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In re Application of :
Roy W. Mattson *et al* : DECISION ON PETITION
Application No. 10/841,925 :
Filed: May 7, 2004 :
Attorney Docket No. RM449h

This is a decision on the petition to make special originally filed on June 17, 2004 and resubmitted on August 23, 2004. 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 3751 will be notified of this decision, and will inform the assigned examiner to take action not inconsistent there with this decision.

PETITION GRANTED.

Stephen Marcus, Special Program Examiner,
Technology Center 3700

Patent Law Offices of Rick Martin, P.C.
416 Coffman Street
Longmont, CO 80501

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AUG 3 2005

ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER NJ 07921

In re Application of	:
Wayne P. Franco	: PETITION TO MAKE SPECIAL
Serial No.: 11/114,851	:
Filed: April 26, 2005	:
Attorney Docket No.: 0147-1 CIP5	

This is in response to applicant's petition filed July 11, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicants have satisfied the provisions set forth in M.P.E.P. 708.02, VIII. (A), (B), (C), (D), and (E). The $130.00 petition fee as required by 37 CFR 1.17(h) was received. Therefore, the petition is **GRANTED**.

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 Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the general Office facsimile number, (703) 872-9306.

Marianne C. Seidel
Special Program Examiner
Technology Center 1600

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SEP 12 2008

OFFICE OF PETITIONS

CHARLES E. BAXLEY
90 JOHN STREET, SUITE 309
NEW YORK, NY 10038

In re Application of	:	
Mu-Chuan Hsu	:	
Application No. 11/114,852	:	DECISION ON PETITION
Filed: April 26, 2005	:	
Attorney Docket No. 15514 B (LL05-0934)	:	

This is a decision on the petition under 37 CFR 1.182, filed, February 21, 2008, to correct the spelling of the name of inventor "Mu-Chuam Hsu" to – Mu-Chuan Hsu --.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, accompanies this decision on petition.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petition Examiner
Office of Petitions

cc: Morton J. Rosenberg
3458 Ellicott Center Drive
Ellicott City, MD 21043

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/114,852	04/26/2005	3654	900	15514 B (LL05-0934)	8	1

CONFIRMATION NO. 2148

CORRECTED FILING RECEIPT

36672
CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 309
NEW YORK, NY 10038

OC000000032028107

Date Mailed: 09/11/2008

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)

Mu-Chuan Hsu, Rende Township, TAIWAN;

Power of Attorney:
Charles Baxley--20149

Domestic Priority data as claimed by applicant

Foreign Applications

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 11/114,852**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

CORD SEAT ASSEMBLY

Preliminary Class

242

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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NEW YORK NY 10150-5257

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JUN 14 2006

OFFICE OF PETITIONS

Applicant: Nishijima et al.
Appl. No.: 11/114,866
Filing Date: April 26, 2005
Title: METHOD AND DEVICE FOR FOLDING UP AIR BAG, AND AIR BAG
Attorney Docket No.: 09452/100M003
Pub. No.: US 2005/0209080 A1
Pub. Date: September 22, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on November 21, 2005, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication, as the filing date of the parent application 10/257,416 is listed as January 11, 2003, not February 10, 2003, as now listed in the Office records.

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

The error in the publication with respect to the date of filing the parent application is an Office mistake, but it is not material mistakes as required by 37 CFR 1.221(b). The error in the date of filing the parent application is not a material error, because the parent application is a National Stage entry and the filing date is the International Filing date April 11, 2001, not the date of National Stage entry. Since, the parent application is published and contains the information printed correctly, the error does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to

[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).

enforce upon issuance of a patent. The error also does not affect the use of the patent application publication as a prior art reference, because the continuity data is correctly published and the earlier publication has the best date as a reference. Furthermore, this is not a material error since the Image File Wrapper (IFW) for this application is available to the public, as of its publication date.

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

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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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

Mail Date: 04/21/2010

Applicant	: Ronald F. Childs	: DECISION ON REQUEST FOR
Patent Number	: 7604746	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/114,872	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1001** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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KLARGUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND OR 97204

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OFFICE OF PETITIONS

In re Application of	:	
Christopher C. Stone et al	:	
Application No. 11/114,876	:	ON PETITION
Filed: April 25, 2005	:	
Attorney Docket No. 356-62886	:	

This is a decision on the petition, filed December 20, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on November 24, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 3636 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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OFFICE OF PETITIONS

In re Application of	:	
Tanaka et al.	:	
Application No. 11/114,883	:	DECISION ON PETITION
Filed: 26 April, 2005	:	
Attorney Docket No.	:	
20450/100K361-US9	:	

This is a decision on the petition filed on 16 November, 2006, and styled under 37 CFR 1.183, which is treated as a petition under 37 CFR 1.182 to withdraw the terminal disclaimer filed on 9 May, 2006.

Petitioners assert that several applications were unnecessarily disclaimed by the terminal disclaimer filed on 9 May, 2006. Petitioners request that the Office withdraw the previously filed terminal disclaimer and enter the new terminal disclaimer submitted concurrently with the petition.

As the examiner has concurred, the requested relief can be favorably considered. Accordingly, the petition is **granted**.

This matter is being referred to Technology Art Unit 1744 for correction of PALM and file records consistent with this decision.

Telephone inquiries should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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CARGILL, INCORPORATED
P.O. BOX 5624
MINNEAPOLIS, MN 55440-5624

Mail Date: 04/21/2010

Applicant	: Paula M. Hicks	: DECISION ON REQUEST FOR
Patent Number	: 7572607	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/114,922	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/26/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **618** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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STANLEY H. KREMEN
4 LENAPE LANE
EAST BRUNSWICK NJ 08816

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OFFICE OF PETITIONS

In re Application of	:	
Ronald Anthony Komorowski	:	
Application No. 11/114924	:	ON PETITION
Filing Date: 04/25/2005	:	
Attorney Docket Number:	:	
51900-HANDISTRAP-005	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 16, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Accordingly, the date of abandonment of this application is November 17, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a 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 3781 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/
Derek L. Woods
Attorney
Office of Petitions

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IOSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

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In re Application of	:	
Satoshi Iwamoto	:	
Application No. 11/114,927	:	DECISION GRANTING PETITION
Filed: April 26, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 02008/240001	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 18, 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 February 12, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2113 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

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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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HOWARD HUGHES CENTER
6060 CENTER DRIVE
TENTH FLOOR
LOS ANGELES CA 90045

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OFFICE OF PETITIONS

In re Application of	:	
Shah et al.	:	
Application No. 11/114,932	:	DECISION ON PETITION
Filed: April 26, 2005	:	
Attorney Docket No. ACSES-71004 (1758C)	:	

This is a decision on the petition filed July 14, 2005, requesting that the application be accorded a filing date of April 26, 2005, with page 8 of the specification and Figures 5 and 6 as part of the original disclosure.

On April 26, 2005, applicants filed the above-identified application. However, on June 21, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application, stating, *inter alia*, that the application had been accorded a filing date of April 26, 2005, and advising applicants that page 8 of the specification and Figures 5 and 6 appeared to have been omitted.

In response, on July 14, 2005, applicants submitted, *inter alia*, the present petition, the requisite fees, a copy of page 8 of the specification and a copy of 1 drawing sheet, which included Figures 5 and 6. Additionally, applicants submitted a copy of applicants' returned, date-stamped postcard receipt, acknowledging receipt of 12 pages of specification and 4 sheets of drawings in the USPTO on April 26, 2005.

Upon review of the record, page 8 of the specification and Figures 5 and 6, deposited on April 26, 2005, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 26, 2005, included page 8 of the specification and Figures 5 and 6, which were subsequently misplaced in the USPTO. Therefore, the application, including page 8 of the specification and Figures 5 and 6, was complete on filing and will be granted a filing date of April 26, 2005.

Accordingly, the petition is granted.

The "Notice to File Missing Parts" was sent in error and is hereby vacated. Accordingly, no petition fee is necessary.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of April 26, 2005,** using pages 1-7 and 9-12 of the specification and Figures 1-4 and 7 submitted on that date, and page 8 of the specification and Figures 5 and 6 submitted on July 14, 2005, as part of the original disclosure. Additionally, the Office is directed to mail a corrected filing receipt in accordance with this decision.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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In re Application of	:	
Shira Steinberg et al	:	
Application No. 11/114,945	:	DECISION ON PETITION
Filed: April 26, 2005	:	
Attorney Docket No. 2904-1-001	:	

This is a decision on the petition, filed November 6, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of February 26, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before August 26, 2009.

