.

The petition is **granted**.

On April 15, 2005, the above-identified application was filed. However, on June 7, 2005, the Office of Initial Patent Examination mailed the Notice stating that application had been accorded a filing date of April 15, 2005, and advising applicant that Figures 15 through 18 as described in the specification appeared to have been omitted. Relative to the alleged omitted item, the notice set a non-extendable period for reply two-month period for reply.

In response, on June 20, 2005, applicant filed the present petition, a copy of Figures 15 through 18 as described in the specification, and an Office date-stamped postcard receipt acknowledging receipt of 12 sheets of the drawings, among other items.

Upon review of the record, Figures 15 through 18 were not located among the application papers. However, the evidence is convincing that the application papers deposited April 15, 2005, included Figures 15 through 18, which was subsequently misplaced by the Office. Therefore, the application, including Figures 15 through 18, were complete on filing and entitled to the presently accorded filing date of April 15, 2005, with Figures 15 through 18 as part of the original disclosure.

Accordingly, the petition is granted; the language of the Notice relative to the omitted items is vacated, accordingly. The petition fee of $400.00 will be refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of April 15, 2005, with Figures 15 through 18 included as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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BELL, BOYD & LLOYD, LLC
PO BOX 1135
CHICAGO, IL 60690-1135

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OFFICE OF PETITIONS

In re Application of :
Beam : DECISION ON PETITION
Application No. 11/107,471 :
Filed: April 18, 2005 :
Docket No.: 2914-5 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 27, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned December 24, 2005 for failure to timely submit the issue fee in response to the Notice of Allowance and Issue Fee(s) Due ("Notice") mailed September 23, 2005. The Notice set a three month statutory period for reply. Notice of Abandonment was mailed February 3, 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 CFR 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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MORGAN, LEWIS & BOCKIUS LLP
COUNSELORS AT LAW
2 PALO ALTO SQUARE, SUITE 700
3000 EL CAMINO REAL
PALO ALTO, CA 94306

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OFFICE OF PETITIONS

In re Application of	:	
Ross H. HILL, et al	:	
Application No. 11/107,491	:	DECISION ON PETITION
Filed: April 14, 2005	:	TO WITHDRAW
Attorney Docket No. 063702-145-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed July 30, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Robert Smyth does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JAMES S. MCDONALD
101 MASSASPOAG AVE.
SHARON, MA 02067

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Paper No.

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NISKAYUNA NY 12309

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In re Application of Cella et al. Application No. 11/107,501 Filed: April 15, 2005 Attorney Docket No.: 162007-1 Title: MODIFIED ELECTRODES USING FUNCTIONAL ORGANIC MATERIALS AND ELECTRONIC DEVICES THEREFROM	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.137(B)

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed September 11, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed January 27, 2009, 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 April 28, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, an amendment, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on September 11, 2009 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.** Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries concerning this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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1 See Rule 1.137(d).
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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3000 EL CAMINO REAL, SUITE 700
PALO ALTO, CA 94306

Mail Date: 04/21/2010

Applicant	: Ely K. Tsern	: DECISION ON REQUEST FOR
Patent Number	: 7626880	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,504	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **994** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE CA 94085

MAILED

FEB 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Ray Ellis et al.	:	
Application No. 11/107,508	:	DECISION ON PETITION
Filed: April 15, 2005	:	
Attorney Docket No. **GEI-P0001**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 4, 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 March 18, 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 extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 19, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

This application is being referred to Technology Center AU 2121 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

JoAnne Burke
Petitions Examiner
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

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JUN 0 5 2008

OFFICE OF PETITIONS

In re Application of
Larry J. Thayer
Application No. 11/107,526
Filed: April 15, 2005
Attorney Docket No. 200503304-1

ON PETITION

This is a decision in response to the petition, filed February 5, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 27, 2007. A Notice of Abandonment was mailed on January 24, 2008. In response, on February 5, 2008, the present petition was filed.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. John R. Pessetto 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. Pessetto 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. Pessetto, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay[1].

The application is being referred to Technology Center AU 2813 for consideration of the amendment filed October 24, 2007.

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JOHN PESSETTO
KLAAS, LAW, O'MEARA & MALKIN, P.C.
P.O. BOX 1920
DENVER, CO 80201-1920

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

PATRICK W. RASCHE
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE, SUITE 2600
ST. LOUIS, MO 63102-2740

Mail Date: 04/21/2010

Applicant	: Masahiro Fujimoto	: DECISION ON REQUEST FOR
Patent Number	: 7622925	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,531	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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KRAGULJAC & KALNAY
4700 ROCKSIDE ROAD
SUMMIT ONE, SUITE 510
INDEPENDENCE OH 44131

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JAN 06 2009
OFFICE OF PETITIONS

In re Application of	:	
Brian E. Weis et al.	:	
Application No. 11/107,532	:	DECISION ON PETITION
Filed: April 15, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 522540	:	

This is a decision on the petition, filed December 12, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of applications filed in an eighteen-month publication country on April 13, 2006. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application(s) 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.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition..

The 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 March 26, 2009 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being forwarded to Technology Center Art Unit 2434 for examination in due course.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/107,532	04/15/2005	Brian E. Weis	522540

CONFIRMATION NO. 6564

76863
KRAGULJAC & KALNAY
4700 ROCKSIDE ROAD
SUMMIT ONE, SUITE 510
INDEPENDENCE, OH 44131

NONPUBLICATION RESCISSION LETTER

OC000000033639604

Date Mailed: 12/17/2008

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 03/26/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/ttran/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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DEC 12 2008
PATENT & TRADEMARK OFFICE

1PSDAa

PTO/SB/64a (11-08)
Approved for use through 12/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
As 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 FOR FAILURE TO NOTIFY THE OFFICE OFA FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))

Docket Number (Optional) 522540

First named inventor: Brian E. WEIS

Application No.: 11107532 Art Unit: 2134

Filed: 04/15/2005 Examiner: BAYOU, Yonas A.

Title: Method and Apparatus for Distributing Group Data in a Tunneled Encrypted Virtual Private Network

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 pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b)

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. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is April 13, 2006.

This collection of information is required by 37 CFR 1.137. 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.

12/12/2008 WASFAW1 00000030 11107532

01 FC:1453 1620.00 OP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice 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	2008-12-10 Date
John T. KALNAY Typed or printed name	46816 Registration Number, if applicable
KRAGULJAC & KALNAY, LLC Address	216.308.3245 Telephone Number
4700 Rockside Rd, Summit One, Suite 510, Independence, OH 44131 Address	

Enclosures: ☑ Fee Payment

☐ Additional sheets containing statements establishing unintentional delay

☑ Other: Return Receipt Postcard; Copy of Filed Rescission of Previous NPR (4 pgs)

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.

2008-12-10 Date	Signature
	Mary Uthoff Typed or printed name of person signing certificate

COPY AS FILED

VIA EFS-Web on
10 December 2008

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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.

RESCISSION OF PREVIOUS NONPUBLICATION REQUEST
(35 U.S.C. 122(b)(2)(B)(ii))
AND, IF APPLICABLE,
NOTICE OF FOREIGN FILING
(35 U.S.C. 122(b)(2)(B)(iii))

Send completed form to:
Mail Stop PG Pub
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (571) 273-8300

Application Number	11107532
Filing Date	04/15/2005
First Named Inventor	Brian E. WEIS
Title	Method & Apparatus . . . Private Network
Atty Docket Number	522540
Art Unit	2134
Examiner	BAYOU, Yonas A.

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby **rescind** the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (**45**) days after the date of such foreign or international filing.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).

Signature	2008-12-10 Date
John T. Kalnay Typed or printed name	46816 Registration Number, if applicable
216.308.3245 Telephone Number	

This request must be signed in compliance with 37 CFR 1.33(b).

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703)605-4283 or by e-mail at PGPub@USPTO.gov.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature			
Name (Print/Type)	Mary Uthoff (VIA EFS-Web)	Date	2008-12-10

This collection of information is required by 37 CFR 1.213(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 6 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: Mail Stop PG Pub, 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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10 December 2008

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Brian E. WEIS		Examiner:	BAYOU, Yonas A
Application No.:	11107532		Group Art Unit:	2134
Filing Date:	04/15/2005		Confirmation No.:	6564
			Attorney Docket No.:	522540
For:	Method and Apparatus for Distributing Group Data in a Tunneled Encrypted Virtual Private Network			

MAIL STOP PG PUB
The Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Electronic Transmission
I hereby certify that this Notice of Foreign Filing is being transmitted to the U.S. Patent and Trademark Office (USPTO) via the USPTO's Electronic Filing System (EFS-Web) on this ***10th day of December, 2008.***

By: Mary Uthoff
Mary Uthoff

NOTICE OF FOREIGN FILING ACCOMPANYING A RESCISSION OF PREVIOUS NONPUBLICATION REQUEST

Dear Sir/Madam:

Applicant respectfully advises the Commissioner that the above-captioned U.S. patent application was filed in the PCT as International Patent Application No. PCT/US2006/014308 having an International Filing Date of April 13, 2006 and claims benefit hereof. Therefore, attached is a Rescission of Previous Nonpublication Request.

Respectfully submitted,

Date: 10 December 2008

John T. Kalnay (Reg. No. 46,816)
(216) 308-3245

Kraguljac & Kalnay LLC
4700 Rockside Road
Summit One, Suite 510
Independence, OH 44131

Electronic Acknowledgement Receipt

COPY AS FILED
VIA EFS-Web on
10 December 2008

EFS ID:	4428655
Application Number:	11107532
International Application Number:	
Confirmation Number:	6564
Title of Invention:	Method and apparatus for distributing group data in a tunneled encrypted virtual private network
First Named Inventor/Applicant Name:	Brian E. Weis
Customer Number:	76863
Filer:	John Kalnay/Mary Uthoff
Filer Authorized By:	John Kalnay
Attorney Docket Number:	522540
Receipt Date:	10-DEC-2008
Filing Date:	15-APR-2005
Time Stamp:	13:26:19
Application Type:	Utility under 35 USC 111(a)

OIPE IAP67
DEC 12 2008
PATENT & TRADEMARK OFFICE

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		522524_10DEC08.pdf	352529 c218531aaf16f10bac7b3d2b80ae03751c44 9297	yes	2

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Miscellaneous Incoming Letter	1	1
	Rescind Nonpublication Request for Pre Grant Pub	2	2

Warnings:

Information:

Total Files Size (in bytes):	352529

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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VIA EFS-Web on
10 December 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No.

ARNOLD & PORTER LLP (18528)
555 TWELFTH ST, NW
WASHINGTON DC 20004

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In re Application of	:	
Steven Wright, Troy Christenson,	:	
Thean Yeoh, Michael Rickey,	:	
Joyce Hotz, Rajesh Kumar,	:	
Henry Costantino, David Lokensgard	:	DECISION REFUSING STATUS
and Christine Smith	:	UNDER 37 CFR 1.47(a)
Application No. 11/107,550	:	
Filed: April 15, 2005	:	
Atty Docket No. 0224-CIP-0	:	

This is a decision on the "PETITION FOR FILING BY OTHER THAN ALL THE INVENTORS UNDER 37 C.F.R. § 1.47(a)" filed January 9, 2006 (certificate of mailing January 6, 2006).

The petition is **DISMISSED**.

Rule 47 applicants are given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath(s) or declaration(s) 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 C.F.R. §1.136(a).

The above-identified application was filed on April 15, 2005, with an unexecuted declaration (with the Post Office addresses

of the inventors left blank). Accordingly, on June 8, 2005, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration (including the Post Office addresses of the inventors) and the surcharge for late filing under § 1.16(e).

In response, rule 47 applicants filed the instant petition, along with payment of the petition fee and the late surcharge. This response was made timely by an accompanying petition (and fee) for extension for response within the fifth month.

The petition includes a declaration executed by inventors Lokensgard and Smith on behalf of themselves and on behalf of non-signing inventors Wright, Christenson, Yeoh, Rickey, Hotz, Kumar and Costantino. Rule 47 applicants assert that status under § 1.47(a) is proper because the non-signing inventors refuse to execute the papers required for filing of the application. However, by affidavit of patent attorney James Butler, and supporting documentary evidence, applicants show that the application papers were presented to Claire Vasios, Vice-President of Alkermes, Inc. and that Alkermes Inc. refused to allow the inventors to sign the declaration. Per the affidavit, Alkermes is the employer of inventors Wright, Christenson, Yeoh, Rickey, Hotz and Kumar and the former employer of inventor Costantino.

A grantable petition under 37 CFR § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirement (1).

Rule 47 applicants have not submitted proof that the non-signing inventors have refused to join in the application. Before a refusal can be alleged, applicants must demonstrate 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 non-signing inventors. 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. See MPEP 409.03(d).

In this instance, applicants have not presented evidence that the inventors or their individual attorneys were ever presented with the application papers for review and signature. The rules do not provide for the papers to be presented to the inventor's employer (or particularly their former employer) in lieu of the inventor and the employer making a determination as to whether the inventor may sign the papers. Further, rule 47 applicants have not presented evidence that the inventors refused to join in the application. The rules do not provide for the employer to refuse for the inventor[1].

Nor does the petition include argument or evidence (such as an agreement between the inventor and the employer) that the Office should waive the rules and consider Alkermes the proper party to receive the application papers on behalf of the non-signing inventors, including the former employee, and should accept Alkermes refusal on their behalf. Petitioner should note that it is unlikely that they will be able to present evidence sufficient to waive the requirements that the application papers be presented to the inventors or their attorneys and the inventors are found unavailable. The statute, 35 U.S.C. 116, requires that when an invention is made by two or more persons jointly, they shall apply for patent jointly and each make the required oath, except as otherwise provided in this title. Accordingly, 37 CFR 1.47 provides that if a joint inventor (not his employer) 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 non-signing inventor.

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

[1] Employees of the United States Patent and Trademark Office (Office) who were inventors are not permitted to sign an oath or declaration for patent application (37 CFR 1.63) during the period of their employment with the Office and one year thereafter. 35 U.S.C. 4. These employees (inventors) will be treated as being unavailable to sign the oath or declaration pursuant to 37 CFR 1.47.

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) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

ARNOLD & PORTER LLP (18528)
555 TWELFTH ST, NW
WASHINGTON DC 20004

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JUN 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Steven Wright, Troy Christenson,	:	
Thean Yeoh, Michael Rickey,	:	
Joyce Hotz, Rajesh Kumar,	:	
Henry Costantino, David Lokensgard	:	DECISION REFUSING STATUS
and Christine Smith	:	UNDER 37 CFR 1.47(a)
Application No. 11/107,550	:	
Filed: April 15, 2005	:	
Atty Docket No. 0224-CIP-0	:	

This is a decision on the "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a)" filed January 16, 2007. This decision is made in light of the LETTER filed March 20, 2007, including a transcript of a voicemail from inventor Christenson.

The petition is **DISMISSED**.

Rule 47 applicants are given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath(s) or declaration(s) 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 C.F.R. §1.136(a).

The above-identified application was filed on April 15, 2005, with an unexecuted declaration (with the Post Office addresses

of the inventors left blank). In response to the "Notice to File Missing Parts of Nonprovisional Application," mailed June 8, 2005, the initial petition was filed. By decision mailed June 14, 2006, the initial petition under 37 CFR 1.47 filed January 9, 2006 was dismissed.

A grantable petition under 37 CFR § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Requirement (1) is at issue. Applicants did not show that the application papers were presented to the non-signing inventors. Rather rule 47 applicants attempted to satisfy the requirements of 37 CFR 1.47 by showing that the application papers were presented to Claire Vasios, Vice-President of Alkermes, Inc. and that Alkermes Inc. refused to allow the inventors to sign the declaration. Per the affidavit, Alkermes is the employer of inventors Wright, Christenson, Yeoh, Rickey, Hotz and Kumar and the former employer of inventor Costantino.

As previously stated, the rules do not provide for the papers to be presented to the inventor's employer (or particularly their former employer) in lieu of the inventor and the employer making a determination as to whether the inventor may sign the papers. Further, rule 47 applicants have not presented evidence that the inventors refused to join in the application. The rules do not provide for the employer to refuse for the inventor.

On instant renewed petition, rule 47 applicants continue to support their showing with a statement that submission of the declaration to employer Alkermes is sufficient. With respect to nonsigning inventor Christensen, who no longer works for Alkermes, petitioner has submitted a showing that he has been presented the papers for signature but is not permitted to sign them. However, the petition still does not include a showing that the papers were presented directly to all of the nonsigning inventors for signature and that they likewise refused. Nor is the petition persuasive that the Office should waive the rules and consider Alkermes the proper party to receive the application papers on behalf of the non-signing inventors,

including the former employee, and should accept Alkermes refusal on their behalf.

It is further noted that this application appears to be abandoned for failure to file a response to the Restriction Requirement mailed October 31, 2006. No response is of record.

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this 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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450 ARENT FOX LLP
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WASHINGTON DC 20036
www.uspto.gov

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AUG 26 2008

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Patent No. 7,271,682	:	
Issue Date: September 18, 2007	:	
Application No. 11/107,556	:	ON PETITION
Filed: April 15, 2005	:	
Attorney Docket No. 061094-5006	:	

This is a decision on the petition filed February 1, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the 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 Carl Friedman at (571) 272-6842. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Carl Friedman
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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Paper No. None

Brian M. Berliner
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles CA 90071-2899

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OCT 2 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Jan Henrik Bryde and Mahesh Natverlal Thaker	:	DECISION ON PETITION UNDER 37 C.F.R. §1.47(a)
Application No. 11/107,564	:	
Filed: April 14, 2005	:	
Attorney Docket No. 681331-164	:	
Title: DISTRIBUTED POWER GENERATION, CONVERSION, AND STORAGE SYSTEM	:	

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed October 10, 2005.

On April 14, 2005, the application was deposited, identifying Jan Henrik Bryde and Mahesh Natverlal Thaker as joint inventors. The declaration which was submitted on filing was not executed by either of the inventors. On June 14, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

1A grantable petition under 37 C.F.R. §1.47(a) requires:

(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

With the present petition, Petitioner has submitted the petition fee[2], the surcharge, a declaration which has been executed by Mr. Thaker, and a statement of facts. Petitioner has met requirements (1) – (3) and (5) of 37 C.F.R. §1.47(a).

Regarding the fourth requirement, the declarant indicated that he "sent the original documents[3]" to the residence of the non-signing inventor. The statement of facts does not appear to indicate what constitutes the original documents, and whether they consist of a complete copy of the application. As such, it is not clear whether a complete copy of the application was sent to the last known address of the non-signing inventor.

It follows that one cannot refuse to sign something which one has not been presented with. 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. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR §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[4].

If a complete copy of the application was provided to the non-signing inventor, Petitioner should submit a statement from Mr. Schmidt which confirms this to be the case. If not, Petitioner may wish to consider sending a complete copy of the application to the non-signing inventor and waiting an appropriate period of time before submitting any renewed petition, in order to provide him with the opportunity to respond.

As such, the petition must be **DISMISSED**. Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.47(a)." This is not a final agency action within the meaning of 5 U.S.C 704. The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski. Any renewed petition may be submitted by mail[5], hand-delivery[6], or facsimile[7].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

2 Petitioner submitted a portion of the petition fee. The remainder has been charged to his Deposit Account, as authorized in the petition.
3 Statement of Mr. Schmidt, paragraph 5.
4 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
7 (571) 273-8300- please note this is a central facsimile number.

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Paper No. None

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Los Angeles CA 90071-2899

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DEC 14 2005

OFFICE OF PETITIONS

In re Application of	:	
Jan Henrik Bryde and Mahesh Natverlal Thaker	:	DECISION ON RENEWED PETITION UNDER 37 C.F.R. §1.47(a)
Application No. 11/107,564	:	
Filed: April 14, 2005	:	
Attorney Docket No. 681331-164	:	
Title: DISTRIBUTED POWER GENERATION, CONVERSION, AND STORAGE SYSTEM	:	

This is in response to the renewed petition under 37 C.F.R. §1.47(a)[1], filed November 17, 2005.

On April 14, 2005, the application was deposited, identifying Jan Henrik Bryde and Mahesh Natverlal Thaker as joint inventors. The declaration which was submitted on filing was not executed by either of the inventors. On June 14, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

1A grantable petition under 37 C.F.R. §1.47(a) requires:

(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

The original petition was submitted on October 10. 2005 and was dismissed via the mailing of a decision on October 26, 2005 for failure to establish that a complete copy of the application was sent to the last known address of the non-signing inventor.

With this renewed petition, Petitioner has confirmed that he sent a complete copy of the application to the address of the non-signing inventor's employer.

It is not clear if the non-signing inventor actually received the above-mentioned papers. The correspondence described above is not sufficient to make the necessary showing that the non-signing inventor was ever presented with a copy of the application and the declaration, for they were not mailed to the preferred location, the last known residence of the non-signing inventor[2]. It is noted that the residential address is listed as the last known address of the non-signing inventor, as found as the mailing address on the formerly submitted declaration. The Office requires these materials to be sent to the residence of the inventor, as that is most likely the location where he might receive mail.

Since it is not clear if the non-signing inventor ever received the materials, it follows that one cannot refuse to sign a letter which one has not seen.

Thus, on renewed petition, applicant must either send the entire application package was sent to the last known residential address and provide him with a sufficient period to respond, or Applicant may establish that the non-signing inventor acknowledged receipt of the package at his business address. Alternatively, Applicant may establish that the non-signing inventor normally receives personal and professional correspondence not at his residence, but at his place of business – via the submission of a statement of facts from one having firsthand knowledge that the non-signing inventor customarily prefers to have his personal correspondence sent to his former employer. If the latter is the case, a new declaration will be required, which lists Power-One, Inc. as the mailing address of the non-signing inventor. If neither is possible, a copy of the complete application papers should be sent by certified mail return-receipt requested to the last known *residential* address of the non-signing inventor, or, if the inventor is represented by counsel, to the address of the non-signing inventor's attorney. Documentary evidence, including copies of the transmittal cover letters and return mail receipts, should be made part of the record.

As such, this renewed 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)." This is not a final agency action within the meaning of 5 U.S.C 704. The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski. Any renewed petition may be submitted by mail[3], hand-delivery[4], or facsimile[5].

---

2 See MPEP 409.03(d) and (e).
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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Paper No. None

Brian M. Berliner
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles CA 90071-2899

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FEB 22 2006

OFFICE OF PETITIONS

In re Application of	:	
Jan Henrik Bryde and Mahesh Natverlal Thaker	:	DECISION ON SECOND RENEWED PETITION UNDER 37 C.F.R. §1.47(a)
Application No. 11/107,564	:	
Filed: April 14, 2005	:	
Attorney Docket No. 681331-164	:	
Title: DISTRIBUTED POWER GENERATION, CONVERSION, AND STORAGE SYSTEM	:	

This is in response to the second renewed petition under 37 C.F.R. §1.47(a)[1], filed January 19, 2006.

On April 14, 2005, the application was deposited, identifying Jan Henrik Bryde and Mahesh Natverlal Thaker as joint inventors. The declaration which was submitted on filing was not executed by either of the inventors. On June 14, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

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1 A grantable petition under 37 C.F.R. §1.47(a) requires:

(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

The original petition was submitted on October 10, 2005 and was dismissed via the mailing of a decision on October 26, 2005 for failure to establish that a complete copy of the application was sent to the last known address of the non-signing inventor.

The renewed petition was submitted on November 17, 2005, and was dismissed via the mailing of a decision on December 14, 2005 for failure to confirm that a complete copy of the application was sent to the address of the non-signing inventor's employer.

With this second renewed petition, Petitioner has explained that a complete copy of the application was sent to an address in the city of Drammen. The package was returned since the address was no longer valid, and Petitioner learned that the correct address for the non-signing inventor was a location in the city of Vettre. The package was delivered to the correct address, and Petitioner did not receive a response.

As such, Petitioner has established that a complete copy of the application was delivered to the last-known address of the last known inventor. However, the declaration contains the Drammen address for the non-signing joint inventor, when it has been made clear that the same now resides in the city of Vettre. As such, Petitioner will need to submit a new declaration which contains the correct address for the signing joint inventor.