Petitioner states that a timely reply was mailed via certificate of mailing on August 26, 2009, which included the following papers: An amendment and request for a three month extension of time with fee. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated August 26, 2009, which would have rendered the reply timely if received.

Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or

after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of February 26, 2009 is hereby withdrawn and the application restored to pending status.

The Office records indicate receipt of the amendment and request for extension of time with fee in the USPTO on September 10, 2009, with a certificate of mailing date of August 26, 2009.

This application is being referred to Technology Center AU 2439 for appropriate action in the normal course of business on the reply received with petition and on September 10, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHRISTOPHER L. BERNARD, ESQ.
SUITE 300
1901 ROXBOROUGH ROAD
CHARLOTTE NC 28211

MAILED

MAY 22 2009

OFFICE OF PETITIONS

In re Application of	:	
SWIERSKI, Robert J. et al.	:	
Application No. 11/114,970	:	DECISION ON PETITION
Filed: April 26, 2005	:	TO WITHDRAW
Attorney Docket No. **4216**	:	FROM RECORD
	:	

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 22, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because the attorneys of record were not appointed by a customer number.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **THOMAS JOSEPH SWIERSKI**
2217 D MATTHEWS TOWNSHIP PARKWAY #237
MATTHEWS, NC 28105

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHARLOTTE, NC 28211

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JUN 1 8 2009

OFFICE OF PETITIONS

In re Application of	:	
SWIERSKI, Robert J. et al.	:	
Application No. 11/114,970	:	DECISION ON PETITION
Filed: April 26, 2005	:	TO WITHDRAW
Attorney Docket No. **4216**	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 28, 2009.

The request is **APPROVED**.

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

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROBERT SWIERSKI**
2217 D MATTEWS TWSP PKY #237
MATTHEW NC 28105

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

Mail Date: 04/20/2010

Applicant	: Christopher Jacobs	: DECISION ON REQUEST FOR
Patent Number	: 7612820	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/114,992	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/26/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1194** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Howrey LLP-CA
c/o IP Docketing Department
2941 Fairview Park Drive, Suite 200
Falls Church, VA 22042-2924

MAILED

MAR 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Georges Natsoulis et al.	:	
Application No. 11/114,998	:	DECISION ON PETITION
Filed: April 25, 2005	:	TO WITHDRAW
Attorney Docket No. 03916.0039.NPUS01	:	FROM RECORD
	:	

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 27, 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 Adam K. Whiting and all attorneys/agents associated with customer number 27194 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
Petitions Examiner
Office of Petitions

cc: Entelos, Inc.
c/o Law Offices of Karen E. Flick
P.O. Box 515
El Granada, CA 94018-0515

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PALMER & DODGE, LLP
KATHLEEN M. WILLIAMS
111 HUNTINGTON AVENUE
BOSTON MA 02199

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DEC 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Veronique Gruber, et al.	:	
Application No. 11/114,999	:	DECISION ON PETITION
Filed: April 26, 2005	:	
Attorney Docket No. 18433/2024	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 17, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 18, 2007.

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

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 1636 for appropriate action by the Examiner in the normal course of business on the reply received August 16, 2007.

April M. Wise
Petitions Examiner
Office of Petitions

Cc: ELIZABETH SPAR
EDWARDS ANGELL PALMER & DODGE, LLP
PO BOX 55874
BOSTON, MA 02205

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UNITED STATES DEPARTMENT OF COMMERCE
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MARSHALL, GERSTEIN & BORUN LLP (MICROSOFT)
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Todd R. Manion	: DECISION ON REQUEST FOR
Patent Number	: 7617281	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/115,012	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **692** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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MAY 30 2008

OFFICE OF PETITIONS

In re Application of :
Fillip **Moerman** et al. :
Application No. 11/115,014 : DECISION ON PETITION
Filed: March 25, 2005 :
Attorney Docket No. TI-36714 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply in a timely manner to the Non-Final Office Action mailed August 15, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 16, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply to the Non-Final Office Action; (2) the petition fee of $1,540.00 and (3) a statement of unintentional delay. Accordingly, the reply to the Non-Final Office Action of March 18, 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.

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 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 2181 for appropriate action by the Examiner in the normal course of business on the reply received.

David A. Bucci
Petitions Examiner
Office of Petitions

cc:
Conley Rose, P.C.
P.O. Box 3267
Houston, TX 77253-3267

UNITED STATES PATENT AND TRADEMARK OFFICE

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DONALD N. HALGREN
35 CENTRAL STREET
MANCHESTER, MA 01944

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APR 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert J. **CROWLEY, et al.**	:	
Application No. 11/115,020	:	DECISION GRANTING PETITION
Filed: April 26, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **ANT-GOOD 2**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 9, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 11, 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 2618 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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Donald N. Halgren
35 Central Street
Manchester MA 01944

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JUN 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert J. Crowley, et al.	:	
Application No. 11/115,020	:	DECISION GRANTING PETITION
Filed: April 26, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. ANT-GOOD 2	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 10, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 11, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

---

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

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PATTERSON & SHERIDAN, LLP
MOTOROLA, INC.
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY NJ 07702

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MAY 17 2006
OFFICE OF PETITIONS

In re Application of :
Christopher J. Stone :
Application No. 11/115,029 : DECISION ON PETITION
Filed: 26 April, 2005 :
Atty Docket No. MOTO/BCS03730 :

This is a decision on the petition filed on 7 February, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 20 July, 2005, for failure to timely the submit the basic filing fee, late filing fee surcharge, examination fee, and search fee as required by the Notice to File Missing Parts of Nonprovisional Application mailed on 19 May, 2005, which set a two (2) month shortened period for

---

[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)).

reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 1 February, 2006.

The fees have now been paid.

The address in the petition is different than the correspondence address. A copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

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.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Benjamin D. Driscoll
Motorola, Inc.
101 Tournament Drive
Horsham PA 19044

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICES OF JAMES D. MCFARLAND
12555 HIGH BLUFF DRIVE
SUITE 305
SAN DIEGO CA 92130

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APR 10 2006

OFFICE OF PETITIONS

In re Application of	:	
Julio CHAVES et al.	:	
Application No. 11/115,055	:	DECISION ON PETITION
Filed: April 25, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 3440.P011A	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c) (2)(ii), filed December 20, 2005, to make the above-identified application special based on the invention materially contributing to the development or conservation of energy resources as set forth in M.P.E.P. § 708.02, Section VI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(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 provide any evidence of category (A) or (B). Petitioner indicates that the greater efficiency and lesser weight requirements of the LED manifold would translate to better gas mileage. Initially, it is noted that the application disclosure is directed to light emitting diodes in general and it is not clear on its face that the claimed invention materially contributes to the conservation of energy resources. As such applicant provided a statement as to how the invention materially contributes to energy conservation. 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 a more efficient light source, 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 conservation of energy resources. That the invention may be lighter in weight does not in itself meet the materiality standard. Accordingly, 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 Irvin Dingle at 571-272-3210.

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

The application is being forwarded to the Technology Center Art Unit 2875 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS, IN 46204-2079

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JAN 17 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
John Jeffrey Schwegman :
Application No. 11/115,056 :
Filed: April 26, 2005 :
Attorney Docket No. SCJJ-2 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 28, 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 January 25, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 26, 2007.

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

This matter is being referred to Technology Center AU 2859 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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MAY 20 2010

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SUITE 3000
BANK ONE TOWER
111 MONUMENT CIRCLE
INDIANAPOLIS IN 46204

In re Application of	:	
Martin Friedrich et al	:	
Application No. 11/115,069	:	DECISION ON PETITION
Filed: April 25, 2005	:	
Attorney Docket No. 1890-0236	:	

This is a decision on the petition, filed March 15, 2010, under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

The petition under 37 CFR 1.181(a) is **GRANTED**.

The application was held abandoned for failure to timely reply to the nonfinal rejection mailed October 23, 2007.

The petition states that a reply was timely submitted on January 23, 2008. To support this assertion, the petitioner has submitted a copy of the response received January 28, 2008, (Certificate of Mailing Date January 23, 2008). A copy of the postcard receipt stamp date of January 28, 2008 by the USPTO was also received.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

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

This application is being referred to Technology Center AU 2618 for appropriate action by the Examiner in the normal course of business on the copy of the reply received March 15, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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FASSE PATENT ATTORNEYS, P.A.
P.O. BOX 726
HAMPDEN, ME 04444-0726

Mail Date: 04/21/2010

Applicant	: Merle Hoehne	: DECISION ON REQUEST FOR
Patent Number	: 7581698	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/115,074	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1098** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Malloy & Malloy, P.A.
2800 S.W. Third Avenue
Historic Coral Way
Miami, FL 33129

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OFFICE OF PETITIONS

In re Application of	:	
Richard H. McFarlane	:	
Application No. 11/115,094	:	DECISION ON PETITION
Filed: April 26, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1.884-B.05	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 7, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant, Richard H. McFarlane declaring that he is 65 years of age, or more. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3731 for action on the merits commensurate with this decision.

for
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 1/23/2009
Patent No. : 7,460,696 B2
Inventor(s) : Rowe
Issue Date : December 3, 2008
Title : **MULTISPECTRAL IMAGING BIOMETRICS**
Doc./File No. : **020204-002810US**

Re: Certificate of Correction

Consideration has been given your request for a certificate of correction, for the above-identified patent under the provisions of Rule 1.322 and 1.323.

Respecting the alleged error(s) in your request, the alleged error in item (56) is/are printed a change made and initialed by the examiner to be shown as a Foreign Patent Document instead of a U.S. Patent Document. Therefore no correction is in order here.

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

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (703) 308-9390 x122
Mary F. Diggs, *Supervisor* (703) 308-9390 x125
Decisions & Certificates of Correction Branch

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

ecw

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SAN FRANCISCO CA 94111-3834

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MAY 1 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Rowe et al.	:	
Application No. 11/115,101	:	LETTER REGARDING
Filed: April 25, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No.020204-002820US	:	

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705," filed December 7, 2007. Pursuant to their duty of good faith and candor to the Office, applicants request reconsideration of the determination of patent term adjustment under 35 U.S.C. 154(b) mailed with the Notice of Allowance.

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 forty-two **(142)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 8, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 171 days. Applicants point out that a Request for Continued Examination and Amendment were filed on September 7, 2007, which was 29 days after the end of the three-month period.

Applicants are correct. The request for continued examination (RCE) and amendment were not filed in response to the Office action mailed May 9, 2007 until September 7, 2007. As such, a period of reduction of 29 days should have been entered pursuant to 37 C.F.R. §1.704(b) for applicants taking in excess of three months to file a response in compliance with §1.113(c) to a final Office action.

In view thereof, the initial determination of the patent term adjustment at the time of the mailing of the notice of allowance is one hundred forty-two (142) days (171 - 29).

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 $200 fee submitted is being refunded to Deposit Account No. 20-1430, as authorized.

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 is not consumed by the filing of a request for continued examination).

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 REVISED PALM Screen

Day : Monday
Date: 5/12/2008

PALM INTRANET

Time: 19:07:44

PTA Calculations for Application: 11/115101			
Application Filing Date:	04/25/2005	PTO Delay (PTO):	171
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	142
PTO Delay Adjustment:	-29		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
54	05/12/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		29	
46	11/08/2007	MAIL NOTICE OF ALLOWANCE			
45	11/07/2007	ISSUE REVISION COMPLETED			
44	11/07/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
43	11/07/2007	CASE DOCKETED TO EXAMINER IN GAU			
42	11/07/2007	DOCUMENT VERIFICATION			
41	08/22/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
40	11/07/2007	NOTICE OF ALLOWABILITY			
39	09/07/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
38	09/07/2007	REFERENCE CAPTURE ON IDS			
37	09/07/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
36	09/10/2007	DATE FORWARDED TO EXAMINER			
35	09/07/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
34	09/10/2007	DATE FORWARDED TO EXAMINER			
33	09/07/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
32	09/10/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
31	09/07/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
30	09/07/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
29	09/07/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			

28	05/09/2007	MAIL FINAL REJECTION (PTOL - 326)			
27	05/08/2007	FINAL REJECTION			
26	02/21/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	04/23/2007	CASE DOCKETED TO EXAMINER IN GAU			
24	03/23/2007	DATE FORWARDED TO EXAMINER			
23	03/12/2007	RESPONSE AFTER NON-FINAL ACTION			
22	02/21/2007	REFERENCE CAPTURE ON IDS			
21.7	02/21/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	02/21/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	12/13/2006	MAIL NON-FINAL REJECTION	171		-1
19	12/11/2006	NON-FINAL REJECTION			
18	08/15/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
17	01/17/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
16	08/31/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	07/26/2006	CASE DOCKETED TO EXAMINER IN GAU			
14	01/17/2006	REFERENCE CAPTURE ON IDS			
13.7	01/17/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	01/17/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	08/15/2005	REFERENCE CAPTURE ON IDS			
11.7	08/15/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	08/15/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	07/28/2005	APPLICATION DISPATCHED FROM OIPE			
9	07/28/2005	APPLICATION IS NOW COMPLETE			
8	07/18/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
7	07/18/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	06/02/2005	CLEARED BY L&R (LARS)			
5	06/01/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			

4	06/01/2005	AUTO REFERRED BY PALM PRE EXAM			
3	05/26/2005	CLEARED BY OIPE CSR			
2	05/23/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	04/25/2005	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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MISSION VIEJO CA 92691

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OFFICE OF PETITIONS

In re Reissue Application of
Yuri Khersonsky et al.
Reissue Application No. 11/115,103
Filed: April 25, 2005
Original Patent No. 6,556,461
Issue Date: April 29, 2003
Attorney Docket Number: **0240102R**

ON PETITION

This is a decision on the petition filed March 10, 2008, styled as being filed under 37 CFR 1.47(b), which is properly treated as a petition under 37 CFR 1.183 seeking waiver of 37 CFR §§ 1.67 and 1.175 where it requires that a supplemental declaration be executed by the named inventors.

The petition is **GRANTED**.

On October 10, 2007, a non-Final Office Action was mailed in the instant application noting that the original reissue declaration signed by Khersonsky and Lee was defective, because it failed to identify at least one error pursuant to 35 U.S.C. 251 being relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP. § 1414.

In response, the instant petition and fee, a supplemental reissue declaration, and a two month extension of time were filed. Petitioners are advised that the fee for a petition under 37 CFR 1.183 is set at $400, not $130. The payment of $130 was charged to petitioner's credit card. Petitioner's deposit account no. 50-0731 has been charged in the amount of $270 to make up the difference between that which was paid and that which is due.

Rule 47 only applies where the initial signature of an originally named or to be added, inventor cannot be obtained. As both Khersonsky and Lee executed an original joint reissue declaration and thus "made" this application, 37 CFR 1.47 did not then, and does not now, apply to this application. See MPEP 201.03. Rather, since both Khersonsky and Lee have signed the original reissue declaration, the remedy for a demonstrated inability to obtain their signatures on a required supplemental declaration may lie under 37 CFR 1.183. See MPEP 603.

The petition establishes that neither of the joint inventors' signatures could be obtained for the instant supplemental reissue declaration, notwithstanding a diligent effort to do so, and that both of the inventors refused to execute the supplemental declaration Thus, justice would be served by waiver of the rules.

CONCLUSION

1. The petition under 37 CFR 1.183 is granted to waive the rules.

2. The provisions of 37 CFR §§ 1.67 and 1.175 are hereby waived to the extent that the proffered supplemental reissue declaration signed on behalf of the assignee, and submitted with the present petition, will be accepted as though it was signed by both joint inventors.

3. The application is being forwarded to the Technology Center Art Unit for further handling.

4. Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Kenneth M. Schor

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

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HELLER EHRMAN WHITE & MCAULIFFE LLP
1717 RHODE ISLAND AVE, NW
WASHINGTON, DC 20036-3001

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In re Application of :
Hee Bok Kang et at :
Application No. 11/115,135 : ON PETITION
Filed: April 27, 2005 :
Attorney Docket No. 40296-0181

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 23, 2006, to withdraw the above-identified application from issue after payment of the issue fee. See 1233 *Official Gazette* 54 (April 11, 2000).

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition did not reach the appropriate official for a decision until after the above-identified application issued as U.S. Patent No. 7,126,185. Any inconvenience caused petitioners is regretted.

The information disclosure statement (IDS) has been placed in the file of the above-identified application without further consideration. See 37 CFR 1.97(i).