Therefore, this second renewed 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 "Third Renewed Petition Under 37 C.F.R. §1.47(a)." This is not a final agency action within the meaning of 5 U.S.C 704. The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski. Any renewed petition may be submitted by mail[2], hand-delivery[3], or facsimile[4].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 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
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WWW.USPTO.GOV

Paper No. None

Brian M. Berliner
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles CA 90071-2899

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APR 21 2006
OFFICE OF PETITIONS

In re Application of	:	
Jan Henrik Bryde and Mahesh Natverlal Thaker	:	DECISION ON THIRD RENEWED PETITION UNDER 37 C.F.R. §1.47(a)
Application No. 11/107,564	:	
Filed: April 14, 2005	:	
Attorney Docket No. 681331-164	:	
Title: DISTRIBUTED POWER GENERATION, CONVERSION, AND STORAGE SYSTEM	:	

This is in response to the third renewed petition under 37 C.F.R. §1.47(a)[1], filed March 27, 2006.

On April 14, 2005, the application was deposited, identifying Jan Henrik Bryde and Mahesh Natverlal Thaker as joint inventors. The declaration which was submitted on filing was not executed by either of the inventors. On June 14, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

1A grantable petition under 37 C.F.R. §1.47(a) requires:

(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

The original petition was submitted on October 10, 2005 along with a declaration which had been executed only by joint inventor Thaker, and was dismissed via the mailing of a decision on October 26, 2005 for failure to establish that a complete copy of the application was sent to the last known address of the non-signing inventor.

The renewed petition was submitted on November 17, 2005, and was dismissed via the mailing of a decision on December 14, 2005 for failure to confirm that a complete copy of the application was sent to the address of the non-signing inventor's employer.

The second renewed petition was filed on January 19, 2006, and was dismissed via the mailing of a decision on February 22, 2006, indicating on page 2 of the decision:

> Petitioner has explained that a complete copy of the application was sent to an address in the city of Drammen. The package was returned since the address was no longer valid, and Petitioner learned that the correct address for the non-signing inventor was a location in the city of Vettre. The package was delivered to the correct address, and Petitioner did not receive a response.

The decision indicated that Petitioner would need to submit a new declaration which contains the correct address for the non-signing inventor.

With this third renewed petition, Petitioner has submitted a declaration which fails to contain the correct address for the non-signing joint inventor. It appears that the declaration contains a typographical error, in that "1392 Vettre[2]" is listed as 1394 Vettre[3]." As such, Petitioner will need to submit a new declaration which contains the correct address for the non-signing joint inventor. Therefore, this second renewed 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 "Fourth Renewed Petition Under 37 C.F.R. §1.47(a)." This is not a final agency action within the meaning of 5 U.S.C 704. The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski. Any renewed petition may be submitted by mail[4], hand-delivery[5], or facsimile[6].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

2 Declaration of Brian Berliner, paragraph 3, submitted with second renewed petition.
3 Declaration submitted with the present third renewed petition.
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300- please note this is a central facsimile number.

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LOUIS J. WILLE
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

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OFFICE OF PETITIONS

In re Patent No. 7,304,141	:	DECISION ON REQUEST
Feder et al.	:	FOR RECONSIDERATION OF
Issue Date: December 4, 2007	:	PATENT TERM ADJUSTMENT
Application No. 11/107,572	:	and
Filed: April 15, 2005	:	NOTICE OF INTENT TO ISSUE
Atty Docket No. D0067A CIP	:	CERTIFICATE OF CORRECTION
DIV1	:	

This is a decision on the PETITION TO CORRECT PATENT TERM ADJUSTMENT PERIOD IN GRANTED PATENT UNDER 37 CFR 1.702(a)(4) and 37 CFR 1.703(a)(1) filed December 10, 2007. Patentees request that the patent term adjustment indicated on the patent be corrected from thirteen (13) days to fifty-nine (59) days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **FIFTY-NINE (59)** days.

On December 4, 2007, the above-identified application matured into U.S. Patent No. 7,304,141. The instant request for reconsideration filed December 10, 2007 was timely filed within 2 months of the date the patent issued. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of 13 days. Patentees dispute a reduction of 112 days associated with the filing of an amendment and request for correction of inventorship filed August 15, 2007. Patentees state that the Office took action in response mailing a letter on October 19, 2007. Accordingly, a period of reduction of 66 days, and not 112 days, should have been entered for applicant delay.

Patentees are correct. Pursuant to 37 CFR 1.704(c)(10), a period of reduction of 66 days should have been entered for the filing of the amendment and petition for correction of inventorship, counting the number of days in the period beginning on August 15, 2007, the date of filing of the amendment and petition, and ending on October 19, 2007, the date of mailing of an Office action advising that the request for correction of inventorship had been granted. The period of reduction of 112 days has been removed and a period of reduction of 66 days has been entered.

In view thereof, the patent term adjustment indicated on the patent should be fifty-nine (59) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **FIFTY-NINE (59)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

Day : Monday
Date: 6/16/2008

PALM INTRANET

Time: 10:26:47

PTA Calculations for Application: 11/107572			
Application Filing Date:	04/15/2005	PTO Delay (PTO):	125
Issue Date of Patent:	12/04/2007	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	112
Post-Issue Petitions:	0	Total PTA (days):	59
PTO Delay Adjustment:	46		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
57	06/16/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		66	
56	06/16/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	112		
50	12/04/2007	PATENT ISSUE DATE USED IN PTA CALCULATION			
49	10/23/2007	EXPORT TO FINAL DATA CAPTURE			
48	10/19/2007	DISPATCH TO FDC			
47	10/19/2007	RESPONSE TO AMENDMENT UNDER RULE 312			
46	10/19/2007	EMAIL NOTIFICATION			
45	10/19/2007	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
44	10/15/2007	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
43	08/15/2007	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		112	
42	09/12/2007	APPLICATION IS CONSIDERED READY FOR ISSUE			
41	09/07/2007	ISSUE FEE PAYMENT VERIFIED			
40	09/07/2007	ISSUE FEE PAYMENT RECEIVED			
39	07/03/2007	SEQUENCE FORWARDED TO PUBS ON TAPE			
38	06/18/2007	EXPORT TO INITIAL DATA CAPTURE			
37	06/14/2007	MAIL NOTICE OF ALLOWANCE			
36	06/12/2007	ISSUE REVISION COMPLETED			
35	06/11/2007	DOCUMENT VERIFICATION			
34	06/11/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
33	06/11/2007	NOTICE OF ALLOWABILITY			
32	03/11/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			

31	04/17/2007	FINISHED INITIAL DATA CAPTURE			
30.7	03/12/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	03/12/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
29	04/05/2007	DATE FORWARDED TO EXAMINER			
28	03/11/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
27	04/05/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
26	03/15/2007	SEQUENCE FORWARDED TO PUBS ON TAPE			
25	03/12/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
24	03/05/2007	EXPORT TO INITIAL DATA CAPTURE			
23	02/28/2007	MAIL NOTICE OF ALLOWANCE			
22	02/28/2007	MAIL EXAMINER'S AMENDMENT			
21	02/28/2007	ISSUE REVISION COMPLETED			
20	02/28/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
19	02/28/2007	EXAMINER'S AMENDMENT COMMUNICATION			
18	02/28/2007	NOTICE OF ALLOWABILITY			
17	02/15/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
16	01/24/2007	DATE FORWARDED TO EXAMINER			
15	01/17/2007	RESPONSE AFTER NON-FINAL ACTION			
14	10/18/2006	MAIL NON-FINAL REJECTION	125		-1
13	10/16/2006	NON-FINAL REJECTION			
12	06/22/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
11	05/11/2005	PRELIMINARY AMENDMENT			
10	06/22/2005	CASE DOCKETED TO EXAMINER IN GAU			
9	06/07/2005	APPLICATION DISPATCHED FROM OIPE			
8	06/08/2005	APPLICATION IS NOW COMPLETE			
7	05/25/2005	CLEARED BY L&R (LARS)			
6	05/23/2005	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
5	05/06/2005	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
4	05/04/2005	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
3	04/29/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
		CRF DISK HAS BEEN RECEIVED BY PREEXAM /			

2	04/15/2005	GROUP / PCT			
1	04/15/2005	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.

Back to OASIS | Home page

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CERTIFICATE OF CORRECTION

PATENT : 7,304,141 B2

DATED : **December 4, 2007**

INVENTOR(S) : Feder et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 13 days

Delete the phrase "by 13 days" and insert – by 59 days--

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OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO CA 94304-1018

In re Application of	:	
WEN, et al.	:	
Application No. 11/107,584	:	DECISION ON PETITION
Filed: April 15, 2005	:	TO WITHDRAW
Attorney Docket No. 584682002800	:	FROM RECORD
	:	

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 12, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant. Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **TOM COUNTS**
PAUL HASTINGS
55 SECOND STREET, 24TH FLOOR
SAN FRANCISCO, CA 94105

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET NW
WASHINGTON, DC 20005

In re Application of	
Huafeng WEN, et al.	
Application No. 11/107,584	DECISION ON PETITION TO
Filed: April 15, 2005	WITHDRAW FROM RECORD
Attorney Docket No. **71784.03501.UTL1**	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 21, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Martin R. Bader on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **ALIGN TECHNOLOGY, INC.**
881 MARTIN AVENUE
SANTA CLARA, CA 95050

cc: **JOHN WAGNER**
WAGNER BLECHER, LLP
123 WESTRIDGE DRIVE
WATSONVILLE, CA 95076

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MORGAN LEWIS & BOCKIUS, LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

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JUL 06 2007

OFFICE OF PETITIONS

In re Application of :
Robert J. Blacka, et. al. :
Application No. 11/107,586 : ON PETITION
Filed: April 15, 2005 :
Attorney Docket No. 061094-5002 :

This is a decision on the petition under 37 CFR 1.137(b), on June 15, 2007, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowability mailed February 7, 2007. A Notice of Abandonment was mailed on June 6, 2007.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of one (1) sheet of drawings containing Figures 1A-C and Figure 2; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of $1,400 for the issue fee submitted on May 7, 2007.

This application file is being referred to the Office of Publications for review of the replacement drawings filed on June 15, 2007.

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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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

Mail Date: 04/21/2010

Applicant	: Vijay S. Joshi	: DECISION ON REQUEST FOR
Patent Number	: 7577671	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,596	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **357** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE, SUITE 200
EAST PALO ALTO, CA 94303

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OFFICE OF PETITIONS

In re Application of	:	
Braithwaite et al.	:	DECISION ON PETITION
Application No. 11/107,597	:	TO WITHDRAW
Filed: April 15, 2005	:	FROM RECORD
Attorney Docket No. AGYT-040CIP	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed April 3, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of 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 reason 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 reason set forth in the request, "... as requested by the new assignee, responsibility for the file is being transferred," does not meet any the conditions set forth in 37 CFR 10.40, since a proper Statement under 37 CFR 3.73(b) has not be submitted.

Further, although the Revocation of Power of Attorney with New Power of Attorney submitted on May 30, 2006, was accepted by the Office on June 14, 2006, the revocation lacked a proper Statement under 37 CFR 3.73(b). In this regard, the 3.73(b) does not include the reel and frame number showing the chain of title from the inventor(s), of the patent application above, to the current assignee. Petitioner may also submit any documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment). A proper Statement under 37 CFR 3.73(b) should be submitted.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicants.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at 571-272-3206. All other inquiries should be directed to the Technology Center.

David Bucci
for Petitions Examiner
Office of Petitions

Cc:

WARNER-LAMBERT COMPANY
2800 PLYMOUTH RD
ANN ARBOR, MI 48105

PFIZER INC.
2800 PLYMOUTH ROAD
BLDG. 16, RM. 410E
ANN ARBOR, MI 48105

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/107,608	04/15/2005	Yorinobu Takamatsu	60736US002	7183

7590 10/22/2007
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER
SIMONE, CATHERINE A

ART UNIT	PAPER NUMBER
1794	

NOTIFICATION DATE	DELIVERY MODE
10/22/2007	ELECTRONIC

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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KEVIN E. MC VEIGH
RHODIA INC.
259 PROSPECT PLAINS ROAD
CRANBURY, NJ 08512

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OFFICE OF PETITIONS

In re Application of

Gunn, et al. :

Application No. 11/107,609

: DECISION ON PETITION

Filed: April 15, 2005

:

Attorney Docket No. RD 04013

This is a decision on the petition under 37 CFR 1.137(b), filed, December 20, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 15, 2006, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on September 16, 2006. A Notice of Abandonment was mailed December 21 2006.

The amendment filed December 20, 2006, is noted.

The request for an extension of time within the third month, filed December 20, 2006, is noted, by cannot be granted as the request made outside the maximum statutory period for reply to the non-final Office action. Accordingly, deposit account 18-1169 will be refunded $1,020.00 in due course.

The application is being forwarded to Technology Center 1700, GAU 1751 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

Petition Office
1 SW

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KEVIN E. MC VEIGH
RHODIA INC.
259 PROSPECT PLAINS ROAD
CRANBURY, NJ 08512

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FEB 20 2007
OFFICE OF PETITIONS

In re Application of

Gunn, et al. :

Application No. 11/107,609

: DECISION ON PETITION

Filed: April 15, 2005

:

Attorney Docket No. RD 04013

This is a decision on the petition under 37 CFR 1.137(b), filed, December 20, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 15, 2006, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on September 16, 2006. A Notice of Abandonment was mailed December 21 2006.

The amendment filed December 20, 2006, is noted.

The request for an extension of time within the third month, filed December 20, 2006, is noted, by cannot be granted as the request made outside the maximum statutory period for reply to the non-final Office action. Accordingly, deposit account 18-1169 will be refunded $1,020.00 in due course.

The application is being forwarded to Technology Center 1700, GAU 1751 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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NORRIS MCLAUGHLIN & MARCUS, P.A.
721 ROUTE 202-206
P.O.BOX 5933
BRIDGEWATER, NJ 08807-5933

In re Application of

James D. Ralph, et al.
Application No. 11/107,610
Filed: April 15, 2005
Attorney Docket No. 104084-005

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 9, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from applicant's representative that he is in possession of proof of applicant Thomas Nelson Troxell's age. 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 3733 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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IBM CORPORATION, T.J. WATSON RESEARCH CENTER
P.O. BOX 218
YORKTOWN HEIGHTS, NY 10598

Mail Date: 04/20/2010

Applicant	: Kerry Bernstein	: DECISION ON REQUEST FOR
Patent Number	: 7605429	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,611	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **188** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE, WI 53403-2236

Mail Date: 04/20/2010

Applicant	: Brian T. Davis	: DECISION ON REQUEST FOR
Patent Number	: 7625578	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,622	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1265** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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JENKINS & GILCHRIST PC
225 WEST WASHINGTON ST
SUITE 2600
CHICAGO IL 60606

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FEB 03 2006
OFFICE OF PETITIONS

In re Application of
George Vickas
Application No. 11/107,627
Filed: April 15, 2005
Attorney Docket No. 51676-0007USP1

DECISION ON PETITION

This is a decision on the "PETITION FOR THE UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY", filed September 29, 2005, which is being treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e) for the benefit of provisional application 60/530,713.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and CFR § 1.78(a)(5)(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)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

A reference to add the above-noted , prior-filed application on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment to the specification present on the filing date of the application. For applications filed prior to September 21, 204, the incorporation by reference statement

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[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).

may also appear in a transmittal letter present on the filing date of the application. See MPEP 201.06(c) and 608.04(b).

Accordingly, before the instant petition can be granted, a substitute amendment[2] deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(6) is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries concerning this matter should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Frances Hicks
Petitions Examiner
Office of Petitions

[2] See 37 CFR 1.121

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SUITE 2600
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Application of
George Vickas
Application No. 11/107,627
Filed: April 15, 2005
Attorney Docket No. 51676-0007USP1

DECISION ON PETITION

This is a decision on the "PETITION FOR THE UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY", filed February 13, 2006, which is being treated as a renewed petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e) for the benefit of provisional application 60/530,713.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

> (1) the reference required by 35 U.S.C. § 119(e) and CFR § 1.78(a)(5)(i) of the prior-filed application(s), unless previously submitted;[1]

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[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

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Applicant filed his original petition on December 30, 2005. A reference to add the above-noted , prior-filed application on page one following the first sentence of the specification was included in a concurrently filed amendment. However, the amendment was not acceptable as drafted since it improperly incorporates by reference the prior-filed application. Accordingly, the petition was dismissed in a decision mailed on February 3, 2006. Petitioner's attention was directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment to the specification present on the filing date of the application. For applications filed prior to September 21, 204, the incorporation by reference statement may also appear in a transmittal letter present on the filing date of the application. See MPEP 201.06(c) and 608.04(b).

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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).

On renewed petition, petitioner has submitted the same amendment that was submitted on December 30, 2005. The amendment is improper because it incorporates by reference provisional application no. 60/530,713. This application was not incorporated by reference on filing. While petitioner may claim late priority to this application by way of a grantable petition under 37 CFR 1.78(a)(6), petitioner may not incorporate the application by reference.

Accordingly, before the instant petition can be granted, a substitute amendment[2] deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(6) is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries concerning this matter should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Frances Hicks
Petitions Examiner
Office of Petitions

[2] See 37 CFR 1.121

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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

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NOV 07 2005

OFFICE OF PETITIONS

In re Application of	:	
Quigley et al.	:	
Application No. 11/107,629	:	DECISION GRANTING PETITION
Filed: 14 April, 2005	:	
Atty Dckt No. FPY-083.04	:	

This is a decision in reference to the petition under 37 CFR 1.10(c) filed on 1 July, 2005, requesting that the above-identified application be accorded a filing date of 14 April, 2005, rather than the currently-accorded filing date of 15 April, 2005.

The petition is **granted**.

Petitioners assert that the application was deposited in Express Mail service on 14 April, 2005. In support of petitioners' contention that the application was deposited in Express Mail Post Office to Addressee Service on 14 April, 2005, petitioners supplied, with the present petition, a copy of Express Mail Customer Label No. EV479546096US (the same Express Mail number found on the itemized transmittal sheet filed with the original application papers located in the official file).

The Express Mail Customer Label shows a "date-in" of "4-14-05." Additionally, the Express Mail Label bears an official USPS postmark dated 14 April, 2005.

In view of the above, the petition is granted. No petition fee is required.

As no fee is required for a petition under 37 CFR 1.10, the petition fee submitted with the present petition will be refunded to counsel's deposit account, No. 06-1448.

The application is being referred to the Office of Initial Patent Examination for reprocessing with a filing date of 14 April, 2005, not 15 April, 2005, and for issuance of a corrected Filing Receipt.

Telephone inquiries may be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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George R. Schultz
Schultz & Associates, P.C.
One Lincoln Centre
5400 LBJ Freeway, Suite 1200
Dallas TX 75240

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NOV 25 2008

In re Application of	:	
George Robert Gregory et al.	:	
Application No. 11/107,636	:	DECISION ON PETITION
Filed: April 14, 2005	:	
Attorney Docket No. 10152.0109	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 15, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed May 15, 2008. Accordingly, the date of abandonment of this application is August 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 payment of the issue fee of $755 and the publication fee of $300, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

OIPE IAP79
OCT 2 0 2008
PATENT & TRADEMARK OFFICE

DAE

PTO/SB/64 (09-08)
Approved for use through 10/31/2008. 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) 10152.0109

First named inventor: George Robert Gregory

Application No.: 11/107,636 Art Unit: 3671

Filed: 04/14/2005 Examiner: Gary S. Hartmann

Title: Apparatus and Method for Termination of a Wire Rope used for Mining Equipment

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
☑ Small entity-fee $ 810 (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 $ 1,020 _____.
☐ has been paid previously on _____
☑ is enclosed herewith.

10/21/2008 HBELETE2 00000014 502225 11107636
01 FC:2453 810.00 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.

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	OCT 15 2009 Date
George R. Schultz Typed or printed name	35,674 Registration Number, if applicable
5400 LBJ Freeway, Suite 1200, Dallas, TX 75240 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.

10-15-08 Date	Kim Belisle Signature
	Kim Belisle Typed or printed name of person signing certificate

OIPE IAP79
OCT 2 0 2008
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	GEORGE ROBERT GREGORY
Serial No.:	11/107,636
Filed:	04/14/2005
For:	"Apparatus and Method for Termination of a Wire Rope used for Mining Equipment"
Examiner:	Gary S. Hartmann
Art Unit:	3671

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

1. The above-identified Application became abandoned for failure to respond and timely pay the issue fee and publication fee as required by the Notice of Allowance mailed on May 15, 2008.

2. Applicant hereby Petitions for Revival of this Application. Applicant states that the entire delay in filing the required response from the due date for the required response until the filing of a grantable petition under 37 C.F.R. §1.137(b) was unintentional.

3. The Notice of Abandonment was mailed on September 9, 2008.

4. The issue fee and publication fee of $1,020.00 is submitted by check herewith the Petition for Revival along with $30.00 for ten (10) printed without color copies.

5. Since this utility application was filed on or after June 8, 1995, no terminal disclaimer should be required.

6. Applicant submits with this Petition the small entity Petition Fee of $810.00 pursuant to 37 C.F.R. § 1.17(m).

7. Applicant believes he has submitted the correct fee due; however, the Commissioner is authorized to charge any underpayment of fees due with this amendment and response, or credit any overpayment, to Deposit Account No. 50-2225.

Dated: October 15, 2008

Respectfully submitted,

George R. Schultz
Reg. No. 35,674
SCHULTZ & ASSOCIATES, P.C.
One Lincoln Centre
5400 LBJ Freeway, Suite 1200
Dallas, Texas 75240
(214) 210-5940 telephone
(214) 210-5941 facsimile

11/107636 Examiner: HARTMANN, GARY GAU: 3671
Inventor: GREGORY , GEORGE, et al Classification: 037/399.000
Status: 164 - ABANDONED -- FAILURE TO PAY ISSUE FEE
Title: APPARATUS FOR TERMINATION OF A WIRE ROPE USED FOR MINING EQUIPMENT
Start Date: End Date:

bib_fee report (15 items, not sorted)

Acct Date	Seq. Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
10/21/2008	29	1	2453	$810.00	10/20/2008	CK
10/21/2008	30	1	1504	$300.00	10/20/2008	CK
10/21/2008	32	1	2501	$35.00	10/20/2008	DA 502225
10/21/2008	33	1	2501	$720.00	10/20/2008	CK
10/21/2008	31	1	8001	$30.00	10/20/2008	CK
03/05/2008	63	1	2253	$525.00	03/05/2008	CK
01/25/2007	22	1	2202	$100.00	01/24/2007	CK
07/22/2005	114	1	2051	$65.00	07/21/2005	CK
05/18/2005	3	1	2202	$75.00	05/02/2005	CK
05/18/2005	4	1	2201	$100.00	05/02/2005	CK
05/18/2005	2	1	2202	($175.00)	05/02/2005	OP
05/11/2005	5	1	2202	$175.00	05/02/2005	CK
04/19/2005	281	1	2011	$150.00	04/14/2005	CK
04/19/2005	282	1	2111	$250.00	04/14/2005	CK
04/19/2005	283	1	2311	$100.00	04/14/2005	CK

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United States Patent and Trademark Office
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www.uspto.gov

Osha Liang LLP / Lummus
Two Houston Center
909 Fannin, Suite 3500
Houston, TX 77010

Mail Date: 04/20/2010

Applicant	: Robert J. Gartside	: DECISION ON REQUEST FOR
Patent Number	: 7576251	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,649	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1120** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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8/14/09

Patent No. :7489956
Ser. No. :11/107676
Inventor(s) :Zhi-Gang Zou
Issued : 2/10/09
Title : FOLDABLE MOBILE TELEPHONE WITH MOVABLE HINGE
Docket No. :

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.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

PCE INDUSTRY, INC.
ATTN: STEVEN M. REISS
458 E. LAMBERT ROAD
FULLERTON, CA 92835

HR

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

CAESAR, RIVISE, BERNSTEIN, COHEN
AND POKOTILOW, LTD.
11TH FLOOR, SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA, PA 19103-2212

Mail Date: 04/21/2010

Applicant	: Joseph A. Costanzo	: DECISION ON REQUEST FOR
Patent Number	: 7588532	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,680	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1177** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

L. Howard Chen, Esq.
Kirkpatrick & Lockhart Preston Gates & Ellis, LLP
55 Second Street - Suite 1700
San Francisco, CA 94105

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SEP 1 1 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of
Meoung-Jin Lim
Application No. 11/107,686
Filed: April 15, 2005
Attorney Docket No. VTU04-00015

This is a decision on the petition under 37 CFR 1.137(b), filed on March 8, 2007, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowability mailed September 28, 2006. A Notice of Abandonment was mailed on February 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 one (1) replacement drawing sheet containing Figure 4; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of $1,400 for payment of the issue fee, $300 for payment of the publication fee submitted on November 16, 2006.