The Request for Continued Examination (RCE) deposited on October 23, 2006, is considered an improper submission under 37 CFR 1.114 and will not be further processed. The RCE filing fee of $790 is being refunded to counsel's deposit account.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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TROXELL LAW OFFICE PLLC
5205 LEESBURG PIKE/SUITE 1404
FALLS CHURCH VA 22041

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In re Application of	:	
Tsai	:	
Application No. 11/115,148	:	DECISION
Filed: 27 April, 2005	:	
Attorney Docket No. FP10860//BHT/3275-33	:	

This is a decision on the petition filed on 18 April, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application

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

As to the Request to Withdraw
the Holding of Abandonment

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

- (as to non-receipt) requires at the very minimum: a statement from practitioner stating that the Office action was not received by the practitioner; a statement from the practitioner attesting to the fact that a search of the file jacket and docket records for the application indicates that the Office action was not received with a copy of those docket records; and a brief statement of the calendaring process and a copy of the due-date (calendar) docket record(s) where the nonreceived Office action would have been scheduled for reply had it been received must be attached to and referenced in the practitioner's statement; alternatively,

- (for a showing of timely and proper reply) requires a statement from practitioner stating that the reply was timely submitted by the practitioner; and copies of all papers submitted as and/or in support of that reply, with/and a copy of the date-stamped receipt card, Office FAX receipt acknowledgement (not simply Petitioner's FAX transmittal); or EFS receipt acknowledgment from the Office, along with practitioner's attestation as to the correctness/completeness of his/her records.

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

BACKGROUND

The record reflects as follows:

Petitioner failed to reply to the final Office action (copy enclosed) mailed on 26 July, 2007, with reply due absent extension of time on or before 26 October, 2007.

The application went abandoned by operation of law after midnight 26 October, 2007.

The Office mailed the Notice of Abandonment on 31 March, 2008.

On 18 April, 2008, Petitioner filed the instant petition averring, inter alia, that the papers in question (Office action and Notice of Abandonment) had had not been received by Petitioner because the Office mailed the papers to the incorrect address (to wit that of former Counsel after a Revocation/Power of Attorney had been submitted) and in support of the averment, Petitioner provided a date-stamped ("JUN 01 2007") copy of the receipt card evidencing Office receipt of the Revocation/Power of Attorney, copies of the mail-dated cover sheets of the Office action and Notice of Abandonment in question evidencing transmittal to the wrong address, and a copy of Petitioner's due-date calendar evidencing no reply due

The Revocation/Power of Attorney hereby is acknowledged and entered.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

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).

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[2] (See, also, the commentary at MPEP §711.03(c)(I)(A) and (B).) And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears to have satisfied the showing required.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.181 is **granted** and the 31 March, 2008, Notice of Abandonment is **vacated**.

The instant application is released to Technology Center/AU 3683 for further processing in due course—to include the re-mailing (now to the correct/current address) of the final Office action (originally mailed on 26 July, 2007), with a restarting of the period for reply.

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) 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] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/115,148	04/27/2005	Szu-Fang Tsai	FP10860	2063

52981 7590 07/26/2007
LEONG C LEI
PMB # 1008
1867 YGNACIO VALLEY ROAD
WALNUT CREEK, CA 94598

NOW A NEW ADDRESS

EXAMINER
SY, MARIANO ONG

ART UNIT	PAPER NUMBER
3683	

MAIL DATE	DELIVERY MODE
07/26/2007	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)
	11/115,148	TSAI, SZU-FANG
	Examiner	Art Unit
	Mariano Sy	3683

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 2-7 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 2-7 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on June 1, 2007 has been received.

2. Claims 4 and 7 are objected to because of the following informalities:

Claim 4, line 2 "the spring biasing" should be --the spring--,

Claium 7, line 3 "that" should be --than--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's Prior Art Fig. 1 disclosed a bicycle handbrake operating device for a bicycle comprising: a positioning seat 11 and an operating lever 12, a cabling screw 13, a brake cable threaded through the cabling screw and connected to an end of the operating lever, two metal bearings 15 located between the operating lever, a locking screw 14; a spring 16 biasing the operating lever; the locking screw extending through the spring.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art Fig. 1 in view of Burgoyne et al. (US 5,636,518) and in view of Ingels (US 1,375,003).

Applicant's Prior Art Fig. 1 failed to disclose wherein each of the two bearings includes a tubular bearing seat, a ring cover, and a plurality of steel balls located between the tubular bearing seat and ring cover.

Burgoyne et al. teaches the use bearings 28 positioned above and beneath the pivoting hole of operating lever 23, as shown in fig. 3.

Ingels teaches the use of bearing containing a ring cover 15, a tubular bearing seat 18, and a plurality of steel balls 21.

It would have been obvious to one of ordinary skill in the art to use the old and well known bearing containing a ring cover, a tubular bearing seat, and a plurality of steel balls 21 into the handbrake operating device of Applicant's Prior Art Fig. 1, in view of the teachings of Burgoyne et al. and Ingels, in order to minimize friction and ease of movement of the operating lever.

7. Applicant's arguments filed June 1, 2007 have been fully considered but they are not persuasive.

Examiner maintains the rejection is proper. Burgoyne et al. (US 5,636,518) and Ingels (US 1,375,003) are mainly used for old and well known teaching of the use of bearings instead of washers on pivoting or rotating joint in order to minimize friction.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 571-272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Sy

July 11, 2007

DEVON C. KRAMER
PATENT EXAMINER

7/22/07

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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

Mail Date: 05/10/2010

Applicant	: Ruey-Yau Tzong	: DECISION ON REQUEST FOR
Patent Number	: 7616266	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/115,168	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **513** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 20007

COPY MAILED
JUN 05 2006
OFFICE OF PETITIONS

In re Application of	:	
Wensley et al.	:	DECISION ON PETITION
Application No. 11/115,193	:	TO WITHDRAW
Filed: April 27, 2005	:	FROM RECORD
Attorney Docket No. 040699-0149	:	

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 13, 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 Steven Rutt on behalf of all attorneys of record who are associated with Customer Number 22428.

All attorneys/agents associated with Customer Number 22428 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named inventor; or (2) the assignee of the entire interest. All future communications from the Office will continue to be directed to the first named inventor at the first below-listed address until otherwise properly notified by the 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:

C. GLEN WENSLEY
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09 JUN 2006

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In re Application of VALK Application No.: 11/115,233 Filing Date: 27 April 2005 Attorney's Docket No.: None For: METHOD AND SYSTEM IN COMMUNICATION DEVICES FOR PRE SELECTED PARTNER SEARCH	DECISION ON PETITION 37 CFR 1. 182

This is a decision in response to applicant's communication filed in the United States Patent and Trademark Office (USPTO) on 05 January 2006 and treated as a petition to convert an application filed under 35 U.S.C. 111(a) to an application filed under 35 U.S.C. 371(c).

BACKGROUND

On 03 November 2003, applicant filed international application PCT/NL03/00759.

On 27 April 2005, applicant filed a "Utility Patent Application Transmittal" letter (PTO/SB/05) filing the international application in United States as a utility application under 37 CFR 1.53(b). The transmittal letter was accompanied by, *inter alia*, the utility filing fee of $150 and a declaration executed by the inventor. The transmittal letter did not expressly request commencement of the national procedures under 35 U.S.C. 371(f).

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). *See* MPEP 1893.03(a). The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.
>
> * * *
>
> To clearly indicate an international application is being filed under 35 U.S.C. 371 the applicant should use the "Transmittal Letter for United States Designated Office" (Form PTO-1390) as the transmittal letter.
>
> Alternatively, one of the following indications may be used:
>
> 1) the applicant shall clearly state in the transmittal or cover letter that he or she is

filing under 35 U.S.C. 371 or entering the national stage under PCT; or

2) the applicant clearly identifies in the oath or declaration the specification to which it is directed by referring to a particular international application by PCT Serial Number and International Filing Date and that he or she is executing the declaration as, and seeking a U.S. Patent as, the inventor of the described in the identified international application.

Applicants are cautioned that the identification of the international application, in the oath or declaration or otherwise, as a prior filed application for priority purposes is not considered to be an indication of an intention to file under 35 U.S.C. 371.

If there are any conflicting instructions as to which section of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111.

A review of the application file reveals that applicant did not use Form PTO-1390 as a transmittal letter or clearly state in the transmittal letter that they were filing under 35 U.S.C. 371 or entering the national stage under PCT. In fact, the transmittal letter filed on 27 April 2005 did not identify the application as a national stage application being filed under 35 U.S.C. 371 but was entitled "Utility Patent Application Transmittal (Only for new nonprovisional applications under 37 CFR 1.53(b))".

Since applicant's transmittal letter did not request treatment under 35 U.S.C. 371 but referenced 37 CFR 1.53(b), the application was properly treated as an application under 35 U.S.C. 111(a) (37 CFR 1.495(g)). The transmittal letter authorized applicant's credit card to be charged in the amount of $150, the small entity filing fee for a utility application under 35 U.S.C. 111(a).

Applicant's reference to 37 CFR 1.53(b) in the transmittal letter is inconsistent with and would have contradicted any desire expressed in any papers filed to enter the national stage of the PCT under 35 U.S.C. 371. Application papers submitted under 37 CFR 1.53(b) are considered filed under 35 U.S.C. 111. Accordingly, the original papers deposited on 27 April 2005 were properly accepted as a filing under 35 U.S.C. 111(a). Since the application is deemed to have been filed under 35 U.S.C. 111(a), international application PCT/NL03/00759 is abandoned with respect to the United States.

Applicant paid $150 the basic utility application fee. Applicant did not indicate that they wished to pay the basic national filing fee and did not pay the full national basic fee. Therefore, the international application became abandoned as to the United States for failure to pay the basic national fee by midnight on 05 May 2005 (35 U.S.C. 371(d) and 37 CFR 1.495(h)). Applicant paid the filing fee for a filing under 35 U.S.C. 111(a). Accordingly, applicant's request to convert to 35 U.S.C. 371 filing status cannot be granted because if the application was filed under 35 U.S.C. 371, the application would be abandoned for failure to pay the basic national fee prior to 05 May 2005, the expiration of thirty months from the priority date.

Applicants are advised to consider the requirements under 37 CFR 1.78 and 1.55 for claiming benefit of the prior filed international and provisional applications, should the benefit of such applications be desired. *See also* MPEP §1896. Applicant may wish to file a petition in this regard.

Accordingly, applicant's request to identify the application as a 35 U.S.C. 371 filing is dismissed without prejudice.

CONCLUSION

Applicant's submission on 07 April 2005 was properly treated as an application filed under 35 U.S.C. 111(a), with a filing date of 27 April 2005. Applicant's petition to identify the application as a filing under 35 U.S.C. 371 is **DISMISSED without prejudice**.

This application is being returned to Art Unit 2618 for examination in due course.

Cynthia M. Kratz
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27 FEB 2007

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In re Application of VALK Application No.: 11/115,233 Filing Date: 27 April 2005 Attorney's Docket No.: None For: METHOD AND SYSTEM IN COMMUNICATION DEVICES FOR PRE SELECTED PARTNER SEARCH	DECISION ON RECONSIDERATION OF PETITION 37 CFR 1. 182

This is a decision in response to applicant's communication entitled "Request for Reconsideration on Decision of Petition" filed in the United States Patent and Trademark Office (USPTO) on 26 July 2006 and refiled on 25 January 2007 to convert an application filed under 35 U.S.C. 111(a) to an application filed under 35 U.S.C. 371(c).

BACKGROUND

On 03 November 2003, applicant filed international application PCT/NL03/00759.

On 27 April 2005, applicant filed a "Utility Patent Application Transmittal" letter (PTO/SB/05) filing the international application in United States as a utility application under 37 CFR 1.53(b). The transmittal letter was accompanied by, *inter alia*, the utility filing fee of $150 and a declaration executed by the inventor. The transmittal letter did not expressly request commencement of the national procedures under 35 U.S.C. 371(f).

On 22 June 2006, a decision dismissing the petition, with an explanation of USPTO's policy on "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" in the Official Gazette at 1077 OG 13 and MPEP 1893.03(a).

On 26 June 2006, applicant filed a request for reconsideration of the decision on petition to convert the application filed under 35 U.S.C. 111(a) to an application filed under 35 U.S.C. 371(c).

DISCUSSION

Applicant contends that he unintentionally and erroneously used the "Utility Patent Application Transmittal (Only for new nonprovisional applications under 37 CFR 1.53(b))" (PTO/SB/05) rather than the Form PTO-1390, which requests entry into the U.S. national stage Applicant further contends that his references to the PCT international application were indicative of his intention to file under 35 U.S.C. 371.

However, in filing his application on 27 April 2005, applicant did not use Form PTO-1390 as a transmittal letter or clearly state that he was filing under 35 U.S.C. 371 or entering the national stage under PCT. In fact, the transmittal letter filed on 27 April 2005 did not identify the application as a national stage application being filed under 35 U.S.C. 371 but was entitled "Utility Patent Application Transmittal (Only for new nonprovisional applications under 37 CFR

1.53(b))" (PTO/SB/05). Use of this transmittal letter was an indication that the originally filed papers should be treated under 35 U.S.C. 111(a).

Furthermore, applicant's transmittal letter referenced 37 CFR 1.53(b), which was inconsistent with and contradicted any desire to enter the national stage of the PCT under 35 U.S.C. 371. The transmittal letter authorized applicant's credit card to be charged the small entity filing fee for a utility application under 35 U.S.C. 111(a).

Applicant also contends that the identification of the international application in the declaration accompanying the filing was an indication of his intention to enter into the U.S. national stage. The identification of the international application, in the oath or declaration or otherwise, as a prior filed application for priority purposes is not considered to be an indication of an intention to file under 35 U.S.C. 371. Where there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a). See MPEP 1893.03(a). Accordingly, the original papers deposited on 27 April 2005 were properly accepted as a filing under 35 U.S.C. 111(a). Since the application is deemed to have been filed under 35 U.S.C. 111(a), international application PCT/NL03/00759 is abandoned with respect to the United States. [1]

In order to claim benefit of the international application and foreign priority application, applicant is advised to consider filing a petition under 37 CFR §§1.78. *See* MPEP §1896. Because application was filed on or after November 29, 2000 and the period specified in 37 CFR 1.78(a)(2)(ii) and 1.55 has expired, applicant may wish to file petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3).

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) or $1370; 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.

With regard to Item (1) above, 37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. PCT/NL03/00759 filed November 3, 2003." To comply with 37 CFR 1.78(a)(2)(i) the proper relationship, which includes the type of application (that is, continuation, divisional or continuation-in-part), must be stated.

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[1] Applicant did not pay the full national basic fee and therefore, the international application became abandoned as to the United States for failure to pay the basic national fee by midnight on 05 May 2005 (35 U.S.C. 371(d) and 37 CFR 1.495(h)).

With respect to Item (2), the petition fee is $1370. There is no small entity fee for such petition.

With regard to Item (3), Petitioner must make the statement: "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."

CONCLUSION

Applicant's request for reconsideration submitted on 26 July 2006 is **DISMISSED without prejudice**. The application papers filed on 27 April 2005 were properly treated as an application filed under 35 U.S.C. 111(a), with a filing date of 27 April 2005.

This application is being returned to Art Unit 2618 for examination in due course.

Cynthia M. Kratz

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Enclosure: MPEP §1895.01

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27 AUG 2007

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In re Application of VALK Application No.: 11/115,233 Filing Date: 27 April 2005 Attorney's Docket No.: None For: METHOD AND SYSTEM IN COMMUNICATION DEVICES FOR PRE SELECTED PARTNER SEARCH	DECISION ON RECONSIDERATION OF PETITION 37 CFR 1. 182

This is a decision in response to applicant's communication entitled "Letter for Clarification on Decision of Petition" filed in the United States Patent and Trademark Office (USPTO) on 10 April 2007. Applicant wishes to claim priority to the international application based upon his filing under 35 U.S.C. 111(a).

BACKGROUND

On 03 November 2003, applicant filed international application PCT/NL03/00759.

On 27 April 2005, applicant filed a "Utility Patent Application Transmittal" letter (PTO/SB/05) filing the international application in United States as a utility application under 37 CFR 1.53(b). The transmittal letter was accompanied by, *inter alia*, the utility filing fee of $150 and a declaration executed by the inventor. The transmittal letter did not expressly request commencement of the national procedures under 35 U.S.C. 371(f).

On 1 May 2006, applicant filed a petition requesting that the 27 April 2005 filing be processed as an application filed under 35 U.S.C. 371.

On 09 June 2006, a decision dismissing the petition, with an explanation of USPTO's policy on "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" in the Official Gazette at 1077 OG 13 and MPEP 1893.03(a).