This application file is being referred to the Office of Publications, for review of the replacement drawing filed on March 8, 2007.

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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Express Mail Label No.: EL 265698343 US
Date of Deposit: April 15, 2005

PATENT
Case No. 9378/187

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	
Roche et al.	Examiner: Bos, S
Serial No.: 11/107687	Group Art Unit: 1754
Filed: April 15, 2005	
For: PRODUCTION OF TITANIA	

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.102(d), Applicants Petition to Make the subject case Special. In support of its Petition, Applicants note the following:

1. The appropriate fee under 37 C.F.R. § 1.17(h) is enclosed.
2. All the claims are directed to a single invention.
3. A search has been conducted by the Australian Patent Office in its capacity as an International Searching Authority. In this, regard both the International Search Report and the Written Opinion issued by the Australian Patent Office are enclosed.

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
NOV 29 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GENE W. ARANT
P.O. BOX 269
LINCOLN CITY OR 97367-0269

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JUL 0 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Jaime H. Redin, et al.	:	
Application No. 11/107,692	:	DECISION ON PETITION
Filed: April 14, 2005	:	TO WITHDRAW
Attorney Docket No. 0353	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2008.

The request is **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, ***I am closing my office***, do not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272- 2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **James H. Redin**
312 16th Place
Manhattan Beach, CA 90266

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

HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE
SUITE 2100
CHICAGO, IL 60606

Mail Date: 04/20/2010

Applicant	: Fred E. Masarie	: DECISION ON REQUEST FOR
Patent Number	: 7657521	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,695	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **285** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

CAMBRIDGE LAWYERS GROUP, LLC
929 MASSACHUSETTS AVENUE
LEVEL 01
CAMBRIDGE MA 02139

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OFFICE OF PETITIONS

In re Application of :
Blair : DECISION ON PETITION
Application No. 11/107,703 :
Filed: April 18, 2005 :
For: BARBPROP :

This is a decision on the petition under 37 CFR 1.137(b) filed August 13, 2007.

The petition is hereby **GRANTED**.

This application became abandoned July 6, 2006 for failure to timely reply to the non-final Office action mailed April 5, 2006. The non-final Office action set a three month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed October 18, 2006.

A grantable petition pursuant to 37 CFR 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 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition 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 non-final Office action is accepted as having been unintentionally delayed.

This application is being forwarded to 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANNETTE COTTRELL
5710 NE 56TH ST
SEATTLE WA 98105

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OFFICE OF PETITIONS

In re Application of	:	
Annette Marie Cottrell	:	
Application No. 11/107,717	:	DECISION ON PETITION
Filed: April 18, 2005	:	
Title: Nursing Wedge	:	

This is a decision on the petition to revive the above identified application under 37 CFR 1.137(b), filed May 2, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file drawings in response to the Notice of Allowability, mailed December 12, 2005. This Notice set a statutory period for reply of three (3) months. No reply having been received, the application became abandoned on March 13, 2006. A Notice of Abandonment was mailed on April 17, 2006.

With the instant petition, petitioner has paid the petition fee, made the proper statement of unintentional delay, and submitted drawings.

The file is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TEH-TSUNG CHIU
235 CHUNG-HO
BOX 8-24
TAIPEI, TW TAIWAN

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OFFICE OF PETITIONS

In re Application of	:	
CHIU, The-Tsung	:	
Application No. 11/107,718	:	DECISION ON PETITION
Filed: April 18, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **C3P5006-USP9406092**	:	

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**.

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 (2), the petition fee of $750 as set forth in 37 CFR 1.17(m). It is noted that a $700 petition fee was concurrently filed with the petition. Unfortunately, the petition fee is deficient by $50.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION

Commissioner for Patents

P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions

Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
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

TEH-TSUNG CHIU
235 CHUNG - HO
BOX 8-24
TAIPEI, TW TAIWAN

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FEB 1 3 2009

OFFICE OF PETITIONS

In re Application of :
Teh-Tsung **CHIU** :
Application No. 11/107,718 :
Filed: April 18, 2005 :
Attorney Docket No. **C3P5006-USP9406092** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 28, 2008 and re-submitted December 9, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 20, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed April 20, 2006. Accordingly, the date of abandonment of this application is July 21, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $700 and the publication fee of $300, (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Data Management for processing into a patent.

for

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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OFFICE OF PETITIONS

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of
Andres, et al.
Application No. 11/107,720
Filed: April 15, 2005
Atty. Dkt. No.: 018638-04-5004
US
For: SYSTEM AND METHOD FOR
STRUCTURED PUT AUCTION RATE
COMBINATION STRUCTURE

: DECISION GRANTING STATUS
: UNDER 37 CFR 1.47(a)

This decision is in response to the petition under 37 CFR 1.47(a), filed December 6, 2005.

The petition is **GRANTED**.

Petitioner has shown that inventor Brad Andres has refused to execute the declaration for the above-identified application after having been presented with the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Brad Andres
1020 Garden Street #1
Hoboken, NJ 07030

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JAN 0 4 2006

OFFICE OF PETITIONS

In re Application of :
Adres, et al. :
Application No. 11/107,720 : LETTER
Filed: April 15, 2005 :
Atty. Dkt. No.: 018638-04-5004 :
US :
For: SYSTEM AND METHOD FOR :
STRUCTURED PUT AUCTION RATE :
COMBINATION STRUCTURE :

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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APR 13 2006

OFFICE OF PETITIONS

RADER FISHMAN AND GRAUER PLLC
1233 20TH ST NW
SUITE 501
WASHINGTON DC 20036

In re Application of	:
Shishido, et al.	: DECISION GRANTING PETITION
Application No. 11/107,724	: AND WITHDRAWING THE
Filed: April 18, 2005	: HOLDING OF ABANDONMENT
Attorney Docket No. SON-3224	:

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a) OR, ALTERNATIVELY, PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)", filed February 15, 2006, 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 **GRANTED**.

The holding of abandonment is **WITHDRAWN**.

The above-identified application became abandoned for failure to timely file a response to the Notice to File Missing Parts mailed May 12, 2005. This Notice set a period for reply of two (2) months to submit an executed oath or declaration, together with the surcharge for its late filing. No response having been received, the application became abandoned on July 13, 2005. A Notice of Abandonment was mailed on January 31, 2006.

Petitioner states that he did not timely receive the Notice to File Missing Parts. To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been

received and docketed.[1] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[2]

Here, petitioner has submitted a satisfactory docket record showing incoming mail for the relevant period.

Accordingly, the holding of abandonment is withdrawn.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] See MPEP 711.03(c)(II).

[2] Id.

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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HANIFY & KING PROFESSIONAL CORPORATION
1055 THOMAS JEFFERSON STREET NW, SUITE 400
WASHINGTON, DC 20007

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JAN 1 1 2010

In re Application of	:	
Syuuichi MURATA, et *al.*	:	
Application No. 11/107,733	:	DECISION GRANTING PETITION
Filed: April 18, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **5243-067-US01**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 6, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 1, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

February 27, 2008

William M. Wannisky
FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, NY 10112-3800

Patent No: 7236727 B2
Application No: 11/107,735
Applicant: Tadashi Fukuda
Issued: June 26, 2007
Title: **IMAGE FORMING APPARATUS**

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322 and 1.323.

The alleged error in column 19, line 3 is a change made in an Examiner's Amendment at time of allowance. Since applicant filed no objection prior to payment of the base issue fee, no correction is in order here.

In view of the foregoing your request in this matter is hereby **denied**.

Further correspondence concerning this matter should be filed and directed to Decisions & Certificate of Correction Branch.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(703) 308-8309 or (703) 308-9390 ext. 113

vt

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United States Patent and Trademark Office
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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

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SEP 05 2006
Technology Center 2100

In re Application of: MIMATSU, YASUYUKI

Application No. 11/107,759
Filed: 18 April 2005
For: METHOD FOR MANAGING EXTERNAL STORAGE DEVICES

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the petition filed 30 November 2005, to make the above-identified application special under 37 CFR 102(d) and MPEP § 708.02(VIII): Accelerated Examination.

The Petition is **GRANTED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Petition to Make Special **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The application is being forwarded to the Examiner for accelerated examination in accordance with M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

GO

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Steven W. Weinrieb
LAW OFFICES OF STEVEN W WEINRIEB
8717 Cold Spring Road
Potomac, MD 20854

Mail Date: 04/27/2010

Applicant	: Anatoly Gosis	: DECISION ON REQUEST FOR
Patent Number	: 7661241	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/107,760	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1024** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

JUN 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Moon et al.	:	
Application No. 11/107,783	:	LETTER REGARDING
Filed: April 18, 2005	:	PATENT TERM ADJUSTMENT
Docket No. 10589-100-999	:	
Title: CARBOLINE DERIVATIVES USEFUL	:	
IN THE TREATMENT OF CANCER	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(b)," filed January 29, 2010. Applicants request that the determination of patent term adjustment be increased by at least five hundred and fifty-three (553) days to a minimum of one thousand and twenty-nine (1029) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction partly on the basis that the Office will take in excess of three years to issue this patent. In addition, Applicants contend that an additional period of applicant delay should be assessed.

To the extent that the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of

issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, Applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

To the extent that Applicants otherwise request reconsideration of the patent term adjustment at the time of the mailing of the

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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.

notice of allowance, the request is **GRANTED to the extent indicated herein**.

The Office has updated the PALM screen to reflect that the amount of Applicant Delay is 438 days. The Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is **four hundred and thirty-eight days** (632 days of Office delay less 194 days of Applicant delay). A copy of the updated PALM screen, showing the correct determination, is enclosed.

Applicants state that any patent issuing from the application is subject to a terminal disclaimer.[2]

A Notice of Allowance and Fees Due was mailed on October 30, 2009, concurrently with a Determination of Patent Term Adjustment under 35 U.S.C. 154(b), which indicated that the "Patent Term Adjustment to date is 489 day(s)." On November 24, 2009, a Supplemental Notice of Allowance was mailed. The Patent Term Adjustment at the time of the initial determination of patent term adjustment was 476 days. The instant application for patent term adjustment was timely filed[3] on or before payment of the issue fee.

Applicants would have the Office accord an additional 38 days of Applicant delay, on the basis that an Supplemental Information Disclosure Statement (IDS) was filed on August 18, 2008, subsequent to the submission of a response to a non-final Office action on July 11, 2008.

37 CFR 1.704(c)(8) provides, in *toto*:

> Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:
>
> ...
>
> Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period

[2] Petition, page 6.

[3] PALM records indicate that the issue fee was paid concurrently with the filing of this petition on January 29, 2010.

> 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;

A response to a non-final Office action was filed on July 11, 2008, and a Supplemental IDS was filed 38 days later on August 18, 2008.[4] As such, Applicants are correct in asserting that this submission constituted 38 days of Applicant delay.

The Office thanks Applicants for their good faith and candor in bringing this to the attention of the Office.

An Applicant delay of 38 days, associated with the submission of the Supplemental IDS on August 18, 2008, has been added.

The $200.00 fee set forth in 37 CFR 1.18(e) will be charged to Deposit Account No. 50-3013 in due course, as authorized on the second page of this petition. No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

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.

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[4] The Supplemental IDS has been reviewed, and it does not contain the statement contained within 37 C.F.R. § 1.704(d). As such, the submission of the Supplemental IDS constitutes a failure to engage in reasonable efforts to conclude prosecution.

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski (571) 272-3225.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Day : Wednesday

PALM INTRANET

Date: 6/23/2010
Time: 08:02:16

PTA Calculations for Application: 11/107783			
Application Filing Date:	04/18/2005	PTO Delay (PTO):	632
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	156
Post-Issue Petitions:	0	Total PTA (days):	438
PTO Delay Adjustment:	-38		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
137	06/23/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		38	
123	11/24/2009	MAIL NOTICE OF ALLOWANCE			
122	11/24/2009	MAIL EXAMINER'S AMENDMENT			
121	10/27/2009	ISSUE REVISION COMPLETED			
120	10/27/2009	DOCUMENT VERIFICATION			
119	10/26/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
118	10/26/2009	EXAMINER'S AMENDMENT COMMUNICATION			
117	10/26/2009	NOTICE OF ALLOWABILITY			
116	10/21/2009	DATE FORWARDED TO EXAMINER			
115	10/21/2009	SUPPLEMENTAL RESPONSE		13	101
112	10/30/2009	MAIL NOTICE OF ALLOWANCE			
111	10/27/2009	ISSUE REVISION COMPLETED			
110	10/27/2009	DOCUMENT VERIFICATION			
109	10/26/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
108	10/26/2009	EXAMINER'S AMENDMENT COMMUNICATION			
107	10/26/2009	NOTICE OF ALLOWABILITY			
104	10/21/2009	PARALEGAL TD ACCEPTED			
104	10/21/2009	PARALEGAL TD ACCEPTED			
102	10/14/2009	DATE FORWARDED TO EXAMINER			
102	10/14/2009	DATE FORWARDED TO EXAMINER			
101	10/08/2009	AMENDMENT AFTER FINAL REJECTION		55	91
100	10/13/2009	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
99	10/07/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			

97	10/07/2009	MAIL ADVISORY ACTION (PTOL - 303)			
96	10/06/2009	ADVISORY ACTION (PTOL-303)			
95	09/28/2009	TERMINAL DISCLAIMER FILED			
94	10/02/2009	DATE FORWARDED TO EXAMINER			
93	09/28/2009	AMENDMENT AFTER FINAL REJECTION			
92	09/28/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
91	05/14/2009	MAIL FINAL REJECTION (PTOL - 326)			
90	05/11/2009	FINAL REJECTION			
89	02/19/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
88	02/19/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
87	07/28/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT		17	49
86	07/28/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
85	07/28/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
84	07/28/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
83	07/28/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
82	07/28/2008	REFERENCE CAPTURE ON IDS			
81	07/28/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
80	02/19/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	76
79	07/28/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
78	02/19/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
77	03/04/2009	DATE FORWARDED TO EXAMINER			
76	02/19/2009	RESPONSE AFTER NON-FINAL ACTION		41	70
75	02/19/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
74	02/19/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
73	02/19/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
72	01/08/2009	CHANGE IN POWER OF ATTORNEY (MAY			

		INCLUDE ASSOCIATE POA)			
71	01/07/2009	CORRESPONDENCE ADDRESS CHANGE			
70	10/09/2008	MAIL NON-FINAL REJECTION			
69	10/07/2008	NON-FINAL REJECTION			
68	08/13/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
67	08/05/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
66	08/18/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
65	07/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
64	07/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
63	07/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
62	07/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
61	07/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
60	07/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
59	07/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
58	07/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
57	07/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
56	07/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
55	07/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
54	07/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
53	08/18/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
52	08/13/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
51	08/05/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
50	08/05/2008	DATE FORWARDED TO EXAMINER			
49	07/11/2008	RESPONSE AFTER NON-FINAL ACTION		30	35

48	07/11/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
47	07/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
46	07/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
45	07/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	07/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
43	07/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
42	07/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
41	07/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
40	07/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
39	07/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	07/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	07/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
36	07/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
35	03/11/2008	MAIL NON-FINAL REJECTION	632		-1
34	02/28/2008	NON-FINAL REJECTION			
33	09/05/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	06/15/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
31	05/25/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
30	04/13/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	04/04/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
28	03/13/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
27	09/05/2007	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			

26	09/05/2007	MISCELLANEOUS INCOMING LETTER			
24	09/05/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	06/15/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	06/15/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	05/25/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	05/25/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	04/04/2007	REFERENCE CAPTURE ON IDS			
17.7	04/04/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	04/04/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16.7	04/13/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	04/13/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	03/13/2006	REFERENCE CAPTURE ON IDS			
14.7	03/13/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	03/13/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	11/17/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	11/17/2005	CASE DOCKETED TO EXAMINER IN GAU			
11	11/17/2005	CASE DOCKETED TO EXAMINER IN GAU			
10	08/18/2005	PRELIMINARY AMENDMENT			
9	07/18/2005	APPLICATION DISPATCHED FROM OIPE			
8	07/18/2005	APPLICATION IS NOW COMPLETE			
7	07/05/2005	ADDITIONAL APPLICATION FILING FEES			
6	07/05/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	05/09/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	04/28/2005	CLEARED BY OIPE CSR			
2	04/26/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	04/18/2005	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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OFFICE OF PETITIONS

In re Application of	:	
Kia Silverbrook	:	
Application No. 11/107,787	:	ON PETITION
Filed: April 18, 2005	:	
Attorney Docket No. MJ168US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 14, 2006, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed February 9, 2006. A Notice of Abandonment was mailed on July 10, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $1,400 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office also acknowledges receipt of an Amendment after Notice of Allowance, filed March 13, 2006, which was submitted prior to payment of the issue and publication fee.

This application is being referred to Technology Center Art Unit 3748, for consideration of the Amendment under 37 CFR 1.312. Thereafter, the application will be forwarded to the Office of Publications for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

In re Application of	:	
Leonard M. Greene	:	
Application No. 11/107,810	:	
Filed: April 18, 2005	:	DECISION ON PETITION
Attorney Docket No. 2057/160	:	PURSUANT TO
Title: GROUND EFFECTS	:	37 C.F.R. § 1.137(B)
COMPENSATED ANGLE OF ATTACK	:	
COMMAND SYSTEM AND METHOD	:	

This is a decision on the petition filed November 16, 2007, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

It is noted in passing that the filing date that Petitioner has placed on this petition is incorrect - the Office will presume that this is a typographical error.

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 July 10, 2007, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue or publication fees[1]. Accordingly, the above-identified application became abandoned on October 11, 2007. A Notice of Abandonment was mailed on November 2, 2007.

1 See MPEP § 710.02(e).

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has included the petition, issue, and publication fees, along with the proper statement of unintentional delay.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.

Pursuant to this decision, the Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

It is noted that although Petitioner is listed as an attorney of record, the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of

this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[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/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Lowe Hauptman Ham & Berner, LLP
1700 Diagonal Road
Suite 300
Alexandria, VA 22314

---

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.

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Foley and Lardner LLP
Suite 500
3000 K Street NW
Washington, DC 20007

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OFFICE OF PETITIONS

In re Application of	:	
Andrew D. Murdin et al.	:	
Application No. 11/107,823	:	DECISION ON PETITION
Filed: April 18, 2005	:	TO WITHDRAW
Attorney Docket No. 77682-9D /SLR	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 30, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Foley and Lardner LLP has been revoked by the assignee of the patent application on March 20, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **Smart & Biggar**
P.O. Box 2999, Station D
900-55 MetCalfe Street
Ottawa, ON K1P5Y6
Canada

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KILPATRICK STOCKTON LLP
607 14TH STREET, N.W.
WASHINGTON DC 20005

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JAN 11 2007

OFFICE OF PETITIONS

In re Application of	:	
Rahmel et al.	:	
Application No. 11/107,841	:	DECISION ON PETITION
Filed: 04/18/2005	:	
Attorney Docket No. SAIC0009-CON1	:	

This is a decision on the petition under 37 CFR 1.182, filed November 28, 2006, requesting that the acceptance of the terminal disclaimer filed April 3, 2006, be withdrawn.

Petitioners asserts that "newly presented amendments to the claims of the pending application are such that the claims are not obvious in view of the claims issued in the parent patent which is the subject of the previously filed terminal disclaimer." *Petition dated 11/28/06, p.1.*

After consulting with the examiner, the examiner does not concur with petitioners' assertion. Accordingly, the petition is **dismissed** and the terminal disclaimer will not be withdrawn.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

Applicant	: Yusuke Kohyama	: DECISION ON REQUEST FOR
Patent Number	: 7605042	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,843	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **813** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DEC -7 2006

C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of:
NOMOTO, NOBUTOSHI et al
Serial No.: 11/107,869
Filed: April 18, 2005
Docket: 271032US3X
Title: CONSTANT ANGULAR GRINDING TOOL

DECISION ON PETITION TO RETURN INITIALED IDS FORM 1449

This is a decision on the petition filed on August 16, 2006 to request the examiner to properly consider the references cited and initial the IDS Form 1449.

The petition is **DISMISSED as moot**.

In the petition the applicant requested to have the above application forwarded to Examiner Lee D. Wilson (Art Unit 3723) so that the Examiner may acknowledge consideration of the references cited on the Information Disclosure Statement filed on April 18, 2005. The examiner is also requested to initial each of the items listed on the Form PTO 1449 in accordance with U.S. patent practice and procedure. On August 29, 2006, the examiner has already completed the task.

In view of the history, the relief the applicant requested, namely the return of a copy of initialed IDS Form 1449, has already occurred. Accordingly, the petition is dismissed as moot.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.

Karen M. Young
for Frederick R. Schmidt, Director
Technology Center 3700

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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

Mail Date: 04/21/2010

Applicant	: Brett D. Brewer	: DECISION ON REQUEST FOR
Patent Number	: 7596558	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,870	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **905** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

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OFFICE OF PETITIONS

In re Application of	:	
Yamauchi, Himio	:	
Application No. 11/107,883	:	ON PETITION
Filed: April 18, 2005	:	
Attorney Docket No. 008312-0315797	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 26, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

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GOWLING LAFLEUR HENDERSON LLP
SUITE 1600, 1 FIRST CANADIAN PLACE
100 KING STREET WEST
TORONTO, ON M5X 1G5
CANADA

Mail Date: 04/21/2010

Applicant	: Brindusa Fritsch	: DECISION ON REQUEST FOR
Patent Number	: 7643825	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/107,884	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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GOWLING LAFLEUR HENDERSON LLP
SUITE 1600, 1 FIRST CANADIAN PLACE
100 KING STREET WEST
TORONTO, ON M5X 1G5
CANADA

Mail Date: 05/18/2010

Applicant	: Viera Bibr	: DECISION ON REQUEST FOR
Patent Number	: 7624370	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/107,887	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1227** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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OFFICE OF PETITIONS

In re Application of	:	
Natori et al.	:	
Application No. 11/107,890	:	LETTER REGARDING
Filed: April 18, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No. 04329.3535	:	

This is in response to the "NOTICE OF ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT," filed June 27, 2008. Pursuant to their duty of candor and good faith to the Office, applicants disclose that the initial determination of patent term adjustment at the time of the mailing of the notice of allowance should be corrected from one hundred two (102) days to forty-one (41) 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 forty-one **(41)** days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On April 9, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 102 days. Applicants do not state a basis for their disclosure that the correct initial determination of patent term adjustment is 41 days.

Nonetheless, a review of the record reveals that in response to the final Office action mailed May 16, 2007, applicants did not

file a response in compliance with §1.113(c) until October 16, 2007, three months and 61 days later. As such, a period of reduction of 61 days is being entered pursuant to 37 C.F.R. §1.704(b).

In view thereof, the correct initial determination of the patent term adjustment at the time of the mailing of the notice of allowance is forty-one (41) 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 Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded and the period is not consumed by the request for continued examination).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Day : Wednesday

PALM INTRANET

Date: 8/20/2008
Time: 10:42:04

PTA Calculations for Application: 11/107890			
Application Filing Date:	04/18/2005	PTO Delay (PTO):	130
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	28
Post-Issue Petitions:	0	Total PTA (days):	41
PTO Delay Adjustment:	-61		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
61	08/20/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		61	
54	04/09/2008	MAIL NOTICE OF ALLOWANCE			
53	04/08/2008	ISSUE REVISION COMPLETED			
52	04/08/2008	DOCUMENT VERIFICATION			
51	04/08/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
46	03/31/2008	NOTICE OF ALLOWABILITY			
45	03/11/2008	MISCELLANEOUS INCOMING LETTER			
44	01/30/2008	LETTER REQUESTING INTERVIEW WITH EXAMINER			
39	02/24/2008	DATE FORWARDED TO EXAMINER			
38	02/01/2008	RESPONSE AFTER NON-FINAL ACTION			
37	02/11/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
36	01/31/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
35	11/01/2007	MAIL NON-FINAL REJECTION			
34	10/29/2007	NON-FINAL REJECTION			
33	10/26/2007	DATE FORWARDED TO EXAMINER			
32	10/16/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
31	10/26/2007	DATE FORWARDED TO EXAMINER			
30	10/16/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
29	10/26/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
28	10/16/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			

27	10/16/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
26	05/16/2007	MAIL FINAL REJECTION (PTOL - 326)			
25	05/14/2007	FINAL REJECTION			
24	03/09/2007	DATE FORWARDED TO EXAMINER			
23	02/23/2007	RESPONSE AFTER NON-FINAL ACTION		28	21
22	02/23/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
21	10/26/2006	MAIL NON-FINAL REJECTION	130		-1
20	10/24/2006	NON-FINAL REJECTION			
19	04/18/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
18	11/30/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
17	03/29/2006	CASE DOCKETED TO EXAMINER IN GAU			
16	11/30/2005	REFERENCE CAPTURE ON IDS			
15.7	11/30/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	11/30/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	06/29/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	06/29/2005	CASE DOCKETED TO EXAMINER IN GAU			
12	04/18/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
11	04/18/2005	NEW OR ADDITIONAL DRAWING FILED			
10	04/18/2005	REFERENCE CAPTURE ON IDS			
9.7	04/18/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	04/18/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	06/16/2005	APPLICATION DISPATCHED FROM OIPE			
7	06/16/2005	APPLICATION IS NOW COMPLETE			
6	06/08/2005	ADDITIONAL APPLICATION FILING FEES			
5	06/08/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
4	05/17/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	05/06/2005	CLEARED BY OIPE CSR			
2	04/28/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			

1	04/18/2005	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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Date : October 2, 2008

TO : Director, Office of Data Management

FROM : Office of Petitions

SUBJECT : Withdrawal from Issue of **Application No. 11/107,890**

Applicant(s) : Katsuaki Natori, et al.
Application No. : 11/107,890
Filed : April 18, 2005

The above-identified application has been assigned Patent No. 7,432,544 and an issue date of October 7, 2008.

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 October 7, 2008:

> **"All reference to Patent No. 7,432,544 to Katsuaki Natori, et al. of Japan for SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING THE SAME appearing in the Official Gazette of October 7, 2008 should be deleted since no patent was granted."**

/April M. Wise/
April M. Wise
Petitions Examiner
Office of Petitions

cc: Paul Harrison
Deneise Boyd
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie)
Duane Davis (CDS)
Lamont Fletcher
Bradley Harris
Kimberly Terrell

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WASHINGTON DC 20001-4413

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OFFICE OF PETITIONS

In re Application of
Katsauki Natori, et al.
Application No. 11/107,890
Filed: April 18, 2005
Attorney Docket No. 04329.3535

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 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 June 27, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2818 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/April M. Wise/
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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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

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OFFICE OF PETITIONS

In re Application of	:	
Viacheslav STRASSEN	:	
Application No. 11/107,900	:	DECISION ON PETITION
Filed: April 18, 2005	:	TO WITHDRAW
Attorney Docket No. 101873.56482US	:	FROM RECORD
	:	

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 5, 2007.

The request is **NOT APPROVED**.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

The request cannot be approved because it is not signed by an attorney/agent.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: **GEORGE A. PISARUK**
15880 NORTH GREENWAY-HAYDEN LOOP
SCOTTSDALE, AZ 85260

IFW

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INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

In re Application of	:	
Viacheslav STRASSEN	:	
Application No. 11/107,900	:	DECISION ON PETITION
Filed: April 18, 2005	:	TO WITHDRAW
Attorney Docket No. 101873.56482US	:	FROM RECORD
	:	

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 5, 2007.

The request is **NOT APPROVED**.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

The request cannot be approved because it is not signed by an attorney/agent.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: **GEORGE A. PISARUK**
15880 NORTH GREENWAY-HAYDEN LOOP
SCOTTSDALE, AZ 85260

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OFFICE OF PETITIONS

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

In re Application of	:	
Viacheslav USOV	:	
Application No. 11/107,907	:	DECISION ON PETITION
Filed: June 3, 2005	:	TO WITHDRAW
Attorney Docket No. 101873.56441US	:	FROM RECORD
	:	

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 5, 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 has merged into a larger company, does not meet any of the conditions set forth in 37 CFR 10.40.

There are no outstanding Office actions pending at the present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: GEORGE A. PISARUK
15880 NORTH GREENWAY-HAYDEN LOOP
SCOTTSDALE, ARIZONA 85260

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INTELLECTUAL PROPERTY GROUP
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WASHINGTON, DC 20044-4300

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OFFICE OF PETITIONS

In re Application of	:	
Viacheslav USOV	:	
Application No. 11/107,907	:	DECISION ON PETITION
Filed: April 18, 2005	:	TO WITHDRAW
Attorney Docket No. 101873.56441US	:	FROM RECORD
	:	

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 15, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Crowell & Moring LLP, has been revoked by the assignee of the patent application on January 15, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the address first copied below.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400
INTELLECTUAL PROPERTY DEPT.
SANTA MONICA, CA 90404

GEORGE A. PISARUK
15880 NORTH GREENWAY-HAYDEN LOOP
SCOTTSDALE, AZ 85260

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OFFICE OF PETITIONS

SAWYER LAW GROUP, LLP
2465 E. Bayshore Road, Suite No. 406
PALO ALTO, CA 94303

In re Application of	:	
Daryl Carvis Cromer, et. al.	:	
Application No. 11/107,990	:	ON PETITION
Filed: April 14, 2005	:	
Attorney Docket No. PS920050008US1/3452P	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on December 7, 2007, 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 June 18, 2007. A Notice of Abandonment was mailed on September 19, 2007.

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**.

The Office acknowledges receipt of $1,130 for payment of the plant issue fee and $460 for payment of the two months extension of time filed on December 7, 2007. However, petitioner should note that the proper issue fee payment for a utility application other than a plant application is $1,440. Also, extensions of time are not permitted when paying the issue fee. Therefore, the above fees (1130+460) have been properly applied towards the $1,440 issue fee and the remaining balance of $150 will be refunded back to petitioner's credit card, in due course.

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

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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
11/108,002	04/14/2005	1756	0.00	19629.0003		30	1

CONFIRMATION NO. 6232

CORRECTED FILING RECEIPT

OC000000016386171

000026021
HOGAN & HARTSON L.L.P.
500 S. GRAND AVENUE
SUITE 1900
LOS ANGELES, CA 90071-2611

Date Mailed: 06/28/2005

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)

Norikatsu Hattori, Chiba, JAPAN;
Hitoshi Yamamoto, Nagano, JAPAN;

Assignment For Published Patent Application

Chisso Corporation
Chisso Petrochemical Corporation

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2004-119144 04/14/2004

If Required, Foreign Filing License Granted: 05/26/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/108,002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Liquid crystal composition and liquid crystal display element

Preliminary Class

252

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

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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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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OFFICE OF PETITIONS

In re Application of

Fox, et al.

Application No. 11/108,009

Filed: April 14, 2005

Attorney Docket No. 01662/61803

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 23, 2007, and in duplicate on November 13, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to file a proper response in a timely manner to the final Office action mailed June 16, 2007, which set a shortened statutory period for reply of three (3) months. Extensions of time were available pursuant to 37 CFR 1.136(a). A Notice of Appeal was filed on December 21, 2006, with a request for an extension of time within the third month (certificate of mailing dated December 18, 2006). No appeal brief was filed within the two-month period following the filing of the Notice of Appeal. The application became abandoned on February 22, 2007. A Notice of Abandonment was mailed on August 27, 2007.

The Request for Continued Examination filed August 23, 2007, and in duplicate on November 13, 2007, is noted.

The application is being forwarded to Technology Center 1600, GAU 1615 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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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6th Floor
HOUSTON, TX 77070

Mail Date: 04/21/2010

Applicant	: Timothy Root	: DECISION ON REQUEST FOR
Patent Number	: 7593031	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,015	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1165** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/21/2010

Applicant	: Lauren Palmateer	: DECISION ON REQUEST FOR
Patent Number	: 7573547	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,026	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1019** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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	: Gen Matsui	: DECISION ON REQUEST FOR
Patent Number	: 7600715	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,036	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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P.O. BOX 12516
LA CRESCENTA CA 91224

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OFFICE OF PETITIONS

In re Application of	:	
Roach et al.	:	
Application No. 11/108,037	:	ON PETITION
Filed: 15 April, 2005	:	
Attorney Docket No. JEC003	:	

This is a decision on the petition under 37 CFR 1.137(a), filed on 6 February, 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(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on 2 February, 2007, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on 1 November, 2006, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 5 April, 2007.

Petitioners assert, via their counsel:

> The issue fee was due 2-01-2007. Petitioner was scheduled for vacation between 1-16-2007 through 2-03-2007 where his office was to be closed. Petitioner

> submitted the issue fee with credit card payment form PTO-2038 on 1-11-2007, before the issue fee due date…
>
> While on vacation, the PTO was unable to process the credit card payment, and attempted to contact the Petitioner. Petitioner's office was closed and he could not be reached.
>
> Petitioner returned from vacation after the issue fee due date and then discovered the issue fee was not processed. The next working day, Petitioner inquired with the PTO and discovered that a typographical error had prevented the credit card payment form from being processed.
>
> …

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

> (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional 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. 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 § 1.17(l);
>
> (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
>
> (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3) above.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[2]

With regard to period (1), above, a delay resulting from an error (*e.g.*, a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

(1) the error was the cause of the delay at issue;

(2) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance;

---

[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."

[2] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

(3) and the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.[3]

An adequate showing requires:

(A) Statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them.

(B) Petitioner must supply a thorough explanation of the docketing and call-up system in use and must identify the type of records kept and the person responsible for the maintenance of the system. This showing must include copies of mail ledgers, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing, and include an indication as to why the system failed to provide adequate notice that a reply was due.

(C) Petitioner must supply information regarding the training provided to the personnel responsible for the error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

The present petition lacks the showing required by (1), (2), and (3) above.

At the outset, petitioner must explain whether the credit card form containing the typographical error was completed by an employee of counsel, or by petitioner's registered patent attorney himself. It appears, based on a reading of the petition, that counsel completed the credit card form himself. However, if counsel's employee completed the credit card form, and the error which led to the delay arose from the acts or omissions of counsel's employee, petitioner must provide a statement from said legal assistant, explaining the circumstances surrounding the error and why the error occurred: petitioners must provide statements from any of the persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them.

---

[3] See MPEP 711.03(c)(III)(C)(2).

Further, if the error was made by a clerical employee of counsel, petitioners must supply information regarding the training provided to the personnel responsible for the clerical error, a showing of the steps in place to ensure work was properly completed, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

In summary, insufficient evidence has been proffered to show that the error in this case is a clerical error by a reliable and trusted employee.

On the other hand, if the typographical error which led to the inability to process the credit card payment was made by counsel himself, such error would not be considered a clerical error, but rather a mistake on the part of counsel.

The U.S. Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions.[4] Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. § 133.[5]

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay.[6] A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action.[7]

---

[4] Link v. Wabash, 370 U.S. 626, 633-34 (1962).

[5] Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N. D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891).

[6] Id.

[7] See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994)(while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction)..

As the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Thus, the petition will be dismissed.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),[8] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's convenience.

---

[8] 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 continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may 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)).

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
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64
Privacy Act Statement

PTO/SB/64 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures:
- ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jun-07

JAMES E. CURRY
P.O. BOX 12516
LA CRESCENTA CA 91224

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Roach et al.	:	
Application No. 11/108037	:	DECISION ON PETITION
Filed: 04/15/2005	:	
Atty Docket No. JEC003	:	

This is a decision on the petition filed on 1 May, 2007, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 2 February, 2007, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on 1 November, 2006, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 5 April, 2007. The petition under 37 CFR 1.137(a) filed on 6 February, 2007, was dismissed on 26 April, 2007.

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application is being referred to the Office of Patent Publications for processing into a patent.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUL 20 2005

Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago IL 60690-1135

In re Application of :
Gholam A. Peyman :
Serial No.: 11/108,042 : DECISION ON PETITION
Filed: April 15, 2005 :
For: Bifocal Implant and Method for Altering
The Refractive Properties of the Eye :

This is in response to applicants' petition filed April 15, 2005 to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact Frederick Schmidt by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (571) 272-2975 or by facsimile transmission at (571) 273-8300.

Frederick R. Schmidt

Frederick R. Schmidt, Director
Technology Center 3700

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

HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

Mail Date: 04/30/2010

Applicant	: Chandrashekhar Appanna	: DECISION ON REQUEST FOR
Patent Number	: 7609617	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/108,053	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1049** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE, WI 53403-2236

Mail Date: 04/20/2010

Applicant	: Brian T. Davis	: DECISION ON REQUEST FOR
Patent Number	: 7629001	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,089	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1272** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK, NY 10022-7650

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FEB 15 2008

OFFICE OF PETITIONS

In re Application of	:	
Juergen Hillmann, et. al.	:	
Application No. 11/108,090	:	ON PETITION
Filed: April 14, 2005	:	
Attorney Docket No. GK-OEH-	:	
198/500814.20100	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on March 5, 2007, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowability mailed October 4, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of eight (8) sheets of corrected drawings containing Figures 1-10; (2) the petition fee of $750; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to 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
Alexandria, VA 22313-1450
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DAVID ISROW
PMB#755
2308 MOUNT VERNON AVENUE
ALEXANDRIA VA 22301

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AUG 01 2008

In re Application of	:	
David Isrow	:	
Application No. 11/108,094	:	ON PETITION
Filed: April 18, 2005	:	
Attorney Docket No. N/A	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 11, 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 Notice of Non-Compliant Amendment action mailed November 16, 2006, which set a shortened statutory period for reply of one (1) month or 30 days, whichever is larger. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 17, 2006. The Notice of Abandonment was mailed May 10, 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 amendment that was filed with the instant petition does not show corrections that was requested in the Notice that was mailed November 16, 2006. The claims are still missing status identifiers. Refer to 37 CFR 1.121 for guidance.

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ORUM & ROTH
53 W. JACKSON BLVD
CHICAGO IL 60604

In re Application of	:	
Hartmut Ilch et al.	:	
Application No. 11/108,097	:	DECISION ON PETITION
Filed: April 15, 2005	:	TO WITHDRAW
Attorney Docket No. 14147	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed July 16, 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 Catherine L. Glemrich attorney/agent of record on behalf of herself.

Catherine L. Glemrich has been withdrawn as attorney or agent of record; all other attorneys remain of record.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Charles Smoot at 571-272-3299.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Orum & Roth LLC
53 West Jackson Blvd.
Chicago IL 60604

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OFFICE OF PETITIONS

In re Application of	:	
Ilch et al.	:	
Application No.: 11/108097	:	DECISION ON
Filing or 371(c) Date: 04/15/2005	:	PETITION
Attorney Docket Number: 14147	:	

This is a decision in response to the correspondence entitled "Response to Notice of Abandonment," filed April 19, 2007. The correspondence is properly treated as a petition under 37 CFR 1.181.

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 September 29, 2006. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on December 30, 2006. A Notice of Abandonment was mailed April 3, 2006.

Applicant files the instant petition and asserts that a timely reply to the Office action was filed via facsimile on March 29, 2007, including a three (3) month extension of time. In support of this assertion, Applicant provides a copy of the reply. Page nine (of nine) of the reply includes a Certificate of Mailing dated March 29, 2007. The Certificate of Mailing is executed by petitioner herein.

Office records reveal that the reply was received in this Office on April 2, 2007.

In view of the above, the petition is granted.

The application is being referred to Technology Center Art Unit 3721 for processing of the Amendment/reply.

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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ORUM & ROTH LLC
53 WEST JACKSON BLVD.
CHICAGO, IL 60604

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AUG 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Ilch et al.	:	
Application No. 11/108,097	:	DECISION ON PETITION
Filed: April 15, 2005	:	
Attorney Docket No. 14147	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 1, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment, mailed October 11, 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 November 20, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment and replacement drawings, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

The Terminal Disclaimer and fee of $65 that was submitted with the petition on August 1, 2008 was unnecessary, therefore the fee will be credited to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571)272-6059.

This application is being referred to Technology Center AU 3721 for appropriate action by the Examiner in the normal course of business on the reply received August 1, 2008

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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IGOR TROITSKI
6971 DANCING CLOUD AVE
HENDERSON NV 98011-5009

In re Application of:
TROITSKI, IGOR
Serial No.: 11/108,121
Filed: Apr. 18, 2005
Docket: N/A
Title: METHOD AND MULTIFUNCTIONAL SYSTEM FOR PRODUCING LASER-INDUCED IMAGES ON THE SURFACES OF VARIOUS MATERIALS AND INSIDE TRANSPARENT MATERIALS

5/7/09

DECISION ON PETITION TO REVIEW OFFICE ACTION

This is a decision on the petition filed on March 5, 2009 under 37 CFR § 1.181. Petitioner requests the Director to review the Office action of Jan. 2, 2009. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is **DISMISSED.**

In the petition, petitioner requests the Director to review the Office action mailed on January 2, 2009 for completeness. Petitioner claims that the non-final Office Action mailed on January 2, 2009 is incomplete. This application has 40 claims but no claim was examined. Petitioner also alleges that the examiner only wrote about 40 lines to describe prior art reference patents and the remainder is in approved form paragraphs.

Discussion and Analysis

A review of the non-final Office action shows that the examiner has rejected 40 claims under three groups. The examiner grouped claims 1-34 and 37-40 in the first group and rejected the claims together under 35 U.S.C. 102(b) as being anticipated by Troitski (USPN 6,664,501). In the rejection, the examiner states "Troitski ('501) discloses a method for producing color images within a transparent media using a laser. Laser power and pulse numbers may be altered at the focal point(s). Laser power may be less than the breakdown threshold and may be increased. The glass is photosensitive and laser ranges from femtoseconds to picoseconds. Thermal effects are noted as well as temperature. Images are 3-D. temperatures may be several thousand degrees. Computer images are used." The examiner grouped claims 1-2 and 5-40 as the second group and

rejected the claims together under 35 U.S.C. 102(b) as being anticipated by Troitski (USPN 6,399,914). In the rejection, the examiner states that "Troitski ('914) discloses a method for producing gray images within a transparent media using a laser. Laser power and pulse numbers may be altered at the focal point(s). Laser power may be less than the breakdown threshold and may be increased. The glass is photosensitive and laser ranges from femtoseconds to picoseconds. Thermal effects are noted as well as temperature. Images are developed within the transparent material. Shock waves create star like damage and hence an image." The examiner grouped claims 1-40 as the third group and rejected all claims together under 35 U.S.C. 103(a) as being unpatentable over Troitski ('501)in view of Troitski ('914). In the rejection, the examiner states "Troitski ('501) discloses a method for producing color images within a transparent media using a laser. Laser power and pulse numbers may be altered at the focal point(s). Laser power may be less than the breakdown threshold and may be increased. The glass is photosensitive and laser ranges from femtoseconds to picoseconds. Thermal effects are noted as well as temperature. Images are 3-D. temperatures may be several thousand degrees. Computer images are used. Troitski ('501) does not specifically teach producing a gray image. Troitski ('914) discloses a method for producing gray images within a transparent media using a laser. Laser power and pulse numbers may be altered at the focal point(s). Laser power may be less than the breakdown threshold and may be increased. The glass is photosensitive and laser ranges from femtoseconds to picoseconds. Thermal effects are noted as well as temperature. Images are developed within the transparent material. Shock waves create star like damage and hence an image. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a gray image, as taught by Troitski ('914) in the Troitski ('501) process because it yields a more complete and detailed image."

In the petition, petitioner argues that the examiner's rejection failed to distinguish one claim from another. However, MPEP § 707.07(d) does permit grouping of claims in a common rejection if the rejection is equally applicable to all claims in the group. In the non-final Office action of Jan. 2, 2009, the examiner has set forth observations as to how the references are reading on the claims. In the rejections of each group of the claims, the rejection is equally applicable to other claims. Petitioner asserts that the examiner failed to distinguish one claim from another claim in the rejection. However, applicant has not stated why or how this is incorrect. Applicant has not provided rebuttal as to why the examiner's observations are not factual teachings from the reference for the examiner to be persuaded of any insufficiency in these observations. As such, it is not seen that the examiner has not met her obligations under 35 U.S.C. § 102 and 103. At most, petitioner is raising arguments that are appealable and not petitionable. As such, the petition will not be decided by this decision under 37 CFR § 1.181(a)(1)[1]. The issues presented by petitioner are clearly directed to the propriety of the examiner's rejection of the claims under 35 U.S.C. § 102 and § 103. The question of whether claims 1-40 should be rejected and grouped together under 35 U.S.C. § 102 and 103, or not, is an appealable issues under 37 CFR 41.31(a)(1). After the review of the non-final Office action of Jan. 2, 2009, the examiner's Office action does comply with the USPTO rules and regulations. The Office action of Jan. 2, 2009 is proper.

[1] 37 CFR § 1.181 Petition to the Director. (a) 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 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;

Conclusion

For the foregoing reasons, the Office action of Jan. 2, 2009 is deemed proper. The application is being forwarded to Examiner Elve of Art Unit 3742 awaiting for the applicant's response to the non-Final Office action of Jan. 2, 2009. As stated in 37CFR § 1.181(f): The mere filing of a petition will not stay any period for reply that may by running against the application, nor act as a stay of other proceedings. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED.

Robert Olszewski, Director
Technology Center 3700

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AUG 0 8 2008

MEDTRONIC SPINAL AND BIOLOGICS
ATTN: NOREEN JOHNSON - IP LEGAL DEPARTMENT
2600 SOFAMOR DANEK DRIVE
MEMPHIS, TN 38132

In re Application of Jeffrey H. Nycz, et al. Application No. 11/108,130 Filed: April 18, 2005 Attorney Docket No. 64118.000091	: : : : :	ON PETITION

This is a decision in response to the petition, filed April 10, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed May 30, 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) was obtained. Accordingly, the application became abandoned on August 31, 2007. A Notice of Abandonment was subsequently mailed on December 27, 2007. On April 10, 2008, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,540; and (3) an adequate 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.

The application is being referred to Technology Center AU 2612 for appropriate action by the Examiner in the normal course of business on the amendment filed April 10, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: PATRICK A. DOODY
GOODWIN PROCTER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

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AUG 0 3 2005

OFFICE OF PETITIONS

In re Application of :
Liu, et al. :
Application No. 11/108,157 :
Filed: April 15, 2005 :
Attorney Docket No. P3837US1/18814-012001:

ON PETITION

This is a decision on the petition filed under 37 CFR 1.10(d) to accord the application a filing date of April 15, 2005

The petition is **dismissed as moot.**

The record reflects that the subject application arrived at the Patent and Trademark Office in an Express Mail envelope with Express Mail label EV325808750US showing a date-in of April 14, 2005. Petitioner filed the instant petition on May 16, 2005, asserting that the application should have been accorded a filing date of April 15, 2005, as that was date the application was deposited with the Express Mail service.

Title 37, Section 1.10(d) of the Code of Federal Regulations reads, in pertinent part:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded or will accord, a filing date based upon an incorrect entry by USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

All of the above requirements have been met, however; a review of Office computer records revealed that the filing date for the application was changed to April 15, 2005, without disposition of the petition. Because the filing date is already April 15, 2005, there is no remedy that can be provided by the instant petition under 37 CFR 1.10(d). The petition is, therefore, dismissed as moot.