On 26 July 2006, applicant filed a request for reconsideration of the decision on petition to convert the application filed under 35 U.S.C. 111(a) to an application filed under 35 U.S.C. 371(c). Applicant refiled this request on 25 January 2007.

On 27 February 2007, a decision dismissing the request was mailed, with the recommendation that applicant file a petition under 37 CFR §1.78 to claim benefit of the international application and foreign priority application.

On 10 April and 16 April 2007, applicant filed a "Letter for Clarification on Decision of Petition".

DISCUSSION

Applicant contends that he "properly and clearly claim[ed] priority date and further

benefits from prior applications in the application data sheet under 37 CFR 1.76." However, a review of Page 4 of the Application Data Sheet lists the foreign priority applications; it does not indicate that the international application is a national stage application under 35 U.S.C. 371. The Application Data Sheet does not meet the specific requirements of 37 CFR §1.76 and in particular, 37 CFR § 1.76(b)(5) for Domestic Priority Information. [1]

Applicant utilized the "Utility Patent Application Transmittal (Only for new nonprovisional applications under 37 CFR 1.53(b))" (PTO/SB/05), which serves as an indication that the originally filed papers should be treated under 35 U.S.C. 111(a). Applicant did not submit the Form PTO-1390, which requests entry into the U.S. national stage. Applicant did not clearly state that he was filing under 35 U.S.C. 371 or entering the national stage under PCT.

Furthermore, applicant's transmittal letter referenced 37 CFR 1.53(b), which was inconsistent with, and contradicted any desire to enter the national stage of the PCT under 35 U.S.C. 371. In addition, the transmittal letter authorized applicant's credit card to be charged the small entity filing fee for a utility application under 35 U.S.C. 111(a).

Applicant is advised that no loss of rights will result from claiming benefit of the international application and foreign priority application by filing a petition under 37 CFR §1.78. *See* MPEP §1896. Because application was filed on or after November 29, 2000 and the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.55 has expired, applicant may wish to file petition for acceptance of a claim for late priority under 37 CFR § 1.78(a)(3).

As previously stated in the decision dated 27 February 2007, 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) or $1370; 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.

With regard to Item (1) above, 37 CFR § 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. PCT/NL03/00759 filed November 3, 2003." To comply with 37 CFR § 1.78(a)(2)(i) the proper relationship, which includes the type of application (that is, continuation, divisional or continuation-in-part), must be stated.

With respect to Item (2), the petition fee is $1370. There is no small entity fee for such petition.

With regard to Item (3), Petitioner must make the statement: "the entire delay between the

---

[1] This information includes the application number, the filing date, the status (including patent number if available), and *relationship of each application for which a benefit is claimed* under 35 U.S.C. 119(e) or 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and §1.78(a)(2) or §1.78(a)(5), and need not otherwise be made part of the specification.

date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional."

CONCLUSION

Applicant's request for reconsideration submitted on 10 April 2007 is **DENIED**.

This decision may be viewed as a final agency decision. See MPEP 1002.02.

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 returned to Art Unit 2618 for examination in due course.

Charles Pearson
Director
Office of PCT Legal Administration

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CP/cmk

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Hyun-Suk Kim et al :
Application No. 11/115,234 : DECISION ON PETITION
Filed: April 27, 2005 :
Attorney Docket No. Q82105 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed October 23, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2629 for appropriate action by the Examiner in the normal course of business on the reply received July 21, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WENDEROTH LIND & PONACK
2033 K STREET N.W.
SUITE 800
WASHINGTON, DC 20006-1021

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NOV 0 7 2005
OFFICE OF PETITIONS

In re Application of	:	
Masahiko Sano et al	:	
Application No. 11/115,247	:	ON PETITION
Filed: April 27, 2005	:	
Attorney Docket No. 2005_0737	:	

This is a decision on the petition under 37 CFR 1.313(c), filed November 3, 2005, which is being treated under 37 CFR 1.313(c)(2), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 3, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2822 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Wan Laymon
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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Shapiro Cohen
P.O. Box 13002
Kanata, ON K2K 0E2 CA **CANADA**

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OFFICE OF PETITIONS

In re Application of	:	
Allen Pratt	:	
Application No. 11/115,274	:	ON PETITION
Filed: April 27, 2005	:	
Attorney Docket No. 1004P73US02	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on June 4, 2008, to revive the above-identified application.

The application became abandoned for failure to respond to the Notice of Allowance and Fee(s) Due mailed January 15, 2008. A Notice of Abandonment was mailed on May 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 $1,440 for payment of the issue 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 $300 for payment of the publication fee received on March 28, 2008.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

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OFFICE OF PETITIONS

In re Application of
Connie Chunling Liu, et al.
Application No. 11/115,331
Filed: April 27, 2005
Attorney Docket No. 146712011800

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 30, 2007.

The request is **APPROVED**.

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

The request was signed by Peter J. Davis on behalf of all attorneys of record who are associated with customer No. 25227.

All attorneys/agents associated with the Customer Number 25227 have been withdrawn.

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

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

There is an outstanding Office action mailed 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: SEAGATE TECHNOLOGY, LLC
PO BOX 66360
SCOTTS VALLEY, CA 95607-0360

cc: RAJ S. DAVE', PHD
DARBY & DARBY, PC
1500 K STREET, NW
SUITE 250
WASHINGTON, DC 20005-1714

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/115,331	04/27/2005	Connie Chunling Liu	146712011800

CONFIRMATION NO. 3037

OC000000025456401

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 08/20/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/30/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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HELLER EHRMAN WHITE & MCAULIFFE LLP
1717 RHODE ISLAND AVENUE NW
WASHINGTON, DC 20036

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of	:	
YANG, Chi-Cheng et al.	:	
Application No. 11/115,350	:	DECISION ON PETITION
Filed: April 27, 2005	:	TO WITHDRAW
Attorney Docket No. **39222-0006**	:	FROM RECORD
	:	

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 16, 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 White & Mcauliffe LLP has been revoked by the assignee of the patent application on December 02, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **WINSTEAD PC**
P.O. BOX 50784
DALLAS, TX 75201

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

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JUN 29 2009

OFFICE OF PETITIONS

In re Application of :
Tsuyoshi MORIYA, et al. :
Application No. 11/115,358 : DECISION GRANTING PETITION
Filed: April 27, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **256972US26** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 26, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 26, 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 1792 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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07-22-08

TO SPE OF : ART UNIT 288/6

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/115384** Patent No.: **7292321**

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

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

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

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 123

Thank You For Your Assistance

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

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

Comments: _____

SPE

2886
Art Unit

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OFFICE OF PETITIONS

In re Application of	:	
KRONKE, et al.	:	
Application No. 11/115,385	:	DECISION ON PETITION
Filed: May 24, 2005	:	TO WITHDRAW
Attorney Docket No. **543822015100**	:	FROM RECORD

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. 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: **MATTHIAS KRONKE**
NORDSTRASSE 8
DRESDEN, GERMANY 01199

cc: **GERO G. MCCLELLAN**
PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

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OFFICE OF PETITIONS

In re Application of	:	
Thomas Bucksch	:	
Application No. 11/115,390	:	DECISION ON PETITION
Filed: April 27, 2005	:	TO WITHDRAW
Attorney Docket No. 543822014200	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed May 2, 2007.

The request is **APPROVED**.

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

The request was signed by Deborah Gladstein on behalf of all attorneys of record who are associated with customer No. 25227.

All attorneys/agents associated with the Customer Number 25227 have been withdrawn.

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

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: THORSTEN BUCKSCH
GERHARDSTR. 29
MUNCHEN, 81543
GERMANY

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

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/115,390	04/27/2005	Thorsten Bucksch	543822014200

CONFIRMATION NO. 1008

OC000000025781425

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 09/12/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/02/2007.

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

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

In re Application of	:	
Stephan Kudelka, et al.	:	
Application No. 11/115,391	:	DECISION ON PETITION
Filed: April 27, 2005	:	TO WITHDRAW
Attorney Docket No. 543822014400	:	FROM RECORD
	:	

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

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on July 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: ESCHWEILER & ASSOCIATES, LLC
NATIONAL CITY BANK BUILDING
629 EUCLID AVENUE
SUITE 1000
CLEVELAND, OH 44114

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Yasuo Matsumiya	: DECISION ON REQUEST FOR
Patent Number	: 7592623	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/115,411	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **196** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

Mail Date: 04/20/2010

Applicant	: Bernd Wolfing	: DECISION ON REQUEST FOR
Patent Number	: 7611648	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/115,415	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: 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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MARSH, FISCHMANN & BREYFOGLE LLP
8055 East Tufts Avenue
Suite 450
Denver, CO 80237

Mail Date: 04/21/2010

Applicant	: Bernd Waldmann	: DECISION ON REQUEST FOR
Patent Number	: 7582052	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/115,436	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1079** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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ROBERT K. TENDLER
65 ATLANTIC AVENUE
BOSTON MA 02110

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OCT 16 2008

OFFICE OF PETITIONS

In re Application of	:	
Daniel A. Henderson	:	
Application No. 11/115,445	:	DECISION ON PETITION
Filed: April 27, 2005	:	
Attorney Docket No.3052/132	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 9, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed October 25, 2007, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management to be processed into a patent.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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Paper No. None

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

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OFFICE OF PETITIONS

In re Application of :
Hugh F. Smisson III, Richard G. Cartledge, John M. Iaconis, Jeffrey W. Jerrell, John M. Christensen, Michael L. Koltz, Frederick J. York, and Bradford J. Rainer :
Application No. 11/115,452 :
Filed: April 27, 2005 :
Attorney Docket No. 17311-0029 :
Title: FLUID HEAT EXCHANGER AND AIRTRAP :

DECISION ON PETITION UNDER 37 C.F.R. §1.47(a)

This is a decision on the petition filed November 21, 2005, under 37 C.F.R. § 1.47(a)[1].

The Office regrets the period of delay in issuing this decision.

On April 27, 2005, the application was deposited, identifying Hugh F. Smisson III, Richard G. Cartledge, John M. Iaconis, Jeffrey W. Jerrell, John M. Christensen, Michael L. Koltz,

[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.

Frederick J. York, and Bradford J. Rainer as joint inventors. On May 19, 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.

This application is a continuation of 11/082,260, 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. Christensen. Petitioner has submitted the petition fee, the surcharge associated with the late submission of an oath or declaration, and a copy of the declaration which is associated with the parental application.

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 failed to provide a copy of the decision which granted the petition associated with the parent application. As such, Petitioner has not complied with 37 C.F.R. §1.63(d)(3).

Therefore, the petition under 37 C.F.R. §1.47(a) must be **DISMISSED.**

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.47(a)", and should include a copy of the decision which granted the petition which was filed in the parent applicaiton. 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[2], hand-delivery[3], or facsimile[4].

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

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

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.

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

Paper No. None

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

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SEP 22 2006
OFFICE OF PETITIONS

In re Application of :
Hugh F. Smisson III, Richard G. Cartledge, John M. Iaconis, Jeffrey W. Jerrell, John M. Christensen, Michael L. Koltz, Frederick J. York, and Bradford J. Rainer :
Application No. 11/115,452 :
Filed: April 27, 2005 :
Attorney Docket No. 17311-0029 :
Title: FLUID HEAT EXCHANGER AND AIRTRAP :

DECISION NOTING JOINDER AND DISMISSING RENEWED PETITION UNDER 37 C.F.R. §1.47(A) AS MOOT

This is a decision on the renewed petition filed August 9, 2006, under 37 C.F.R. § 1.47(a)[1].

On April 27, 2005, the application was deposited, identifying Hugh F. Smisson III, Richard G. Cartledge, John M. Iaconis, Jeffrey W. Jerrell, John M. Christensen, Michael L. Koltz, Frederick J. York, and Bradford J. Rainer as joint inventors. On May 19, 2005, applicant was mailed a "Notice to File Missing

[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.

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.

It is noted that this application is a continuation of 11/082,260.

A petition under 37 C.F.R. §1.47(a) was submitted on November 21, 2005, and was dismissed via the mailing of a decision on June 8, 2006.

With this renewed petition, Petitioner has indicated that on February 21, 2006, an executed declaration from the previously non-signing joint inventor was submitted to the Office.

As such, the renewed petition under 37 C.F.R. §1.47(a) is **DISMISSED AS MOOT.**

In view of the joinder of the joint inventor, further consideration under 37 CFR §1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status. This application need not be returned to this Office for further consideration under 37 CFR §1.47(a).

The Technology Center will be notified of this decision.

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

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

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

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: August W. Rihaczek	: DECISION ON REQUEST FOR
Patent Number	: 7626536	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/115,487	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/26/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **233** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: Michael K. Bugenhagen	: DECISION ON REQUEST FOR
Patent Number	: 7599399	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/115,490	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: 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.

3-25-8

Doc Code: PET.AUTO
Doc Description: Petition Automatically granted by EFS

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

OIPE IAP22 MAR 24 2008 PATENT & TRADEMARK OFFICE

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

Application Information

Application Number	11/115,512	Confirmation Number	2271	Filing Date	2005-04-27
Attorney Docket Number (optional)	MOI 262	Art Unit	~~TBD~~ 1764	Examiner	TBD
First Named Inventor	William C. Pfefferle				
Title of Invention	Isobutane Alkylation				

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
William	C.	Pfefferle	Jr.

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		Date (YYYY-MM-DD)	2008-03-24
Name	Robert L. Rispoli	Registration Number	43,884

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

Mail Date: 05/03/2010

Applicant	: Rajesh Bhandari	: DECISION ON REQUEST FOR
Patent Number	: 7609649	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/115,518	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/26/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1179** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/29/09

TO SPE OF : ART UNIT 2879

SUBJECT : Request for Certificate of Correction for Appl. No.: 11115526 Patent No.: 7443099 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: _____

/NIMESHKUMAR D. PATEL 2879

SPE **Art Unit**

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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ROCKWELL AUTOMATION, INC./(QB)
ATTENTION: SUSAN M. DONAHUE, E-7F19
1201 SOUTH SECOND STREET
MILWAUKEE, WI 53204

Mail Date: 04/20/2010

Applicant	: Sivaram Balasubramanian	: DECISION ON REQUEST FOR
Patent Number	: 7649912	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/115,536	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1141** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Harris Zimmerman
Law Offices of Harris Zimmerman
Suite 710
1330 Broadway
Oakland, CA 94612

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AUG 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Hariton et al.	:	DECISION DISMISSING
Application No. 11/115,550	:	PETITION
Filed: April 26, 2005	:	
Attorney Docket No. 4414	:	

This is a decision on the "PETITION UNDER 37 CFR 1.53(E)(MPEP 601.01(g)" filed August 5, 2005. Petitioner requests a filing date of April 26, 2005, with figures 9-14 considered part of the original application disclosure.

Application papers in the above-identified application were filed on April 26, 2005. However, on June 6, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Corrected Application Papers," notifying applicants that the application papers had been accorded a filing date; however, figures 9-14 described in the specification appeared to have been omitted from the application. In addition, the Notice required the filing of replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d).

In reply, petitioner timely filed the instant petition. Applicants maintain that all the drawing figures described in the specification were filed in the initial utility application filing. In support thereof, petitioner relies on circumstantial evidence -- the contents of counsel's file copy of the application. Petitioner asserts that all figures, including figures 9-14, are included in counsel's file copy and counsel's

office procedures dictate that the file copy is an exact copy of the application-as-mailed. Further, petitioner notes that the application transmittal that accompanied the application on April 26, 2005 indicates the inclusion of 38 pages of specification and 25 sheets of drawings (a full complement of drawing sheets). However, petitioner does not provide a copy of their date-stamped postcard (or a copy of the drawing sheets containing figures 9-14 as petitioner maintains they were filed on April 26, 2005). Further, petitioner acknowledges that (even if submitted) their postcard does not indicate the number of drawing sheets being filed.

Petitioner's arguments and evidence have been considered, but not found persuasive that figures 9-14 were among the papers deposited on April 26, 2005.

Papers not present in the USPTO on the date of deposit will not be considered a part of the original application disclosure. The application file is the Official record of what was received in the Office in an application. A review of the instant application file reveals that figures 9-14 were not present among the papers filed on April 26, 2005, as they are not present in the application file.

Petitioner's evidence does not overcome this conclusion. Both counsel's file copy and the application transmittal show what was intended to be filed in this application on April 26, 2005. An application transmittal does not serve as evidence of the items being filed in an application, as the Office does not review the transmittal to verify the papers received. For such a purpose, applicants are advised that an itemized postcard properly identifying the items being filed should be submitted with the application. See MPEP 503. Petitioner acknowledges that the well-established postcard procedure was not followed in this instance.