The application file is being forwarded to the Office of Initial Patent Examination for further processing

Telephone injuries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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P.O. Box 1450
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MEDLEN & CARROLL, LLP
101 HOWARD STREET, SUITE 350
SAN FRANCISCO, CA 94105

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Stanley R. CONSTON, et al	:	
Application No. 11/108,158	:	DECISION ON PETITION
Filed: April 14, 2005	:	
Attorney Docket No. 375430-006TIC1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 23, 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 September 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810; and (3) the required statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 3768 for appropriate action by the Examiner in the normal course of business on the reply.

Thurman K. Page

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/108,165	04/14/2005	1614	2340	IPX-006.03	70	16	1

CONFIRMATION NO. 4284

UPDATED FILING RECEIPT

OC000000017209964

25181
FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

Date Mailed: 10/11/2005

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)

Julian Adams, Boston, MA;
Yun Gao, Southborough, MA;
Asimina T. Georges Evangelinos, Chestnut Hill, MA;
Louis Grenier, Brookline, MA;
Roger H. Pak, Boxborough, MA;
James R. Porter, Brighton, MA;
James L. Wright, Lexington, MA;

Power of Attorney: The patent practitioners associated with Customer Number **25181**.

Domestic Priority data as claimed by applicant

This application is a CON of 11/022,057 12/23/2004
which claims benefit of 60/532,080 12/23/2003
and claims benefit of 60/540,142 01/29/2004
and claims benefit of 60/547,381 02/23/2004
and claims benefit of 60/561,718 04/12/2004
and claims benefit of 60/567,565 05/03/2004
and claims benefit of 60/606,283 09/01/2004
and claims benefit of 60/626,286 11/09/2004
and claims benefit of 60/632,858 12/03/2004

Foreign Applications

If Required, Foreign Filing License Granted: 05/17/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/108,165

Projected Publication Date: 01/19/2006

Non-Publication Request: No

Early Publication Request: No

Title

Analogs of benzoquinone-containing ansamycins and methods of use thereof

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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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 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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Seed Intellectual Property Law Group, PLLC
701 Fifth Ave.
Suite 5400
Seattle, WA 98104

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JUN 03 2009

OFFICE OF PETITIONS

In re Application of
Jiangchun Xu, et. al.
Application No. 11/108,172
Filed: April 15, 2005
Attorney Docket No. 210121.471C15

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, September 8, 2008, to change the name of inventor "Madeleine Joy Meagher" to – Madeleine Joy Braun --.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Julie A. Urvater appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

This application is being referred to Technology Center Art Unit 1643 to await a reply to the Advisory Action mailed October 21, 2008 and the Notice of Abandonment mailed on May 12, 2009.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226. Any questions concerning 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/108,172	04/15/2005	1643	1580	210121.471C15	17	2

CONFIRMATION NO. 7521

CORRECTED FILING RECEIPT

500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

OC000000036142900

Date Mailed: 05/26/2009

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)

Jiangchun Xu, Bellevue, WA;
Heather Secrist, Seattle, WA;
Madeleine Joy Braun, Seattle, WA;

Assignment For Published Patent Application

Corixa Corporation, Seattle, WA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/025,380 12/19/2001 ABN
which is a CIP of 09/922,217 08/03/2001 ABN
which is a CIP of 09/833,263 04/10/2001 ABN
which is a CIP of 09/649,811 08/28/2000 ABN
which is a CIP of 09/609,448 06/29/2000 ABN
which is a CIP of 09/575,251 05/19/2000 ABN
which is a CIP of 09/519,444 03/06/2000 ABN
which is a CIP of 09/504,629 02/15/2000 ABN
which is a CIP of 09/480,321 01/10/2000 ABN
which is a CIP of 09/476,296 12/30/1999 ABN
which is a CIP of 09/454,150 12/02/1999 ABN
which is a CIP of 09/444,252 11/19/1999 ABN
which is a CIP of 09/401,064 09/22/1999 PAT 6,623,923
which is a CIP of 09/347,496 07/02/1999 ABN
which is a CIP of 09/221,298 12/23/1998 PAT 6,284,241

Foreign Applications

UNITED STATES OF AMERICA PCT/US99/30909 12/23/1999

If Required, Foreign Filing License Granted: 05/31/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/108,172**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Compounds for immunotherapy and diagnosis of colon cancer and methods for their use

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 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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WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN 46204-5137

In re Application of	:	
Mark Buckley, et al.	::	DECISION ON PETITION
Application No. 11/108,182	:	TO MAKE SPECIAL
Attorney Docket No. 5771-2	:	37 CFR 1.102(d)

This is a decision on the petition under 37 CFR 1.102(d), filed August 07, 2006, to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. 708.02, Section II: Infringement.

The petition is **GRANTED**

A grantable petition to make an application special under 37 CFR 1.102(d), MPEP 708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee or attorney/agent registered to practice before the Office alleging:

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petitioner meets all the above-listed requirements.

Telephone inquiries concerning this decision should be directed to Mikhail Kornakov at (571) 272-1303 or in his absence, the undersigned at (571) 272-7099.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application file is being referred to Technology Center AU 3711 for expedited prosecution.

David A. Bucci
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE, SUITE 1200
1201 PEACHTREE STREET
ATLANTA GA 30361

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JUN 0 9 2008

In re Application of	:	
Gomez et al.	:	
Application No. 11/108,198	:	DECISION DISMISSING PETITION
Filed: April 18, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. MAGNA 102	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 19, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 10/172,462, filed June 12, 2002.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant petition lacks item (1). For obtaining benefit of earlier filing date in the United States, the relevant section of 35 U.S.C. 120 requires, among other things, "an application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application" (*emphasis added*). Such a requirement is also explicit in 37 CFR 1.78(a)(1). Thus, the priority claim to prior-filed non-provisional Application No. 10/172,462 is unacceptable since there is no

inventor common between the instant application and the '462 application, as required by 35 U.S.C. 120.

It is further noted that 37 CFR 1.78(a)(1) requires, "In order for an application to claim the benefit of a prior-filed copending non-provisional application or international application designating the United States of America, each prior-filed application must name as an inventor at least one inventor named in the later-filed application and disclose the named inventor's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112" (*emphasis added)*. In the instant petition, a reference is made to a claim in the prior-filed application rather than the later-filed application as required by 37 CFR 1.78(a)(1).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Ramesh Krishnamurthy at (571) 272-4914.

David Buczi
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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745 FIFTH AVENUE - 10TH FLOOR
NEW YORK, NY 10151

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SEP 13 2006

OFFICE OF PETITIONS

In re Application of	:
Mami Uchida et al	:
Application No. 11/108,203	: DECISION GRANTING PETITION
Filed: April 18, 2005	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 450100-03318.2	:

This is a decision on the petition, filed September 6, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 22, 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 2629 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Sept9\108203.wpd

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment.*

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OFFICE OF PETITIONS

In re Application of	:	
Mami Uchida et al	:	
Application No. 11/108,203	:	NOTICE VACATING PATENT GRANT
Filed: April 18, 2005	:	
Attorney Docket No. 450100-03318.2	:	

The purpose of this notice is to advise you that the above-identified application was mistakenly indicated to have been granted as U.S. Patent No. 7,116,285 on October 3, 2006.

The record discloses the following:

* A Notice of Allowance and Issue Fee Due and a Notice of Allowability were mailed on July 27, 2006. The issue fee was timely received on August 22, 2006. No drawings were required by the Notice of Allowability.

* On September 6, 2006, a petition to withdraw from issue under 37 CFR 1.313(c)(2) (and fee of $130), a request for continued examination under 37 CFR 1.114 (and filing fee of $790), and an information disclosure statement were filed.

* On September 13, 2006, a decision was mailed granting the petition under 37 CFR 1.313(c)(2) to withdraw the application from issue.

* On October 3, 2006, this application was published as an issued patent (No. 7,116,285).

The publishing of this application as an issued patent on October 3, 2006 was in error, since this application was properly withdrawn from issue by a duly authorized official at the USPTO. Accordingly, a patent did not issue to this application on October 3, 2006. *See* Harley v. Lehman, 981 F.Supp. 9, 11-12 .2, 44 USPQ2d 1699, 1701-02 .n2 (D.D.C. 1997), and Black Light Power, Inc. v. Rogan, 63 USPQ2d 1534 (CA FC 2002).

In view of the above, the USPTO's publication (on October 3, 2006) of a document, purporting to be a patent, was in error.

Accordingly, the following erratum will be published in the Official Gazette:

> **All reference to Patent No. 7,116,285 to Mami Uchida et al of Japan for BI-DIRECTIONAL COMMUNICATION SYSTEM, DISPLAY APPARATUS, BASE APPARATUS AND BI-DIRECTIONAL COMMUNICATION METHOD appearing in the Official Gazette of October 3, 2006 should be deleted since no patent was granted.**

This application will be referred to Technology Center AU 2629 for processing of the request for continued examination and for taking such further action as the nature of the case requires.

Any questions concerning this matter may be directed to Frances Hicks at (571) 272-3218.

(for)

Charles Pearson
Director
Office of Petitions

cc: Paul Harrison
Deneise Boyd
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie)
Duane Davis (CDS)

UNITED STATES PATENT AND TRADEMARK OFFICE

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MOLECULAR IMPRINTS
PO BOX 81536
AUSTIN, TX 78708-1536

Mail Date: 04/21/2010

Applicant	: Byung-Jin Choi	: DECISION ON REQUEST FOR
Patent Number	: 7635445	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,208	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Thomas P. Liniak
Valeo Climate Control Corp.
Intellectual Property Department
4100 North Atlantic Boulevard
Auburn Hills, MI 48323

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OFFICE OF PETITIONS

In re Application of	:	
Michael Heshmati	:	
Application No. 11/108,227	:	DECISION ON PETITION
Filed: March 15, 2005	:	TO WITHDRAW
Attorney Docket No. TUS0393	:	FROM RECORD
	:	

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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COMMISSIONER FOR PATENTS
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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Mami Uchida, et al. :
Application No. 11/108,240 :
Filed: August 18, 2005 :
Attorney Docket No.: 450100-03318.3 :

This is a decision on the petition, filed September 6, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 18, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2629 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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OFFICE OF PETITIONS

In re Application of	:	
Mami Uchida et al	:	
Application No. 11/108,240	:	NOTICE VACATING PATENT GRANT
Filed: April 18, 2005	:	
Attorney Docket No. 450100-03318.3	:	

The purpose of this notice is to advise you that the above-identified application was mistakenly indicated to have been granted as U.S. Patent No. 7,116,286 on October 3, 2006.

The record discloses the following:

* A Notice of Allowance and Issue Fee Due and a Notice of Allowability were mailed on July 17, 2006. The issue fee was timely received on August 18, 2006. No drawings were required by the Notice of Allowability.

* On September 6, 2006, a petition to withdraw from issue under 37 CFR 1.313(c)(2) (and fee of $130), a request for continued examination under 37 CFR 1.114 (and filing fee of $790), and an information disclosure statement were filed.

* On September 13, 2006, a decision was mailed granting the petition under 37 CFR 1.313(c)(2) to withdraw the application from issue.

* On October 3, 2006, this application was published as an issued patent (No. 7,116,286).

The publishing of this application as an issued patent on October 3, 2006 was in error, since this application was properly withdrawn from issue by a duly authorized official at the USPTO. Accordingly, a patent did not issue to this application on October 3, 2006. *See* Harley v. Lehman, 981 F.Supp. 9, 11-12 .2, 44 USPQ2d 1699, 1701-02 .n2 (D.D.C. 1997), and Black Light Power, Inc. v. Rogan, 63 USPQ2d 1534 (CA FC 2002).

In view of the above, the USPTO's publication (on October 3, 2006) of a document, purporting to be a patent, was in error.

Accordingly, the following erratum will be published in the Official Gazette:

> **All reference to Patent No. 7,116,286 to Mami Uchida et al of Japan for BI-DIRECTIONAL COMMUNICATION SYSTEM, DISPLAY APPARATUS, BASE APPARATUS AND BI-DIRECTIONAL COMMUNICATION METHOD appearing in the Official Gazette of October 3, 2006 should be deleted since no patent was granted.**

This application will be referred to Technology Center AU 2629 for processing of the request for continued examination and for taking such further action as the nature of the case requires.

Any questions concerning this matter may be directed to Frances Hicks at (571) 272-3218.

(for)

Charles Pearson
Director
Office of Petitions

cc: Paul Harrison
Deneise Boyd
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie)
Duane Davis (CDS)

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
Columbia Center
701 Fifth Avenue, Suite 6100
SEATTLE, WA 98104-7043

Mail Date: 04/21/2010

Applicant	: Larry Kirn	: DECISION ON REQUEST FOR
Patent Number	: 7629907	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,243	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO, IL 60610

MAILED

NOV 03 2009

OFFICE OF PETITIONS

In re Application of Hendriksen et al. Application No. 11/108,255 Filed: April 18, 2005 Attorney Docket No. 8627-885 (PA-5519-RFB)	: : : : :	DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed June 16, 2009, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

Telephone inquiries regarding this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Chris Bottorff
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/108,255	04/18/2005	3773	1430	8627-885 (PA-5519-RFB)	16	3

CONFIRMATION NO. 7260

CORRECTED FILING RECEIPT

48003
BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO, IL 60610

OC000000038582964

Date Mailed: 11/02/2009

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)

Per Hendriksen, Stubbekoebing, DENMARK;
Allan G. Hemmingsen, Jystrup, DENMARK;
Arne Molgaard-Nielsen, Oesterbro, DENMARK;
Thomas A. Osborne, Bloomington, IN;
Rolf Gunther, Aachen, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 48003

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/563,243 04/16/2004
and claims benefit of 60/562,813 04/16/2004
and claims benefit of 60/562,909 04/16/2004
and claims benefit of 60/563,176 04/16/2004

Foreign Applications

If Required, Foreign Filing License Granted: 05/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/108,255**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

REMOVABLE VENA CAVA FILTER

Preliminary Class

623

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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PO BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Per Hendriksen	: DECISION ON REQUEST FOR
Patent Number	: 7625390	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,255	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **603** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PO BOX 37428
RALEIGH NC 27627

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of:
VAN EPPS, Daniel J, Jr.
Application No.: 11/108,263
Filed: April 18, 2005
Attorney Docket No.: 9314-113

DECISION APPROVING
WITHDRAWAL OF ATTORNEY

This is a decision on the Request to Withdraw as Attorney/Agent of Record under 37 CFR § 1.36, filed October 2, 2008.

The Request is **APPROVED**.

Debra K. Stephens requests that she alone be withdrawn as an attorney under 37 CFR § 1.36, pursuant to the reason set forth under 37 CFR § 10.40(b)(2), because of her current employment by the United States Patent and Trademark Office. Since the Request satisfies all of the requirements for withdrawal, it is appropriate to approve the Request and withdraw only Ms. Stephens as an attorney of record.

All future communications from the Office will continue to be directed to the above-identified correspondence address.

A courtesy copy of this decision is being mailed to Ms. Stephens at the address identified in the Request.

Telephone inquiries relating to this decision should be directed Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

Cc: Debra K. Stephens
301 Edgemore Avenue
Cary, NC 27519

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United States Patent and Trademark Office
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MYERS BIGEL SIBLEY & SAJOVEC, P.A.
P.O. BOX 37428
RALEIGH, NC 27627

Mail Date: 04/21/2010

Applicant	: Daniel J. Van Epps JR.	: DECISION ON REQUEST FOR
Patent Number	: 7602309	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,263	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1046** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SEP 0 2 2008

OFFICE OF PETITIONS

In re Application of Osborne, et al. Application No. 11/108,264 Filed: April 18, 2005 Attorney Docket No. 8627-866 (PA-5522-RFB)	: : : : :	DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed March 14, 2008, to change the order of the names of the inventors.

The petition is **DISMISSED**.

A request to change order of inventors must be signed by the agent or attorney of record or all of the inventors. There is no indication in the record that practitioner herein has been authorized to represent applicants. Accordingly, the requested change cannot be entered at this time. *See*, MPEP 605.04(f).

Furthermore, the petition submitted herewith fails to set forth the requested order of inventorship and the application data sheet submitted herewith is not acceptable.

The "APPLICATION DATA SHEET" submitted herewith is not acceptable as it has not been signed in accordance with 37 CFR 1.33(b). The "APPLICATION DATA SHEET" should be titled "SUPPLEMENTAL APPLICATION DATA SHEET" and comply with the requirements set forth at 37 CFR 1.76(c). *See*, MPEP 601.05.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Any request for reconsideration of this decision should be submitted within TWO MONTHS of the mailed date indicated above and should be titled "Request for Reconsideration under 37 CFR 1.182). Extensions of time are permitted.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450

Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

This application is being referred to Technology Center AU 3734 for examination in due course.

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

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DEC 16 2008

In re Application of Hendriksen, et al. Application No. 11/108,264 Filed: April 18, 2005 Attorney Docket No. 8627-866 (PA-5522-RFB)	: : : : :	DECISION ON PETITION

This decision is in response to the renewed petition under 37 CFR 1.182, filed November 3, 2008, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

This application is being referred to Technology Center AU 3734 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/108,264	04/18/2005	3734	1130	8627-866 (PA-5522-RFB)	20	3

CONFIRMATION NO. 7236

CORRECTED FILING RECEIPT

48003
BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO, IL 60610

OC000000031730109

Date Mailed: 12/09/2008

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)

Per Hendriksen, Stubbekoebing, DENMARK;
Allan Hemmingsen, Hvidovre, DENMARK;
Arne Molgaard-Nielsen, Oesterbro, DENMARK;
Thomas A. Osborne, Bloomington, IN;

Power of Attorney: The patent practitioners associated with Customer Number 48003

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/563,171 04/16/2004
and claims benefit of 60/562,813 04/16/2004
and claims benefit of 60/562,909 04/16/2004
and claims benefit of 60/563,176 04/16/2004

Foreign Applications

If Required, Foreign Filing License Granted: 05/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/108,264**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Removable vena cava filter having inwardly positioned anchoring hooks in collapsed configuration

Preliminary Class

623

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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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

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set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Tyco Healthcare Group LP
60 MIDDLETOWN AVENUE
NORTH HAVEN, CT 06473

Mail Date: 04/21/2010

Applicant	: Jonathan Martinek	: DECISION ON REQUEST FOR
Patent Number	: 7645293	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,269	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **592** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FROM DIRECTORS OFFICE

JUN 27 2005

TECHNOLOGY CENTER 3600

WOMBLE CARLYLE SANDRIDGE
& RICE, PLLC
P.O. Box 7037
Atlanta, GA 30357-0037

In re application of :
Russell John Pylkki et al. :
Application No. 11/108,288 :
Filed: April 18, 2005 :
For: REDUCED VISIBILITY INSECT SCREEN

DECISION ON PETITION TO MAKE SPECIAL (INFRINGEMENT)

This is a decision on the petition under 37 C.F.R § 1.102(d) filed June 09, 2005 to make the above-identified application special.

The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed April 06, 2005 meets all of the requirements above and, therefore, the petition is **GRANTED**.

With regards to element 2(C) above, an Information Disclosure Statement was filed on June 14, 2005.

The examiner is directed (1) to make an interference search for possible interfering applications; (2) to promptly examine this application out of turn; and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference and appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(571) 272-6611

SNM/pav: 06/23/05

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JJGJr: 05-06

Paper No: __

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SENDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA GA 30357-0037

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OFFICE OF PETITIONS

In re Application of
Pylkki, et al. :
Application No. 11/108,288 : ON PETITION
Filed: 18 April, 2005 :
Attorney Docket No.: A202 1441.7 :

This is a decision on the petition[1] filed (with fee) on 3 March, 2006, to expunge a document from the file and considered under 37 C.F.R. §1.59.[2]

The petition under 37 C.F.R. §1.59 is **DISMISSED**.

---

[1] It is noted that the transmission cover sheet of Petitioner's submission appears to bear two different docket numbers, to wit: A202 1441.7 for the instant matter Application No. 11/108,288, and A202 1441.8 for Application No. 11/174,199.

[2] The regulations at 37 C.F.R. §1.58 provide:
§1.59 Expungement of information or copy of papers in application file.
(a)(1)Information in an application will not be expunged and returned, except as provided in paragraph (b)of this section. See §1.618 for return of unauthorized and improper papers in interferences.
(2)Information forming part of the original disclosure (*i.e.*,written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§1.63 and 1.175)will not be expunged from the application file.
(b)An applicant may request that the Office expunge and return information, other than what is excluded by paragraph (a)(2)of this section, by filing a petition under this paragraph. Any petition to expunge and return information from an application must include the fee set forth in § 1.17((h)and establish to the satisfaction of the Commissioner that the return of the information is appropriate.
(c)Upon request by an applicant and payment of the fee specified in §1.19(b),the Office will furnish copies of an application, unless the application has been disposed of (see §1.53(e),(f)and (g)). The Office cannot provide or certify copies of an application that has been disposed of.
[48 FR 2710, Jan.20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan.4, 1984, effective Apr.1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR 23123, May 31, 1985, effective Feb.11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct.10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov.7, 2000]

The instant application was filed on 18 April, 2005, and thereafter Petitioner filed a series of Information Disclosure Statements (generally filed on Form PTO/SB/08A/B, in lieu of PTO Form 1449A) (IDS), with the most recent having been deposited by Petitioner with the Office on 13 February, 2006.

Petitioner wishes to remove the copy reference identified as 314 on sheet 22 of 23 of the Supplemental IDS deposited of record on 13 February, 2006.

However, what Petitioner seeks constitutes the alteration of part of a document, which is not an action subject of 37 C.F.R. §1.59.

Petitioner may alternatively submit a substitute of the PTO/SB/08A/B to be substituted and considered by the Examiner in the place of the document deposited on 13 February, 2006.

For this purpose, Petitioner is given one (1) month, which period is *not* extendable under the provisions of 37 C.F.R. §1.136, and in no case less than 30 days within which to file this replacement document, which the Examiner may substitute for the IDS containing the improvident reference and then consider in due course.

The instant application is released to Technology Center 3600 to await for one (1) month, and in no case less than 30 days, from the mail date of this decision for the Petitioner to submit the filing described above before further processing in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOHN S. BEULICK (17851)
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE, SUITE 2600
ST. LOUIS, MO 63102-2740

Mail Date: 06/17/2010

Applicant	: Raub Warfield Smith	: DECISION ON REQUEST FOR
Patent Number	: 7634385	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/108,299	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **905** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CA 90045

Mail Date: 04/21/2010

Applicant	: Andy E. Denison	: DECISION ON REQUEST FOR
Patent Number	: 7572272	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,309	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **608** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CA 90045

Mail Date: 04/21/2010

Applicant	: Andy E. Denison	: DECISION ON REQUEST FOR
Patent Number	: 7572272	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,309	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **608** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Catherine Gemrich
Orum & Roth
53 West Jackson Blvd.
Chicago, IL 60604

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OFFICE OF PETITIONS

In re Application of	:	
Daniel Nass et al.	:	
Application No. 11/108,330	:	DECISION ON PETITION
Filed: July 16, 2006	:	TO WITHDRAW
Attorney Docket No. 14149	:	FROM RECORD

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 16, 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 Catherine Gemwich.

Catherine Gemwich 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.

for David Bucci
Petitions Examiner
Office of Petitions

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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	: Anthony Mathius Tieben	: DECISION ON REQUEST FOR
Patent Number	: 7578407	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,349	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

Mail Date: 05/18/2010

Applicant : Anthony Mathius Tieben
Patent Number : 7578407
Issue Date : 08/25/2009
Application No : 11/108,349
Filed : 04/17/2005

: 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 **990** 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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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

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OFFICE OF PETITIONS

In re Application of :
Rauworth, et al. :
Application No. 11/108,350 :
Filed: April 17, 2005 :
Attorney Docket No. 2267.966US02 :

ON PETITION

This is a decision on the papers styled, "Petition Under 37 CFR 1.181," filed May 19, 2005, which has been treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of April 17, 2005. The petition was recently forwarded to this office for consideration.

United States Patent and Trademark Office records indicate that the presently accorded filing date of the above-identified application is April 17, 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

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UNITED STATES DEPARTMENT OF COMMERCE
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JENKINS, WILSON, TAYLOR & HUNT, P. A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM, NC 27707

Mail Date: 04/21/2010

Applicant	: Adrian C. Soncodi	: DECISION ON REQUEST FOR
Patent Number	: 7613111	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,353	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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MAYER, BROWN, ROWE & MAW LLP
P.O. BOX 2828
CHICAGO IL 60690-2828

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OFFICE OF PETITIONS

In re Application of
Nathaniel J. Leon et al.
Application No. 11/108,358
Filed: April 18, 2005
Attorney Docket No. 05048486

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 7, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of attorneys/agents associated with application. 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 Joseph A. Mahoney attorney/agent of record on behalf of himself.

Joseph A. Mahoney has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address above until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Charles Smoot 571-272-329

Diana Chavez for
David Bucci
Petitions Examiner
Office of Petition

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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12/2/08

Patent No. :7440818
Ser. No. :11/108374
Inventor(s) :Michael- Handfield; Helen Laliberte
Issued : 10/21/08
Title : MEDICAMENT TRAY INVENTORY SYSTEM AND METHOD
Docket No. :

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.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

Sheppard Mullin Richter & Hampton LLP
333 South Hope Street, 48th Floor
Los Angels, CA 90071-1448

HR

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date	: 3/13/2009
Patent No.	: 7,440,818 B2
Serial No.	: 11/108,374
Inventor(s)	: Handfield et al.
Issue Date	: October 21, 2008
Title	: **MEDICAMENT TRAY INVENTORY SYSTEM AND METHOD**
Doc./File No.	: **13BG-126234**

Re: Certificate of Correction (Reconsideration)

Consideration has been given your request for a certificate of correction (reconsideration), for the above-identified patent under the provisions of Rule 1.322 and 1.323.

Respecting the alleged error(s) in your request, as stated in the denial letter dated 12/2/08, a petition is required for removal of the assignee data on the title page. Only the petition's office has the authority to grant decision concerning this matter. No correction is in order here.

One again, your request is denied. Please refer to the instructions set forth in the previously denied letter.

Future correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (703) 308-9390 x122
Mary F. Diggs, *Supervisor* (703) 308-9390 x125
Decisions & Certificates of Correction Branch

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448

ECW

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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

Mail Date: 04/20/2010

Applicant	: Peter Laird	: DECISION ON REQUEST FOR
Patent Number	: 7607139	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,384	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1220** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON, TX 75083

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OFFICE OF PETITIONS

In re Application of:	:	
Meitzen and Pipkin	:	
Application No. 11/108,388	:	DECISION REFUSING
Filed: April 18, 2005	:	STATUS UNDER
Title of Invention:	:	37 CFR 1.47(b)
DISTRIBUTED ACCESS GATEWAY AND	:	
WIRELESS ROUTER PODS AND PUBLIC	:	
SAFETY COMMUNICATIONS	:	
INFRASTRUCTURE INCORPORATING	:	
THE SAME	:	

This is in response to a Petition for Filing When Inventors Refuse to Sign Under 37 CFR 1.47(b), filed October 31, 2005, 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(b)", and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on April 18, 2005, without an executed oath or declaration. This Office mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice") on May 17, 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 wherein Applicant avers that the nonsigning inventors refuse to join in the application. Applicant also provides, in lieu of an assignment of the invention, a document entitled "Statement of Law", which putatively establishes that a court of competent authority would, by the weight of the authority in that jurisdiction, award title of the above-identified application to the putative assignee.

Applicable Law

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. Applicant lacks item (5).

As to item (5), applicant failed to show or provide proof that NexGen City, L.P. ("NexGen"), has sufficient proprietary interest in the subject matter to justify the filing of the application (see MPEP 409.03(f)). Acceptable proof would include a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant.

> A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum

> should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

MPEP 409.03(f).

Analysis and Conclusion

A review of the Statement of Law filed with the instant Petition reveals that the statement lacks any law, to wit: the Statement does not make reference to any statute or court decision from the State of Texas, or federal court decision or decision reported in the United States Patents Quarterly, or any "law" that would demonstrate that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to NexGen.

Applicant must provide a legal memorandum supporting his assertion that NexGen has sufficient proprietary interest in the invention such that a Texas court would award title of the invention to NexGen.

It is noted the petition asserts that the nonsigning inventors were employees of NexGen; however, aside from petitioner's assertion, no evidence has been filed to support this assertion.

An appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON, TX 75083

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MAR 10 2006

OFFICE OF PETITIONS

In re Application of:	:	
Meitzen and Pipkin	:	
Application No. 11/108,388	:	DECISION GRANTING
Filed: April 18, 2005	:	STATUS UNDER
Title of Invention:	:	37 CFR 1.47(b)
DISTRIBUTED ACCESS GATEWAY AND	:	
WIRELESS ROUTER PODS AND PUBLIC	:	
SAFETY COMMUNICATIONS	:	
INFRASTRUCTURE INCORPORATING	:	
THE SAME	:	

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, Henry D. Meitzen and Maurice L. Pipkin, 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
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

HENRY D. MEITZEN
6421 BRAZOS CIRCLE
THE COLONY, TX 75056

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MAR 1 0 2006

OFFICE OF PETITIONS

LETTER

In re Application of: :
Meitzen and Pipkin :
Application No. 11/108,388 :
Filed: April 18, 2005 :
Title of Invention: :
DISTRIBUTED ACCESS GATEWAY AND :
WIRELESS ROUTER PODS AND PUBLIC :
SAFETY COMMUNICATIONS INFRA- :
STRUCTURE INCORPORATING THE SAME :

Dear Mr. Meitzen:

You are named as the 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 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) 272-3232. 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: HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON, TX 75083

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAURICE L. PIPKIN
203 COLONIAL CIRCLE
CRANDALL, TX 75114

COPY MAILED
MAR 10 2006
OFFICE OF PETITIONS

In re Application of: :
Meitzen and Pipkin :
Application No. 11/108,388 : LETTER
Filed: April 18, 2005 :
Title of Invention: :
DISTRIBUTED ACCESS GATEWAY AND :
WIRELESS ROUTER PODS AND PUBLIC :
SAFETY COMMUNICATIONS INFRA- :
STRUCTURE INCORPORATING THE SAME :

Dear Mr. Pipkin:

You are named as the 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 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) 272-3232. 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: HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON, TX 75083

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DOROTHY S. MORSE
515 PARK DRIVE, NW
BRADENTON FL 34209

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of
Christopher Ralph Cantolino
Application No. 11/108,393
Filed: April 18, 2005
Attorney Docket No. 0504-CANT2

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 25, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 8, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 9, 2006.

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).

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

(1) the delay in reply that originally resulted in the abandonment;

(2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and

(3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of $500 or a fee of $50 **would not be granted where the abandonment** or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), *reprinted in* 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). *See* In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (almost 2 ½ years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on May 8, 2006. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, as Dorothy S. Morse was counsel of record at the time of abandonment, she should explain why this application became abandoned while it was under their control and what efforts were made to further reply of itself and with whom this matter was discussed outside of her office. Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required from responsible person(s), Dorothy S, Morris and whoever else was involved with this application at the time of abandonment. Statements are required from any and all persons then at Ms. Morse office, and the responsible person(s) having firsthand knowledge of the circumstances

surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). *See* MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. *See* H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. *See* Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (here, over 2 ½ years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from any and all persons then at her office and the responsible person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

(A) the date that the applicant first became aware of the abandonment of the application; and

(B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In either instance, applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application. *See also* New York University v. Autodesk, 2007 U.S. DIST LEXIS, U.S.District LEXIS 50832, *10 -*12 (S.D.N.Y. 2007)(protracted delay in seeking revival undercuts assertion of unintentional delay).

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.

Any renewed petition may 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.**

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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SEP 11 2008

BASCH & NICKERSON LLP
1777 PENFIELD ROAD
PENFIELD NY 14526

In re Application of :
Weller : DECISION ON PETITION
Application No. 11/108,421 :
Filed: April 18, 2005 :
For: 1137 001 302 0201 :

This is a decision on the petition to expunge under 37 CFR 1.59(b) filed December 5, 2007.

The petition is **GRANTED TO THE EXTENT INDICATED HEREIN**.

Petitioner requests the expungement of a portion of information contained in the official application file wrapper of the above-identified application because it was unintentionally submitted and the failure to expunge these papers would cause irreparable harm to the party who submitted the information and the party in interest on whose behalf the information was submitted. Petitioner further asserts that the information at issue has not otherwise been made public.

In accordance with 37 CFR 1.59(b), "[a]n applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided."

Petitioner has established to the satisfaction of the Director that expungement of the information at issue is proper.

Since the application is an Image File Wrapper application and the information sought to be expunged does not pertain to national security issues, the four pages (i.e., pages numbered 16, 17, 18, and 19 which were commingled with documents filed December 4, 2007) will not be removed. Instead, the Office will close the four pages such that they cannot be accessed. *See*,

Reminder of the Proper Procedure for Filing Confidential Information Pursuant to MPEP 724.03, 1282 OG 107, (May 18, 2004).

This application is being forwarded to 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 2006

Dennis J.M. Donahue, III
HUSCH & EPPENBERGER LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105-3441

FEB 28 2006

In re Application of: STEPHEN BURNS KESSLER Serial No.: 11/108,424 Filed: 18 April 2005 Docket: 77419-001 Title: SPHERIC ALIGNMENT MECHANISM	DECISION ON PETITION TO MAKE SPECIAL UNDER M.P.E.P. § 708.02 (IX) and 37 C.F.R. § 1.102

This is a decision on the petition, filed on November 17th, 2005, to make the above-identified application special because the invention involves superconductivity materials pursuant to MPEP § 708.02 (IX) in accordance with 37 C.F.R. § 1.102.

The petition to make the application special is **GRANTED**.

For an application to be given special status under MPEP § 708.02 (IX), a statement that the invention involves superconductive materials is required.

In support of the petition, petitioner provides a declaration by Stephen Burns Kessler that the invention involves superconductive materials and generally contributes to the development or conservation of energy resources. Thus, the requirement of MPEP § 708.02(IX) is considered to have been met.

The application file is being forwarded to the examiner for expedited prosecution.

The application will be advanced out of turn for examination, and will continue to be treated as special throughout the entire prosecution in the Office according to the procedure set forth in MPEP § 708.02. If the examiner finds any interfering application for the same subject matter, he/she should consider such application simultaneously with this application and should state in the official letter of such application that he/she is taking it out of its turn because of possible interference. Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

Hien H. Phan, Special Program Examiner
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON, TX 75083

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NOV 3 0 2005

OFFICE OF PETITIONS

In re Application of:	:	
Meitzen and Pipkin	:	
Application No. 11/108,431	:	DECISION REFUSING STATUS
Filed: April 18, 2005	:	UNDER 37 CFR 1.47(b)
Title: Device Integrated Battery Backup With	:	
Power Source Monitoring and Manipulating	:	
Public Safety Communications Infrastructure	:	
Incorporating the Same	:	

This is in response to the petition under 37 CFR 1.47(b), filed October 31, 2005. Applicant obtained an extension of time for response within the fourth month. Accordingly, the petition is filed timely.

The petition is **dismissed**.

Applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)", 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).

Applicant filed the above-identified application on April 18, 2005, without an executed oath or declaration. On May 10, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an oath or declaration and a surcharge for its late filing.

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.

Applicant lacks item (5) above.

As to item (5), applicant failed to properly demonstrate that NexGen City, L.P. ("NexGen") has sufficient proprietary interest in the subject matter to justify the filing of the application.

Pursuant to MPEP 409.03(f):

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove:
>
> (A) the invention has been assigned to the applicant, or
>
> (B) the inventor has agreed in writing to assign the invention to the applicant, or
>
> (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.
>
> * * *
>
> If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter. A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

In the present petition, David H. Hitt, a licensed attorney in the State of Texas, prepared and signed a legal memorandum, stating: "By the weight of authority in the State of Texas, United States Patent Application Serial Number 11/108,431, entitled "DEVICE INTEGRATED BATTERY BACKUP WITH POWER SOURCE MONITORING AND MANIPULATION AND PUBLIC SAFETY COMMUNICATIONS INFRASTRUCTURE INCORPORATING THE SAME " and any patents issuing therefrom would be awarded to NexGen City, L.P." Unfortunately, the legal memorandum is insufficient to demonstrate NexGen's proprietary interest in the application.

Specifically, Mr. Hitt did not attest to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the NexGen. Additionally, Mr. Hitt did not submit a copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or

a decision reported in the United States Patents Quarterly) he relied on to demonstrate a proprietary interest. For these reasons, the petition is dismissed.

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) 272-3211.

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
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HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON, TX 75083

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FEB 13 2006

OFFICE OF PETITIONS

In re Application of:	:	
Meitzen and Pipkin	:	
Application No. 11/108,431	:	DECISION ACCORDING STATUS
Filed: April 18, 2005	:	UNDER 37 CFR 1.47(b)
Title: Device Integrated Battery Backup With	:	
Power Source Monitoring and Manipulating	:	
Public Safety Communications Infrastructure	:	
Incorporating the Same	:	

This is in response to the renewed petition under 37 CFR 1.47(b), filed January 30, 2006.

The petition is **granted**.

Applicant showed that applicant could not reach Li and Kudaravalli, the non-signing inventors, after diligent efforts. Specifically, applicant mailed copies of an assignment, a declaration, and the application to the to the non-signing inventors for their signatures at their last known addresses; however, the packages were returned as undeliverable. Applicant enclosed a copy of a computer generated address search for the last known addresses of the non-signing inventors and provided a statement of the last known address of inventor Li. Applicant averred that the filing was necessary to preserve the rights of the parties and paid the requisite fees. Lastly, applicant showed NexGen City L.P. had a sufficient proprietary interest in the subject matter to justify the filing of the application.

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 inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center Art Unit 2631 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Henry D. Meitzen
6421 Brazos Circle
The Colony, Texas 75056

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FEB 13 2006

OFFICE OF PETITIONS

In re Application of:	:	
Meitzen and Pipkin	:	
Application No. 11/108,431	:	LETTER
Filed: April 18, 2005	:	
Title: Device Integrated Battery Backup With	:	
Power Source Monitoring and Manipulating	:	
Public Safety Communications Infrastructure	:	
Incorporating the Same	:	

Dear Mr. Meitzen:

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(b), 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

HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON, TX 75083

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Maurice L. Pipkin
203 Colonial Circle
Crandall, Texas 75114

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FEB 13 2006

OFFICE OF PETITIONS

In re Application of:
Meitzen and Pipkin
Application No. 11/108,431
Filed: April 18, 2005
Title: Device Integrated Battery Backup With Power Source Monitoring and Manipulating Public Safety Communications Infrastructure Incorporating the Same

LETTER

Dear Mr. Pipkin:

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(b), 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

HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON, TX 75083

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ERIC P. SCHELLIN
6831 CLOISTERS DRIVE
MCLEAN, VA 22101

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FEB 10 2006

OFFICE OF PETITIONS

In re Application of	:	
Jack Goodman et al	:	DECISION ON PETITION
Application No. 11/108,462	:	TO WITHDRAW
Filed: April 19, 2005	:	FROM RECORD
Attorney Docket No. I3 - 16	:	

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 5, 2005 and resubmitted on February 1, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the reason for withdrawal was not clearly indicated.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicants.

This matter is being referred to Technology Center AU 3732.

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

David Bucci
Petitions Examiner
Office of Petitions

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Eric P. Schellin
6831 Cloisters Drive
McLean, VA 22101

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JUL 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Jack GOODMAN et al.	:	
Application No. 11/108,462	:	DECISION ON PETITION
Filed: April 19, 2005	:	TO WITHDRAW
Attorney Docket No. I3-6	:	FROM RECORD
	:	

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 **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 Eric P. Schellin on behalf of all attorneys of record who are associated with customer No. 26908.

All attorneys/agents associated with the Customer Number 26908 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 Jack Goodman at the address indicated below.

There is an outstanding Office action mailed July 5, 2006 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Monica Graves at 571-272-7253.

David Bucci
Petitions Examiner
Office of Petitions

cc: Jack Goodman
1415 Crabhouse
Lusby, MD 20657

cc: Jere Glover
BRAND & FRULLA
925 15th Street, NW
Washington, DC 20005

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/108,462	04/19/2005	Jack Goodman	I3 - 16

CONFIRMATION NO. 7578

OC000000019717390

26908
ERIC P. SCHELLIN
6831 CLOISTERS DRIVE
\
Mc LEAN, VA 22101

Date Mailed: 07/21/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/24/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

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JUL 28 2005

In re Application of Hy Steinberg Serial No. 11/108,464 Filed: April 19, 2005 For: DEVICE FOR REMOVING AND CLEANING CUTTING ELEMENTS	:	DECISION ON PETITION TO MAKE SPECIAL

Applicant's petition, filed April 19, 2005, requests that this application be rendered special for examination in that applicant is over sixty-five (65) years of age.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(IV) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

Frederick R. Schmidt, Director
Technology Center 3700

Hy Steinberg
9646 West McNab Road
Tamarac, FL 33321

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LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON KY 40550-0999

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SEP 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Benjamin Alan ASKREN et al.	:	
Application No. 11/108,473	:	ON PETITION
Filed: April 18, 2005	:	
Attorney Docket No. 2005-0109.01	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 27, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed December 18, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 19, 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 a response to a non-final Office action; (2) the petition fee of $1500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of December 18, 2006 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.

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 Brian Sines at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 2852 for appropriate action on the concurrently filed amendment.

David Bucci
Petitions Examiner
Office of Petitions

cc: Steven J. Grossman
Grossman, Tucker, Perreault & Pfleger, PLLC
55 South Commercial St.
Manchester, NH 03101

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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

Mail Date: 04/21/2010

Applicant	: Roland Thomke	: DECISION ON REQUEST FOR
Patent Number	: 7618417	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,492	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1021** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

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MAR 26 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Jae Hyuk Im et al :
Application No. 11/108,494 :
Filed: April 18, 2005 :
Attorney Docket No. CU-4158 WWP :

This is a decision on the petition, filed March 26, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 15, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2827 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE, IL 61265

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MAR 10 2006

OFFICE OF PETITIONS

In re Application of :
Schlesser, et al. :
Filed: April 18, 2005 : ON PETITION
Application No. 11/108,503 :
Attorney Docket No.: 16902P-US :

This is a decision on the petition under 37 CFR 1.182, filed February 23, 2006, to change the order of inventors in the above-identified application.

The instant petition is submitted prior to payment of the issue fee. The current Office procedure for changing the order of inventors named in an application involves submitting a petition under 37 CFR 1.182 signed by either the attorney or agent of record or all of the applicants designating the desired changed[1].

The instant petition has met the criteria for changing the order of named inventors. Accordingly, the petition is **GRANTED**.

The order of inventors will be changed as follows:

1. M. Schlesser
2. E. Lang
3. T. Kraus

This application is being forwarded to the Office of Publications for further processing.

Telephone inquiries pertaining to this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

---

[1] *See, also,* MPEP 605.04(f) wherein applicants are strongly encouraged to submit an application data sheet showing the new order of inventor names to ensure appropriate printing of the inventor names in any patent to issue. If an application data sheet is not submitted, the patent may not reflect the correct order of inventorship.

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7/21/08

Patent No. :7314742
Ser. No. : 11108519
Inventor(s) :MacPhee et al.
Issued : 1/1/08
Title : LIPOPROTEIN ASSOCIATED PHOSPHOLIPASE OF THE SAME IN DIAGNOSIS AND THERAPY
Docket No. :

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.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

Andrea V. Lockenour
P.O. Box 1539
King Of Prussia, PA 19406-0939

HR

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CORPORATE INTELLECTUAL PROPERTY-US, UW2220
P.O. BOX 1539
KING OF PRUSSIA, PA 19406-0939

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SEP 30 2008

OFFICE OF PETITIONS

In re Patent No. 7,314,742	:	
Application No. 11/108,519	:	
Filed: April 18, 2005	:	ON PETITION
Issued: January 1, 2008	:	
Attorney Docket No. P30693C4X1C2	:	

This is a decision on the petition filed July 30, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Additionally, 37 CFR 3.81(b) requires payment of a $130.00 surcharge, which will be charged to petitioner's deposit account as authorized.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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MICROSOFT CORPORATION
C/O LYON & HARR, LLP
300 ESPLANADE DRIVE
SUITE 800
OXNARD CA 93036

MAILED
OCT 18 2006
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
ZHANG, ZHENGYOU, et al :
Serial No.: **11/108,545** : DECISION ON PETITION
Filed: April 18, 2005 : *ACCEPTANCE OF COLOR DRAWINGS*
For: **SYSTEM AND METHOD FOR IMAGE-BASED** :
SURFACE DETAIL TRANSFER :

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed April 18, 2005, requesting acceptance of color drawings.

The petition requests that the color drawings identified in Figures 3-7, 8A, 8B, 8C, 8D, 8E, 8F, 9A, and 9B, be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) set of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 05/06/2010

Applicant	: Lorenzo Battisti	: DECISION ON REQUEST FOR
Patent Number	: 7637715	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/108,546	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **894** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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TUCKER ELLIS & WEST LLP
1150 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND, OH 44115-1414

Mail Date: 07/02/2010

Applicant	: Corey Metsker	: DECISION ON REQUEST FOR
Patent Number	: 7643495	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/108,571	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **969** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MR. STEPHEN EDWARD BAYLISS
OAKFEILDS KINNERSLEY HEREFORD
HEREFORD SHIRE, HR3 6PB
UNITED KINGDOM

COPY MAILED

AUG 3 1 2006

OFFICE OF PETITIONS

In re Application of :
Stephen Edward Bayliss :
Application No. 11/108,577 :
Filed: April 19, 2005 :
Attorney Docket No. N/A :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 19, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed May 18, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 19, 2005. A Notice of Abandonment was mailed on May 30, 2006.

The file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
Office of the Deputy Commissioner
for Patent Examination Policy

OIPE IAP80
JUN 1 9 2006
PATENT & TRADEMARK OFFICE

PTO/SB/64 (10-05)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
As a 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: MR STEPHEN EDWARD BAYLISS

Application No.: 11/108,577 Art Unit: 2837

Filed: 04/19/2005 Examiner:

Title: THUNDERLING BOLT ON TREMLO 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 $ 750 (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 CURRENCEY DRAFT & LETTER (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.

Adjustment date: 08/31/2006 AKELLEY
06/21/2006 TBESHAH1 00000018 11108577
02 FC:1461 -750.00 OP
08/31/2006 AKELLEY 00000012 11108577
01 FC:2453 750.00 OP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

S E Bayliss — Signature
06/07/2006 — Date

STEPHEN EDWARD BAYLISS — Typed or printed name
_____ — Registration Number, if applicable

OakFields Kinnersley Hereford — Address
_____ — Telephone Number

Hereford Shire HR3 6PB England — Address
Great Britain

Enclosures: ☑ Fee Payment
☑ Reply
☐ Terminal Disclaimer Form
☑ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☑ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

06/07/2006 — Date
S E Bayliss — Signature
S E BAYLISS — Typed or printed name of person signing certificate

OIPE IAP60
JUN 19 2006
PATENT & TRADEMARK OFFICE

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 ($)

Complete if Known	
Application Number	11/108,577
Filing Date	04/19/2005
First Named Inventor	MR STEPHEN EDWARD BAYLISS
Examiner Name	
Art Unit	2837
Attorney Docket No.	

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☑ Other (please identify): CURRENCEY DRAFT

☐ Deposit Account Deposit Account Number:_____ 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

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	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 _____ = _____ Fee Paid ($)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims _____ - 3 or HP = _____ x _____ = _____ 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) _____

Other (e.g., late filing surcharge): $600 MISSING PARTS $750 ABANDONMENT UNINTENTIONAL PETITION $1350

SUBMITTED BY			
Signature	SE Bayliss	Registration No. (Attorney/Agent) None	Telephone UK 01544 327 125
Name (Print/Type)	MR STEPHEN EDWARD BAYLISS		Date 06/07/2006

This collection of information is required by 37 CFR 1.136. 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 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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DIW Jul-05

WARNER-LAMBERT COMPANY
2800 PLYMOUTH RD
ANN ARBOR MI 48105

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JUL 2 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Bigge et al.	:	
Application No. 11/108,582	:	DECISION ON PETITION
Filed: 18 April, 2005	:	
Atty Docket No. PC 20535C	:	

This is a decision on the petition, filed on 13 June, 2005, requesting that the above-identified application be accorded a filing date of 18 April, 2005, with Pages 277-299 of the specification as a part of the original disclosure.

The petition is granted.

On 18 April, 2005, the application was filed.

Accordingly, on 1 June, 2005, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 18 April, 2005, but that Pages 277-299 of the specification (description and claims) appeared to have been omitted.

In response, on 13 June, 2005, the present petition and a copy of Pages 277 through 299 were filed. Petitioners argue that Pages 277-299 of the specification was filed with the other application papers on 18 April, 2005, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp of "041805" with the above-identified application number, and identifies the application by the first named inventor's last name, attorney docket number, and invention title, and acknowledges receipt of, *inter alia*, "SPECIFICATION (299 PGS), 12 CLAIMS (6 PGS). Petitioners request that the application, including Pages 277-299 of the specification, be accorded a filing date of 18 April, 2005.

A review of the record reveals that no Pages 277-299 of the specification have been located among the application papers received on 18 April, 2005. However, the evidence is convincing that the application papers deposited on 18 April, 2005, included Pages 277-299 of the specification (written description), which was subsequently misplaced in the Office. Therefore, the application, including Pages 277-299 of the specification, is entitled to a filing date of 18 April, 2005.

The "Notice" mailed on 1 June, 2005, is vacated.

In view of the above, the petition is granted. As the petition was necessitated by Office error, the petition fee is unnecessary and will be refunded to counsel's deposit account, No. 23-0455.

The application will be processed with the copy of Pages 277 through 299 of the specification supplied on 13 June, 2005, as a part of the original disclosure.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 18 April, 2005, using the application papers filed on that date, and the copy of Pages 277-299 of the specification supplied with the present petition.

Telephone inquires should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAMES R. ORR
4721 WISCONSIN AVENUE
DAVENPORT, IA 52806

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AUG 2 3 2007

OFFICE OF PETITIONS

In re Application of	:	
ORR, James R.	:	
Application No. 11/108,595	:	DECISION ON PETITION
Filed: April 18, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **7630**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 1, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the affidavit and drivers license of inventor James R. Orr, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3643 for action on the merits commensurate with this decision.

Monica A. Graves
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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www.uspto.gov

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Mail Date: 04/21/2010

Applicant	: Yet-Ming Chiang	: DECISION ON REQUEST FOR
Patent Number	: 7662265	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,602	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1223** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

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JAN 08 2008

OFFICE OF PETITIONS

In re Application of	:	
Anthony Mathius Tieben et al.	:	
Application No. 11/108,619	:	ON PETITION
Filed: April 17, 2005	:	
Attorney Docket No. 2267.963US02	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 8, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed August 3, 2007, which set a shortened statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on November 4, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee; (2) the petition fee of $1,540; and (3) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

The application file is being referred to the Office of Patent Publication.

David Bucci
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/21/2010

Applicant	: David J. Coumou	: DECISION ON REQUEST FOR
Patent Number	: 7602127	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,626	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1213** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

THOMAS A O'ROURKE
BODNER & O'ROURKE
425 BROADHOLLOW ROAD
MELVILLE NY 11747

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DEC 15 2006

OFFICE OF PETITIONS

In re Application of	:	
Herron, et al.	:	
Application No. 11/108,631	:	DECISION ON PETITION
Filed: September 8, 2004	:	
Title: Method and Layering for Convoluted Hose	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed October 23, 2006.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a proper response to the Notice to File Missing Parts mailed July 8, 2005. This Office action set a period for reply of two (2) months for applicants to submit $20 to complete the statutory basic filing fee, and replacement drawing sheets. The mailing of this decision precedes the mailing of a Notice of Abandonment.

A review of the application file reveals that applicants filed a complete and proper reply as required by the Notice to File Missing Parts on November 25, 2005, made timely by obtaining a three month extension of time.

In view thereof, **the holding of abandonment is withdrawn**.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding 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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Alexandria, VA 22313-1450
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DEC 0 8 2009

OFFICE OF PETITIONS

OBLON, SPIVAK, MCCLELLAND MAIER
& NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of
Morikawa et al.
Patent Number: 7,540,007
Issue Date: 05/26/2009
Application No. 11/108669
Filing or 371(c) Date: 04/19/2005
Attorney Docket Number: 270986US6

ON REQUEST FOR
RECONSIDERATION OF
PATENT TERM ADJUSTMENT

This decision is in response to the PETITION UNDER 37 C.F.R. §1.705(d) AND REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT, filed July 21, 2009. Patentees request that the determination of patent term adjustment be corrected from 591 days to 993 days. Patentees request this correction solely on the basis that the Office took in excess of three years to issue this patent.

The request for reconsideration patent term adjustment is **DISMISSED**.

On May 26, 2009, the above-identified application matured into U.S. Patent No. 7,540,007, with a patent term adjustment of 591 days. This application for patent term adjustment was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

Patentees assert that the Office erred in determining the patent term adjustment published on the face of the present patent by not properly accounting for the period of time where issuance of the patent was delayed beyond the three years pendency (35 U.S.C. §154(b)(1(B)). Patentees provide that in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008), the court explained the proper way to calculate the patent term adjustment under 35 U.S.C. §154(b), and that the only way that [A and B] periods of time can 'overlap' is if they occur on the same day. In other words, Patentees provide, the A delay (delay under 35 U.S.C. §154(b)(1)(A)) and B delay (delay under 35 U.S.C. §154(b)(1)(B)) only overlap if the A delay occurs after the three years of pendency. In this instance, Patentees provide, the A delay ended with the mailing of a non-final Office action on January 31, 2008, and the B delay started on April 19, 2008, thus there was no overlap, and the resulting calculation of the patent term adjustment is 993 days (591 days + 402 days).

The 402-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on April 19, 2005, and the patent issuing on May 26, 2009, three (3) years and 402 days later. Patentees assert that in addition to this 402-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a) of 591 days. This 591-day period is the result of a period of delay of 591 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 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, patentees are entitled to the period of Office delay reduced by the period of applicant delay.

The Office agrees that as of the issuance of the patent on May 26, 2009, the application was pending three years and 402 days after its filing date. The Office agrees that certain action was not taken within the specified time frame, and thus, the entry of a period of adjustment of 591 days is correct. At issue is whether patentees should accrue 402 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 591 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the period of 402 days of delay in issuing the patent overlaps with the period of 591 days of examination delay under 37 CFR 1.702(a). Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> 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.

---

[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).

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(1)(A) is the entire period during which the application was pending before the Office, April 19, 2005, to the date the patent issued on May 26, 2009. Prior to the issuance of the patent, 591 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 402 days for Office delay in issuing the patent overlap with the 591 days of Office examination delay. During that time, the issuance of the patent was delayed by 591 days, not 402 days + 591 days. The Office took 14 months and 591 days to issue a first Office action. Otherwise, the Office took all actions set forth in 37 CFR 1.702(a) within the prescribed timeframes. Nonetheless, given the initial 591 days of Office examination delay and the time allowed within the time frames for processing and examination, the application issued three years and 402 days after its filing date. However, the Office did not delay 402 days and also delay an additional 591 days. Accordingly, 591 days of patent term adjustment was properly entered because the period of delay of 402 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 591 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 $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 Attorney Derek Woods, at (571) 272-3232.

/ALESIA M. BROWN/

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Yuan-Hung Chang	: DECISION ON REQUEST FOR
Patent Number	: 7600237	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,682	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/19/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1088** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of	:	
LEE, Sung Jin et al.	:	
Application No. 11/108,685	:	DECISION ON PETITION
Filed: April 19, 2005	:	TO WITHDRAW
Attorney Docket No. **1811.1003**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed September 26, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Customer No. 33717 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 Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **STAAS & HALSEY LLP**
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : **September 19,2007**

TO SPE OF : ART UNIT **2833**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/108,701** Patent No.: **7186142 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.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Paula Bradley
SPE

2833
Art Unit

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Terry W. Kramer, Esq.
Kramer & Amado, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314

Mail Date: 05/20/2010

Applicant	: Shawn McAllister	: DECISION ON REQUEST FOR
Patent Number	: 7623531	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/108,733	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/19/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **730** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

Mail Date: 04/21/2010

Applicant	: Osamu Morikawa	: DECISION ON REQUEST FOR
Patent Number	: 7601385	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,740	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/19/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1191** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/108,743	04/19/2005	Chris J. Guzak	312050.01/MFCP.142272	8630

45809 7590 05/03/2010
SHOOK, HARDY & BACON L.L.P.
(MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

EXAMINER
SALOMON, PHENUEL S

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
05/03/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SHOOK, HARDY & BACON, L.L.P.
(MICROSOFT CORPORATION)
Intellectual Property Department
2555 Grand Boulevard
Kansas City MO 64108

In re Application of:
GUZAK, Chris et al.
Appl. No.: 11/108,743
Filed: April 19, 2005
For: EXTENSIBLE CREATION AND EDITING OF COLLECTIONS OF OBJECTS

RESPONSE TO PETITION UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed February 7, 2008, to expunge privileged information inadvertently filed electronically with the Information Disclosure Statement on January 31, 2008.

The petition is **GRANTED**.

Petitioner states that "the submission to be expunged is marked, and appears with the description 'NPL Documents," and a page count of 19 pages. This filing includes the international search report [PCT/US06/26854] and the confidential communication requested to be expunged. The portion that was inadvertently submitted appears on pages 1-10 of that submission." Petitioner also requests "prompt removal of this information from the PTO's PAIR system and any hard copy file for this case is necessary to avoid irreparable harm." The petition fee set forth in 37 CFR § 1.17(f) and (g) has been paid.

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 has been closed from public view and will not be returned to applicant.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is 571-272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

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JON E. KAPPES
LAW OFFICES OF STEVEN G. LISA, LTD.
C/O INTELLEVATE, LLC.
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED

JUN 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Richard J. HELFERICH	:	
Application No. 11/108,759	:	NOTICE
Patent No. 7,146,157	:	
Filed: April 19, 2005	:	
Attorney Docket No. **I-W2W-11108759**		

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **JON E. KAPPES**
LAW OFFICES OF STEVEN G. LISA, LTD.
55 W. MONROE STREET
SUITE 3210
CHICAGO IL 60603

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 04/21/2010

Applicant	: Ri Kokun	: DECISION ON REQUEST FOR
Patent Number	: 7666365	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,768	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/19/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1262** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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AUG 24 2005

Birch Stewart Kolasch & Birch
PO Box 747
Falls Church, VA 22040-0747

In re application of Charles F. Coles Application No. 11/108,772 Filed: April 19, 2005 For: POWERED BOAT HULL	: : : : :	**DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)**

This is a decision on the petition submitted on July 14, 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 copy of Mr. Cole's driver's license 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
Technology Center 3600
(571) 272-6611

SNM/dew: 08/22/05

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

The Intellect Law Group
901 SW Martin Downs Blvd.
Suite 321
Palm City, FL 34990

MAILED

MAY 05 2009

OFFICE OF PETITIONS

In re Application of	:	
John D. Corbitt, Jr.	:	
Application No. 11/108,785	:	DECISION ON PETITION
Filed: April 19, 2005	:	TO WITHDRAW
Attorney Docket No. Corbitt.000	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 20, 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 Joseph Beckman 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 John D. Corbitt at the address indicated below.

There is an outstanding Office action mailed December 15, 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: **John D. Corbitt, Jr.**
142 JFK Drive
Atlantis, FL 33462

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/108,785	04/19/2005	John D. Corbitt JR.	Corbitt.000

CONFIRMATION NO. 8608

POWER OF ATTORNEY NOTICE

31985
The Intellect Law Group
901 SW Martin Downs Blvd.
Suite 321
Palm City, FL 34990

OC000000035818293

Date Mailed: 05/05/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/20/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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JJGJr: 02-06

Paper No: __

MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

COPY MAILED
FEB 24 2006
OFFICE OF PETITIONS

In re Application of
Kluttz, et al. :
Application No. 11/108,806 : ON PETITION
Filed: 12 July, 2005 :
Attorney Docket No.: 97-200-J11 :

This is a decision on the petition filed (with fee) on 12 December, 2005, under 37 C.F.R. §1.182.

The petition is **GRANTED**.[1]

The statement of the co-inventor's name (formerly set forth before marriage as Cécile Jaravel) will be corrected to CÉCILE PARIS.

Petitioner is reminded to submit to the Assignment Division a corrected assignment document and cover sheet--as well as the appropriate fee--as set forth in 37 C.F.R. §1.21(h) for change of the assignment record.

---

[1] Petitioner's attention is drawn to the commentary at MPEP 605.04(c), which provides in pertinent part:

605.04(c) Inventor Changes Name [R-3] - 600 Parts, Form, and Content of Application
605.04(c) Inventor Changes Name [R-3]
In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and ** the procedure whereby the change of name was effected, or a certified copy of the court order.

* * *

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name. (Emphasis supplied.)

* * *

This application is released to OIPE with instructions to reflect the correct statement of the inventor's name as CÉCILE PARIS, and to:

- issue a corrected filing receipt; and
- insert into the record the corrected bib sheet,

before returning the application for further processing in due course.

BACKGROUND

The petition alleges that, following the signing of the oath/declaration in which Petitioner set forth her name as it was before marriage as Cécile Jaravel, Petitioner subsequently was married and by convention now goes by the name of CÉCILE PARIS.

As indicated above, this application is released to OIPE with instructions to reflect the correct statement of the inventor's name as CÉCILE PARIS, and to:

- **issue a corrected filing receipt; and**
- **insert into the record the corrected bib sheet,**

before returning the application for further processing in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

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AUG 3 1 2006

OFFICE OF PETITIONS

In re Application of	:	
Soshino et al.	:	
Application No. 11/108,814	:	ON PETITION
Filed: April 19, 2005	:	
Attorney Docket No.	:	
056205.52757C2	:	

This is a decision on the Petition for Unintentionally Delayed Benefit Claim Under 37 CFR 1.78(a)(3), filed March 20, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of the prior filed nonprovisional application set forth in the Application Data Sheet ("ADS") filed March 17, 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, 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 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

It is noted that a foreign claim for priority was previously made in the declaration on filing to two Japanese applications; namely, Japanese Application No. 2002-31115, filed November 14, 2002, and Japanese Application No. 2002-090193, filed March 28, 2002. The filing date of Japanese Application No. 2002-090193 is more than one year prior to the filing date of intermediate Application No. 10/670,251 (filed September 26, 2003), which is the subject o the present petition to accept a late claim for priority. The Examiner of this application will notify the applicant as to his entitlement to claim priority to Japanese Application No. 2002-090193, as well as to Japanese Application No. 2002-31115. In this regard, attention is directed to MPEP 201.13.II.F.

Any inquiries concerning this decision may be directed to Derek L. Woods at (571) 272-3232. 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 3747 for appropriate action on the ADS filed March 17, 2006, including consideration by the examiner of applicant's

entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Frances Hicks
Lead Paralegal
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/108,814	04/19/2005	3747	1000	056205.52757US	15	7	3

CONFIRMATION NO. 8806

CORRECTED FILING RECEIPT

OC000000019925545

23911
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Date Mailed: 08/07/2006

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)

Masahiko Soshino, Hitachiohta, JAPAN;
Takehiko Kowatari, Kashiwa, JAPAN;
Yuzo Kadomukai, Ishioka, JAPAN;
Yuki Ejiri, Hitachinaka, JAPAN;
Kenji Ono, Mito, JAPAN;
Yasuhiro Kamimura, Hitachinaka, JAPAN;
Norihiro Isozaki, Hitachinaka,. JAPAN;
Eisuke Wayama, Hitachinaka, JAPAN;
Hitoshi Andoh, Hitachinaka, JAPAN;
Yutaka Takeuchi, Hitachinaka, JAPAN;

Power of Attorney:

Martin Fleit--16900
Herbert Cantor--24392
James McKeown--25406
Donald Evenson--26160
Joseph Evans--26269
Gary Edwards--31824
Jeffrey Sanok--32169
Richard Diefendorf--32390
Paul Schnose--39361

Domestic Priority data as claimed by applicant

This application is a CON of 10/670,251 09/26/2003 PAT 6,932,051

Foreign Applications

JAPAN 2002-331115 11/14/2002
JAPAN 2002-090193 03/28/2002

If Required, Foreign Filing License Granted: 05/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/108,814

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Throttle valve opening and closing device

Preliminary Class

123

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Paper No.

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

Nonaka et al.	:	LETTER REGARDING
Application No. 11/108,833	:	PATENT TERM ADJUSTMENT
Filed: April 19, 2005	:	
Attorney Docket No. 051144-0109	:	
Title: MEMORY CONTROL DEVICE,	:	
IN-CAR DEVICE, MEMORY CONTROL	:	
METHOD, AND COMPUTER PRODUCT FOR	:	
MANAGING DATA IN RESPONSE TO	:	
VARIOUS POWER STATES	:	

This is a decision on the "LETTER (UNDER A GENERAL OBLIGATION OF CANDOR AND GOOD FAITH IN PRACTICE BEFORE THE OFFICE)," filed December 31, 2008.

Pursuant to their duty of good faith and candor to the Office, Applicants disclose that the patent term adjustment indicated on the Notice of Allowance and Issue Fee Due be corrected from one hundred and ninety-one (191) days to one hundred and thirty-four (134) 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 one hundred and

thirty-four **(134)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On December 8, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 191 days. Applicants disclose that a Request for Continued Examination was filed on February 4, 2008, not January 4, 2008 as indicated in PTO records. Applicants disclose that the use of the January 4, 2008 date caused the Office to erroneously charge themselves 26 days of Office delay.

Applicants are correct. Pursuant to 37 C.F.R. § 1.702(a)(2), the failure to respond to a reply under 35 U.S.C. 132 not later than four months after the date on which the reply was filed consists of grounds for adjustment of patent term due to examination delay. As shown by the Office date-stamp thereon, applicants submitted a Request for Continued Examination (RCE) on February 4, 2008. The Office mailed a non-final Office action in response on May 30, 2008. However, Office records erroneously indicated that the RCE was filed on January 4, 2008, and as such, 26 days of Office delay was attributed to the mailing of the non-final Office action on May 30, 2008. As the Office action was mailed within four months of the filing date of the reply, there was no Office delay within the meaning of 37 C.F.R. § 1.702(a)(2). The period of adjustment of 26 days is being removed.

Moreover, given that the RCE was filed on February 4, 2008, entry of an additional period of reduction for applicant delay is warranted. Pursuant to 37 C.F.R. § 1.704(b),

> an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the

applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed.

The Office mailed a final Office action on October 4, 2007, and the above-referenced RCE was not filed until February 4, 2008, three months and 31 days later. A period of reduction of 31 days constituting Applicant delay is being entered.

The other periods of delay are not at issue.

The adjustment for Office delay is 227 days. The proper period of reduction for Applicant delay is 93 days.

In view thereof, the patent should have issued with a revised patent term adjustment of 134 (227 - 93) 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 application fee under 37 C.F.R. § 1.705(b). 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 Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Paul Shanoski, Senior Attorney, at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Encl. Copy of the Revised PALM Screen

PALM INTRANET

Day : Friday
Date: 2/6/2009
Time: 19:42:21

PTA Calculations for Application: 11/108833			
Application Filing Date:	04/19/2005	PTO Delay (PTO):	253
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	62
Post-Issue Petitions:	0	Total PTA (days):	134
PTO Delay Adjustment:	-57		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
47	02/06/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		31	
46	02/06/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		26	
42	12/08/2008	MAIL NOTICE OF ALLOWANCE			
41	12/06/2008	ISSUE REVISION COMPLETED			
40	12/06/2008	DOCUMENT VERIFICATION			
39	12/06/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
38	12/06/2008	NOTICE OF ALLOWABILITY			
37	11/20/2008	CASE DOCKETED TO EXAMINER IN GAU			
36	10/15/2008	CASE DOCKETED TO EXAMINER IN GAU			
35	10/04/2008	DATE FORWARDED TO EXAMINER			
34	08/29/2008	RESPONSE AFTER NON-FINAL ACTION			
33	05/30/2008	MAIL NON-FINAL REJECTION	26		28
32	05/27/2008	NON-FINAL REJECTION			
31	03/15/2008	DATE FORWARDED TO EXAMINER			
30	01/04/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
29	03/15/2008	DATE FORWARDED TO EXAMINER			
28	01/04/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)			
27	03/15/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
26	02/04/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
25	10/04/2007	MAIL FINAL REJECTION (PTOL - 326)			
24	09/29/2007	FINAL REJECTION			
23	07/29/2007	CASE DOCKETED TO EXAMINER IN GAU			
22	07/17/2007	DATE FORWARDED TO EXAMINER			
21	07/02/2007	RESPONSE AFTER NON-FINAL ACTION		62	18

20	07/02/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
19	05/30/2007	CASE DOCKETED TO EXAMINER IN GAU			
18	02/01/2007	MAIL NON-FINAL REJECTION	227		-1
17	01/29/2007	NON-FINAL REJECTION			
16	01/25/2007	CASE DOCKETED TO EXAMINER IN GAU			
15	04/19/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
14	12/01/2006	CASE DOCKETED TO EXAMINER IN GAU			
13	10/23/2006	CASE DOCKETED TO EXAMINER IN GAU			
12	08/03/2006	CASE DOCKETED TO EXAMINER IN GAU			
11	01/10/2006	CASE DOCKETED TO EXAMINER IN GAU			
10	08/24/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
9	08/24/2005	CASE DOCKETED TO EXAMINER IN GAU			
8	04/19/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
7	04/19/2005	NEW OR ADDITIONAL DRAWING FILED			
6.7	04/19/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	04/19/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	05/12/2005	APPLICATION DISPATCHED FROM OIPE			
4	05/13/2005	APPLICATION IS NOW COMPLETE			
3	04/28/2005	CLEARED BY OIPE CSR			
2	04/26/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	04/19/2005	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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Paper No.

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

FEB 10 2009

OFFICE OF PETITIONS

Nonaka et al.	:	LETTER REGARDING
Application No. 11/108,833	:	PATENT TERM ADJUSTMENT
Filed: April 19, 2005	:	
Attorney Docket No. 051144-0109	:	
Title: MEMORY CONTROL DEVICE,	:	
IN-CAR DEVICE, MEMORY CONTROL	:	
METHOD, AND COMPUTER PRODUCT FOR	:	
MANAGING DATA IN RESPONSE TO	:	
VARIOUS POWER STATES	:	

This is a decision on the "LETTER (UNDER A GENERAL OBLIGATION OF CANDOR AND GOOD FAITH IN PRACTICE BEFORE THE OFFICE)," filed December 31, 2008.

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Applicants are correct. Pursuant to 37 C.F.R. § 1.702(a)(2), the failure to respond to a reply under 35 U.S.C. 132 not later than four months after the date on which the reply was filed consists of grounds for adjustment of patent term due to examination delay. As shown by the Office date-stamp thereon, applicants submitted a Request for Continued Examination (RCE) on February 4, 2008. The Office mailed a non-final Office action in response on May 30, 2008. However, Office records erroneously indicated that the RCE was filed on January 4, 2008, and as such, 26 days of Office delay was attributed to the mailing of the non-final Office action on May 30, 2008. As the Office action was mailed within four months of the filing date of the reply, there was no Office delay within the meaning of 37 C.F.R. § 1.702(a)(2). The period of adjustment of 26 days is being removed.

Moreover, given that the RCE was filed on February 4, 2008, entry of an additional period of reduction for applicant delay is warranted. Pursuant to 37 C.F.R. § 1.704(b),

> an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the

applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed.

The Office mailed a final Office action on October 4, 2007, and the above-referenced RCE was not filed until February 4, 2008, three months and 31 days later. A period of reduction of 31 days constituting Applicant delay is being entered.

The other periods of delay are not at issue.

The adjustment for Office delay is 227 days. The proper period of reduction for Applicant delay is 93 days.

In view thereof, the patent should have issued with a revised patent term adjustment of 134 (227 - 93) 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 application fee under 37 C.F.R. § 1.705(b). 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 Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Paul Shanoski, Senior Attorney, at (571) 272-3225.

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Encl. Copy of the Revised PALM Screen

PALM INTRANET

Day : Friday
Date: 2/6/2009
Time: 19:42:21

PTA Calculations for Application: 11/108833			
Application Filing Date:	04/19/2005	PTO Delay (PTO):	253
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	62
Post-Issue Petitions:	0	Total PTA (days):	134
PTO Delay Adjustment:	-57		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
47	02/06/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		31	
46	02/06/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		26	
42	12/08/2008	MAIL NOTICE OF ALLOWANCE			
41	12/06/2008	ISSUE REVISION COMPLETED			
40	12/06/2008	DOCUMENT VERIFICATION			
39	12/06/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
38	12/06/2008	NOTICE OF ALLOWABILITY			
37	11/20/2008	CASE DOCKETED TO EXAMINER IN GAU			
36	10/15/2008	CASE DOCKETED TO EXAMINER IN GAU			
35	10/04/2008	DATE FORWARDED TO EXAMINER			
34	08/29/2008	RESPONSE AFTER NON-FINAL ACTION			
33	05/30/2008	MAIL NON-FINAL REJECTION	26		28
32	05/27/2008	NON-FINAL REJECTION			
31	03/15/2008	DATE FORWARDED TO EXAMINER			
30	01/04/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
29	03/15/2008	DATE FORWARDED TO EXAMINER			
28	01/04/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)			
27	03/15/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
26	02/04/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
25	10/04/2007	MAIL FINAL REJECTION (PTOL - 326)			
24	09/29/2007	FINAL REJECTION			
23	07/29/2007	CASE DOCKETED TO EXAMINER IN GAU			
22	07/17/2007	DATE FORWARDED TO EXAMINER			
21	07/02/2007	RESPONSE AFTER NON-FINAL ACTION		62	18

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Alexandria, VA 22313-1450
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DIW Sep-05

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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SEP 23 2005

OFFICE OF PETITIONS

In re Application of	:	
Jones et al.	:	
Application No. 11/108,878	:	DECISION ON PETITION
Filed: 19 April, 2005	:	
Atty Docket No. 07810.0107-03	:	

This is a decision on the petition filed on 19 July, 2005, under 37 CFR 1.53(e), which is treated as a petition to accord the above-identified application a filing date of 19 April, 2005.

The petition is **GRANTED**.

On 19 April, 2005, the application was deposited without drawings.

On 20 May, 2005, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that application should reconsider whether drawings were necessary under 35 U.S.C. § 113 (first sentence). The Notice stated that the filing date would be the date of receipt of the missing drawings.

In response, on 19 July, 2005, the present petition was filed, accompanied by eight (8) sheets of drawings. Petitioners concede that the drawings were not among the application papers present on filing, but state that the drawings were included in a prior application incorporated by reference on the cover sheet of the present application.

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).[1] The same practice has been followed in composition applications. A review of the record reveals that Claims 1-8 are composition claims and Claims 13-21, and 23-45, as originally filed, are method claims. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

Since the petition was necessitated by an error on the part of the USPTO, the petition fee submitted with the present petition is unnecessary and will be credited to counsel's deposit account, No. 50-0684, as authorized in the present petition.

The "Notice of Incomplete Nonprovisional Application" mailed on 20 May, 2005, was sent in error and is hereby vacated.

The application will processed and examined using the papers filed on 19 April, 2005. The copy of eight (8) sheets of drawings filed with the present petition will not be used for processing or examination, but will be retained in the application file.

Petitioners may wish to file the drawings as a preliminary amendment. If the drawings are filed as a preliminary amendment, the amendment will be reviewed by the examiner for new matter. Obviously, in view of the incorporation by reference of the prior application, the eight (8) sheets of drawings are not new matter if they were a part of the disclosure of the prior application.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 19 April, 2005, using only the application papers filed on that date.

Telephone inquiries should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[1] MPEP 601.01(f).

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SEP 16 2009

OFFICE OF PETITIONS

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
Hyun-Suk KIM et al.	:	
Application No. 11/108,879	:	DECISION ON PETITION
Filed: April 19, 2005	:	
Attorney Docket No. **Q82122**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before April 09, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed January 09, 2009. Accordingly, the date of abandonment of this application is April 10, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay. Accordingly, the Issue Fee Payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)	Docket No.	Q82122

First named inventor: Hyun-suk KIM

Group Art Unit: 2871

Application Number: 11/108,879

Examiner: Thanh Nhan P. Nguyen

Filed: April 19, 2005

Title: LIQUID CRYSTAL DISPLAY APPARATUS AND CONTROL METHOD THEREOF

Attention: Office of Petitions
MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450,
Alexandria, VA 22313-1450
FAX: (703) 872-9306

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
   - ☐ Small entity - fee $_____ (37 C.F.R. § 1.17(m)). Applicant claims small entity status. See 37 C.F.R. § 1.27.
   - ☑ Other than small entity - fee $ 1,620.00 (37 C.F.R. § 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 of $1,810.00.
      - ☐ has been paid previously on _____.
      - ☑ is enclosed herewith.

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 C.F.R. § 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: [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 C.F.R. § 1.137(b) was unintentional (MPEP § 711.03(c), subsections (III)(C) and (D))].
   - ☑ 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 C.F.R. § 1.137(b) was unintentional.
   - ☐ See Attached Statement.

July 17, 2009	/Logan J. Brown 58,290/	
Date	Signature	
(202) 293-7060	Logan J. Brown	58,290
Telephone	Typed or printed name	Reg. No.

SUGHRUE MION, PLLC
WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Enclosures:
- ☑ Fees Payment
- ☑ Reply
- ☐ Terminal Disclaimer
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ _____

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 04/20/2010

Applicant	: Hyun-suk Kim	: DECISION ON REQUEST FOR
Patent Number	: 7605881	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,879	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/19/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **845** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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SEP 0 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Neustadt et al.	:	
Application No. 11/108,916	:	DECISION ON PETITION
Filed: April 19, 2005	:	
Attorney Docket No. CN06162US01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 24, 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 September 25, 2008. A Notice of Abandonment was mailed March 18, 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 $1,620.00, and (3) an adequate statement of unintentional delay.

Further, 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. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center AU 1624 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/21/2010

Applicant	: Yoshinori Ichishi	: DECISION ON REQUEST FOR
Patent Number	: 7578341	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,932	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/19/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1031** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 006435.00009)

In the Application of:	)	
Franklin Leroy Stebbing	)	Group Art Unit: (TBA) 1742
Serial No.: TBA 11/108950	)	Examiner: (TBA) McNelis
Filed: April 19, 2005	)	
For: METHODS OF USING TIRES AND SCRAP RUBBER IN THE MANUFACTURE AND MELTING OF STEEL AND OTHER METALS	)	

PETITION TO MAKE SPECIAL

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

The Applicant respectfully petitions to make the above-cited application special for advancement of examination pursuant to 37 CFR 1.102(c) and MPEP 708.02 (IV). The Applicant is over 65 years old as evidenced by the attached declaration and therefore qualifies for accelerated examination of the application. 37 CFR 1.102(c).

No fee is believed owed with this submission, pursuant to 37 CFR 1.102(c).

In view of the foregoing, the Applicant respectfully requests that the Petition to Make Special be granted and that the application be advanced for examination.

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 463-5000

PETITION GRANTED

William Krynski
Quality Assurance Specialist
Technology Center 1700
JUN 2 1 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON NY 11743

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JUN 0 9 2008

In re Application of	:	
Juergen Lennartz	:	
Application No. 11/108,954	:	DECISION ON PETITION
Filed: April 19, 2005	:	
Attorney Docket No. 3292	:	

This is a decision on the petition, filed March 26, 2007, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the restriction requirement of September 13, 2006, which set a one (1) month shortened statutory period for reply. Accordingly, a reply was due on or before October 13, 2006.

Petitioner states that a timely reply was mailed via certificate of transmission on October 12, 2006, which included the following papers: amendment. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated October 12, 2006, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the restriction requirement of September 13, 2006 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on October 12, 2006.

This application is being referred to Technology Center AU 3721 for appropriate action in the normal course of business on the reply received with petition.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

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INGRASSIA FISHER & LORENZ, P.C.
7010 E. COCHISE ROAD
SCOTTSDALE, AZ 85253

Mail Date: 04/20/2010

Applicant	: Tzong-Liang Tsai	: DECISION ON REQUEST FOR
Patent Number	: 7652302	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,966	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/19/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **392** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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Scott C. Harris
Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130

MAILED

NOV 16 2006

Technology Center 2100

In re Application of:
Mo ROOHOLAMINI et al
Appl. No.: 11/108,988
Filed: April 18, 2005
For: SYNCHRONIZING PRIMARY AND SECONDARY FABRIC MANAGERS IN A SWITH FABRIC

DECISION ON PETITION UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 14 November 2005, to expunge information submitted pursuant to MPEP § 724.02.

The petition is **DISMISSED**.

Petitioner requests that the documents entitled "Fabric Management Protocol,, Specification R0.5" and "Advanced Switching Core Architecture Specification, Revision 1.1" submitted on 14 November 2005 be expunged from the record. Petitioner states that the information contains materials that are subject to Proprietary materials which have not been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the identified documents are considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be returned to applicant.

The identified documents are currently not available for public view.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/108,988	04/18/2005	Mo Rooholamini	042390.P21249	8336

45209 7590 07/19/2010
INTEL/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
GORNEY, BORIS

ART UNIT	PAPER NUMBER
2444	

MAIL DATE	DELIVERY MODE
07/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

John-Paul Fryckman
INTEL/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of:
ROOHOLAMINI, MO et. al.
Application No. **11/108,988**
Filed: April 18, 2005
Atty No. Docket No. 042390.P21249
Title of Invention: SYNCHRONIZING PRIMARY AND SECONDARY FABRIC MANAGERS IN A SWITCH FABRIC

DECISION ON PETITION FOR EXPUNGING INFORMATION UNDER UNDER 37 CFR § 1.59

This is a decision on the renew petition under 37 CFR § 1.59(b), filed on September 17, 2009, to expunge information from the above identified application.

The petition is **GRANTED**.

Petitioner requests that the information listed in PTO-1449, submitted on November 14, 2005, be expunged from the record. Petitioner states that the information contains proprietary material and/or material that is subjected to a protective order which has not been made public. The petition fee set forth in 37 CFR 1.17(g) has been paid.

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 has been destroyed, the artifact folder closed and therefor the material will not be returned.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

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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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Jack Levis	: DECISION ON REQUEST FOR
Patent Number	: 7624024	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/108,994	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BANK OF AMERICA PLAZA
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CHARLOTTE, NC 28280-4000

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APR 1 8 2008

OFFICE OF PETITIONS

In re Application of :
Antti Takaluoma, et al. :
Application No.: 11/109,002 : ON PETITION
Filed: April 19, 2005 :
Attorney Docket No.: 042050/291650 :

This is a decision on the petition, filed April 17, 2008, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 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 2876 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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COLEMAN SUDOL SAPONE PC
714 COLORADO AVENUE
BRIDGEPORT CT 06605-1601

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APR 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Naomi L. Nakao	:	
Application No. 11/109,004	:	ON PETITION
Filed: April 19, 2005	:	
Attorney Docket No. G30-013	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed April 4, 2008.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed July 25, 2007. This Office action set a shortened statutory period for reply of one (1) month. No reply having been received, the application became abandoned on August 26, 2007. A Notice of Abandonment was mailed on March 26, 2008.

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 election.

The matter is being forwarded to Group Art Unit 3734 for consideration of the Election filed April 4, 2008.

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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P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 14 2005

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:
Peyman	:
Serial No.: 11/109,007	: PETITION TO MAKE SPECIAL
Filed: April 19, 2005	:
Attorney Docket No.: PMAN-39	:

This is in response to applicants' petition filed June 2, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant. No fee is required for this petition.

Applicants have satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore, the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact William Dixon by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the general Office facsimile number.

William Dixon
Special Program Examiner
Technology Center 1600

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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052-6399

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JUL 24 2008

In re Application of	:	
Rodriguez et al.	:	
Application Number: 11/109011	:	DECISION ON PETITION
Filing Date: 04/18/2005	:	
Attorney Docket Number:	:	
312237.01	:	

This is a decision on the petition filed on May 23, 2008, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on November 28, 2007, for failure to timely reply to the non-final Office action mailed on August 27, 2007, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on March 24, 2008.

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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 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 subject petition is accompanied by an amendment as the required reply.

The application is referred to Technology Center Art Unit 2168 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

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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OFFICE OF PETITIONS

In re Application of :
Li, et al. :
Application No.: 11/109,017 : ON PETITION
Filed: April 19, 2005 :
Attorney Docket No: 6498USD2 :

This is in response to the petition under 37 CFR 1.137(b) filed March 4, 2008.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned for failure to respond in a timely manner to the final Office action mailed January 4, 2007. The notice set a shortened statutory period for reply of three-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A response was not received within the allowable period and the application became abandoned on April 8, 2007. A Notice of Abandonment was mailed on July 23, 2007.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy the requirements of item (1) above.

As to item (1) above, Examiner Fiona Powers has determined that the amendment filed March 4, 2008, does not place the application in condition for allowance. The renewed petition must accompanied by a proper response to the final Office action, which may include an amendment that places the application in condition for allowance, a Request for Continued Examination under 37 CFR 1.114, or a Notice of Appeal. Questions regarding the determination of the sufficiency of the reply filed March 4, 2008, should be directed to Examiner Powers.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK, NY 10038

Mail Date: 05/14/2010

Applicant	: Tomoaki Takahashi	: DECISION ON REQUEST FOR
Patent Number	: 7618105	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/109,071	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/19/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **559** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of	:	
Takayuki Hasegawa	:	
Application No. 11/109,078	:	DECISION ON PETITION
Filed: 18 April, 2005	:	
Atty Docket No. 1232-5649	:	

This is a decision on the petition, filed on 5 August, 2005, requesting that the above-identified application be accorded a filing date of 18 April, 2005, with Page 38 of the specification as a part of the original disclosure.

The petition is **DISMISSED**.

On 18 April, 2005, the application was filed.

Accordingly, on 7 June, 2005, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 18 April, 2005, but that Page 38 of the specification (description and claims) appeared to have been omitted.

In response, on 5 August, 2005, the present petition and a copy of Page 38 of the specification, containing claims, was filed. Petitioner argues that Page 38 of the specification was filed with the other application papers on 18 April, 2005, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, petitioner has submitted a copy of a postcard receipt, itemizing the filing of 31 pages of specification; 1 page of abstract, and 9 pages of claims.

The petition must be dismissed, however, because the copy of petitioner's return receipt postcard purporting to show that 31 pages of specification (written description) and 9 pages of

claims were filed on 18 April, 2005, does not have a legible "Office date" stamp. Specifically, the date portion of the Office stamp has been obscured such that the "date-in" cannot be determined.

Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. 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.[1]

As the date-in on the postcard submitted by applicants does not contain a legible Office date stamp of 18 April, 2005, the postcard cannot serve as evidence of receipt of the items listed thereon on 18 April, 2005.

Additionally, although the application papers filed on 18 April, 2005, were apparently filed by Express Mail, no copy of an Express Mail Certificate was filed. More importantly, a petition under 37 CFR 1.10(e) is inappropriate because some, but not all, of the papers petitioner asserts were filed by Express Mail on 18 April, 2005, were received. Where there is a dispute as to the *contents* of correspondence submitted to the Office, an applicant may not rely upon the provisions of 37 CFR 1.10(e) to establish what documents and or fees were filed in the Office with such correspondence.[2]

The petition is therefore dismissed without prejudice to reconsideration pending submission of a copy of petitioner's itemized postcard receipt showing a receipt of the items listed thereon in the USPTO on 18 April, 2005.

---

[1] MPEP 503. Where the records of theOffice (e.g. the file of the application) contain any documents or fees corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in absence of convincing evidence (eg. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any documents or fees that are not among the official records of the Office. Id.

[2] MPEP 513.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision. If no response is received within two (2) months, the application will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of 18 April, 2005, using only the application papers filed on that date.

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 Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

As petitioners have not shown that this petition was necessitated by an error on the part of the Office, the petition fee will be not be refunded.

Telephone inquires should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Takayuki Hasegawa	:	
Application No. 11/109,078	:	DECISION ON PETITION
Filed: 18 April, 2005	:	
Atty Docket No. 1232-5649	:	

This is a decision on the renewed petition, filed on 31 May, 2006, requesting that the above-identified application be accorded a filing date of 18 April, 2005, with Page 38 of the specification as a part of the original disclosure.

The petition is **GRANTED**.

On 18 April, 2005, the application was filed.

Accordingly, on 7 June, 2005, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 18 April, 2005, but that Page 38 of the specification (description and claims) appeared to have been omitted.

In response, on 5 August, 2005, a petition and a copy of Page 38 of the specification, containing claims, was filed. Petitioner argues that Page 38 of the specification was filed with the other application papers on 18 April, 2005, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, petitioner has submitted a copy of a postcard receipt, itemizing the filing of 31 pages of specification; 1 page of abstract, and 9 pages of claims. The postcard identifies the application by inventor's name, attorney docket number, and invention title, and also contains a USPTO Office-date stamp showing the above-identified application number. It is noted that the "date-in" portion of the USPTO stamp is obscured, and is not readable. The petition was dismissed on 2 September, 2005.

The present renewed petition was filed on 31 May, 2006, whereby petitioner argues "[a]pplicant believes that such date indication became partially obscured as a result of an inadvertent smudge by a USPTO employee during placement of the freshly printed Office date stamp on the original postcard."

Under the circumstances of this case, the postcard will be considered to contain a "date-in" of 18 April, 2005.

A review of the record reveals that Pages 1-37, 39, and 40 of the specification, including the claims, were received on 18 April, 2005. No Page 38 is located among the pages of specification received on that date. However, the evidence is convincing that the application papers deposited on 18 April, 2005, included Page 38 of the specification, containing claims, which was subsequently misplaced in the Office. Therefore, the application, including Page 38 of the specification, is entitled to a filing date of 18 April, 2005.

The "Notice" mailed on 7 June, 2005, is vacated.

In view of the above, the petition is granted. As the petition was due to Office error, the petition fee paid with the original petition will be credited to counsel's deposit account.

The application will be processed with the copy of Page 34 of the specification supplied with the original petition filed on 5 August, 2005, as a part the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 18 April, 2005, using the application papers filed on that date and the copy of Page 34 supplied with the original petition.

Telephone inquires should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of	:	
Takayuki Hasegawa	:	CORRECTED
Application No. 11/109,078	:	DECISION ON PETITION
Filed: 18 April, 2005	:	
Atty Docket No. 1232-5649	:	

This is a corrected decision on the renewed petition, filed on 31 May, 2006, requesting that the above-identified application be accorded a filing date of 18 April, 2005, with Page 38 of the specification as a part of the original disclosure.

The petition is **GRANTED**.

On 18 April, 2005, the application was filed.

Accordingly, on 7 June, 2005, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 18 April, 2005, but that Page 38 of the specification (description and claims) appeared to have been omitted.

In response, on 5 August, 2005, a petition and a copy of Page 38 of the specification, containing claims, was filed. Petitioner argues that Page 38 of the specification was filed with the other application papers on 18 April, 2005, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, petitioner has submitted a copy of a postcard receipt, itemizing the filing of 31 pages of specification; 1 page of abstract, and 9 pages of claims. The postcard identifies the application by inventor's name, attorney docket number, and invention title, and also contains a USPTO Office-date stamp showing the above-identified application number. It is noted that the "date-in" portion of the USPTO stamp is obscured, and is not readable. The petition was dismissed on 2 September, 2005.

The present renewed petition was filed on 31 May, 2006, whereby petitioner argues "[a]pplicant believes that such date indication became partially obscured as a result of an inadvertent smudge by a USPTO employee during placement of the freshly printed Office date stamp on the original postcard."

Under the circumstances of this case, the postcard will be considered to contain a "date-in" of 18 April, 2005.

A review of the record reveals that Pages 1-37, 39, and 40 of the specification, including the claims, were received on 18 April, 2005. No Page 38 is located among the pages of specification received on that date. However, the evidence is convincing that the application papers deposited on 18 April, 2005, included Page 38 of the specification, containing claims, which was subsequently misplaced in the Office. Therefore, the application, including Page 38 of the specification, is entitled to a filing date of 18 April, 2005.

The "Notice" mailed on 7 June, 2005, is vacated.

In view of the above, the petition is granted. As the petition was due to Office error, the petition fee paid with the original petition will be credited to counsel's deposit account.

The application will be processed with the copy of Page 38 of the specification supplied with the original petition filed on 5 August, 2005, as a part the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 18 April, 2005, using the application papers filed on that date and the copy of Page 38 supplied with the original petition.

Telephone inquires should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : April 17, 2008

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/109083 Patent No.: 7288414 B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code COCX.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

JHWarden
SPE

1797
Art Unit

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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MANASSAS VA 20110

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AUG 24 2006
OFFICE OF PETITIONS

In re Application of	:	
Howard, et al.	:	
Application No. 11/109,091	:	ON PETITION
Filed: April 20, 2005	:	
Attorney Docket No. FE-00758	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 13, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the Notice to File Corrected Application Papers, mailed May 17, 2005, which set an extendable period for reply of two months for applicants to file an abstract. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, no reply to the Notice to File Corrected Application Papers having been received, the application became abandoned on July 18, 2005. A Notice of Abandonment was mailed on January 31, 2006.

With the instant petition, applicants paid the petition fee, made the proper statement of unintentional delay, and submitted an abstract.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

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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JAN 0 3 2006

OFFICE OF PETITIONS

Michael Ries
1747A Vermont Drive
Elk Grove, IL 60007

In re Application of: PADIN, Jeffry
U.S. Application No.: 11/109,141
Filing Date: April 19, 2005
Attorney's Docket No.: JP 0405
For: COMPACT RUGGE COMPUTER SYSTEM FOR MOBILE APPLICATIONS

DECISION ON PETITION
(37 CFR 1.137(b))

This is a decision on the petition under 37 CFR 1.137(b), filed November 14, 2005 to revive the above-entitled application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice To File Missing Parts Of Nonprovisional Application mailed May 17, 2005, which set a period of reply of two (2) months. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned at midnight on July 17, 2005.[1]

The present petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes: (1) the reply in the form of a response to the Notice To File Missing Parts Of Nonprovisional Application mailed May 17, 2005 (i.e., payment of the additional claims fees); (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply to the Notice To File Missing Parts Of Nonprovisional Application of May 17, 2005 is accepted as having been unintentionally delayed.

The application file is being referred to the Office Of Initial Patent Examination.

Telephone inquiries concerning this decision should be directed to Richard M. Ross at (571) 272-3296 or, in his absence, the undersigned at (571) 272-3217.

Frances Hicks for
Brian Hearn
Petitions Examiner
Office Of Petitions

[1] It is noted that, at the time the petition for revival was filed, extensions of time in which to respond to the Notice To File Missing Parts were still available under 37 CFR 1.136(a). However, applicant did not provide payment of the required extensions fees prior to the expiration of the extendable period on December 19, 2005.

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/109,162	04/18/2005	2188	1000	16869P-065210US	11	18	3

CONFIRMATION NO. 7765

CORRECTED FILING RECEIPT

OC000000016380433

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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)

Katsuyoshi Suzuki, Tokyo, JAPAN;
Kenji Muraoka, Tokyo, JAPAN;

Assignment For Published Patent Application

Hitachi, Inc., Tokyo, JAPAN

Power of Attorney:

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Barmak Sani–45068

Domestic Priority data as claimed by applicant

This application is a CON of 10/370,865 02/19/2003 PAT 6,907,500

Foreign Applications

JAPAN 2002-259519 09/05/2002

If Required, Foreign Filing License Granted: 05/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/109,162

Projected Publication Date: 08/18/2005

Non-Publication Request: No

Early Publication Request: No

Title

Data storage device management system

Preliminary Class

711

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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