Accordingly, the petition is **DISMISSED**.

The application is being returned to the OIPE for completion of pre-examination processing, with the presently accorded filing date of April 26, 2005, using the papers received in the Office on that date; and for processing of the replacement drawings filed August 5, 2005 (**without** entering replacement drawing figures 9-14).

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
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WITHROW & TERRANOVA, P.L.L.C.
P.O. BOX 1287
CARY NC 27512

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OCT 0 5 2006
OFFICE OF PETITIONS

In re Application of	:	
Alfredo C. Issa	:	DECISION ON PETITION
Application No. 11/115,573	:	
Filed: 26 April, 2005	:	
Atty Docket No. 1104-049	:	

This is a decision on the petition, filed on 14 July, 2006, under 37 CFR 1.137(f) which is treated as a petition to revive the above-identified nonprovisional application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on 3 March, 2006. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

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

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The present petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded.

It is noted that petitioner filed a Request to Rescind the Nonpublication Request concurrently with the present petition. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, showing the projected publication date of 26 October, 2006, was mailed on 20 July, 2006.

The application is being referred to Technology Center Art Unit 2629 for examination in due course.

Any inquiries concerning this decision may be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/12/09

TO SPE OF : ART UNIT 3643 (3600)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/115,582 Patent No.: 7,513,076

Attn: Kurt Rowan

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)
South Tower - 9A22
Palm Location 7580

Ernest C. White, LIE
Certificates of Correction Branch
703-308-9390 ext.122

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: _____

3643

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KENNETH F. PEARCE
631 DENMARK DRIVE
DANVILLE KY 40422-2419

COPY MAILED

FEB 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert POLLACK, et al	:	
Application No. 11/115,587	:	DECISION ON PETITION
Filed: April 27, 2005	:	TO WITHDRAW
Attorney Docket No. 2005KP402PA	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 28, 2008.

The request is **APPROVED**.

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

The request was signed by Kenneth F. Pearce on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ROBERT POLLACK
3001 WEST TENTH STREET,
SUITE 310
PANAMA CITY, FL 32401

cc : MR. FRANK L. AMODEO
1311 HOFFNER AVE.
ORLANDO, FL 32805

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United States Patent and Trademark Office
P.O. Box 1450
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ELECTRIC POWER RESEARCH INSTIUTE
C/O KILPATRICK STOCKTON LLP
1001 WEST FOURTH STREET
WINSTON – SALEM, NC 27101

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JAN 1 1 2008

OFFICE OF PETITIONS

In re Application of :
Charles Stuart Daw et al :
Application No. 11/115,625 : ON PETITION
Filed: April 26, 2005 :
Attorney Docket No. 58113-345781

This is a decision on the petition, filed January 9, 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 January 8, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2863 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FISH & RICHARDSON, PC
225 FRANKLIN STREET
BOSTON, MA 02110

COPY MAILED

MAY 1 2 2008

OFFICE OF PETITIONS

In re Application of

WOODS, et al.
Application No. 11/115,644
Filed: April 26, 2005
Attorney Docket No. **05-00671(01)**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed 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: **MICHAEL J. BOLAN**
VISTA IP LAW GROUP LLP
2020 MAIN STREET, 9TH FLOOR
IRVINE, CA 92614

UNITED STATES PATENT AND TRADEMARK OFFICE

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FISH & RICHARDSON
225 FRANKLIN STREET
BOSTON, MA 02110

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SEP 16 2008

In re Application of	:	
WOODS, et al.	:	
Application No. 11/115,644	:	DECISION ON PETITION TO
Filed: April 26, 2005	:	WITHDRAW FROM RECORD
Attorney Docket No. 05-00671(01)	:	

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed June 6, 2008.

The request is **APPROVED.**

A review of the file record indicates that Bryant R. Gold and Laura H. Bishop: (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, Bryant R. Gold and Laura H. Bishop have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

All future communications from the Office will continue to be directed to the below-listed 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: VISTA IP LAW GROUP, LLP
2040 MAIN STREET, 9TH FLOOR
IRVINE, CA 92614

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

COPY MAILED

SEP 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Lynn K. Pershing et al.	:	
Application No. 11/115,646	:	DECISION ON PETITION
Filed: April 27, 2005	:	TO WITHDRAW
Attorney Docket No. 0274-6436.2US	:	FROM RECORD

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 19, 2007.

The request is **APPROVED**.

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

The request was signed by Allen C. Turner on behalf of all attorneys associated with customer number 24247. All attorneys/agents associated with customer number 24247 have been withdrawn.

There are no outstanding office actions at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first signing inventor. A courtesy copy of this decision is being mailed to the address noted on the request for withdrawal as attorney. If this firm desires to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Lynn K. Pershing
1367 Tomahawk Drive
Salt Lake City, UT 84103-4242

cc: Needle & Rosenberg
999 Peachtree Street
Suite 1000
Atlanta, GA 30309

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
11/115,646	04/27/2005	Lynn K. Pershing	0274-6436.2US

CONFIRMATION NO. 2923

OC000000025669977

24247
TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Date Mailed: 09/04/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/19/2007.

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

K. Brabinet

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

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Patent No. : 7,422,132 B2
Serial No. : 11/115,684
Inventor(s) : Laitio
Issued : September 9, 2008
Title : **VACUUM BELT CONVEYOR WITH LATERAL GUIDANCE FOR A WEB FORMING MACHINE**
Docket No. : **METSO-38**

Re: Request for Reconsideration

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

A petition under 37 CFR 3.81 must be filed and granted to fulfill your request, to date, there is no petition on record to consider your request.

Furthermore, Assignees' and/ or Co-assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, which requires petition under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items B and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.
Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

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

If, the petition under 37 CFR 1.182 (required fee currently $130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100), which has been received.

Ernest C. White, *LIE*
For Mary F. Diggs (703) 308-9390 x 125
Decisions & Certificates
of Correction Branch
(703) **308-9390 x 122**

STIENNON & STIENNON
612 W. MAIN ST., SUITE 201
P.O. BOX 1667
MADISON WI 53701-166

ecw

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Commissioner for Patents
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Alexandria, VA 22313-1450
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STIENNON & STIENNON
612 W. MAIN ST., SUITE 201
P.O. BOX 1667
MADISON WI 53701-1667

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JUL 13 2009

OFFICE OF PETITIONS

In re Patent No. 7,422,132 :
Issue Date: September 9, 2008 :
Application No. 11/115,684 : DECISION ON PETITION
Filed: April 27, 2005 :
Attorney Docket No. METSO-38 :

This is a decision on the Petition under 37 CFR 3.81, filed by facsimile on January 13, 2009, to correct the assignee's name on the PTOL-85B. A completed Certificate of Correction Form was also submitted on January 13, 2009.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct the omission of the assignee's name and residence on the previously submitted PTOL-85B and that such omission was inadvertently left off. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the erroneously omitted assignee's name and residence to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464) as set forth under 37 CFR 1.17(i) were submitted with the initial Request for Certificate of Correction filed December 10, 2008. Further, Office

assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 that accompanied the present Petition.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,422,132.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MESMER & DELEAULT, PLLC
1 NEW HAMPSHIRE AVE.
SUITE 125
PORTSMOUTH NH 03801

MAILED

JUN 16 2010

OFFICE OF PETITIONS

In re Application of	:	
McGovern et al.	:	DECISION ON PETITION
Application No. 11/115,725	:	TO WITHDRAW
Filed: April 27, 2005	:	FROM RECORD
Attorney Docket No. JHM.002	:	

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 11, 2010.

The request is **APPROVED**.

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

The request was signed by Phillip E. Decker on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed March 18, 2010 that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Jessica Elizabeth McGovern
45 Hanson Lane
Lyman, ME 04002

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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
11/115,730	04/27/2005	2871	1000	YOM-0138	6	20	2

CONFIRMATION NO. 4672

CORRECTED FILING RECEIPT

OC000000016386170

23413
CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

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)

Tae-Young Choi, Residence Not Provided;
Sang-Il Kim, Residence Not Provided;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

REPUBLIC OF KOREA 10-2004-0038997 05/31/2004

If Required, Foreign Filing License Granted: 06/02/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/115,730

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

Non-Publication Request: No

Early Publication Request: No

Title

Liquid crystal display device and manufacturing method thereof

Preliminary Class

349

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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON VA 22201-2909

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JUL 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Barry et al.	:	
Application No. 11/115,732	:	ON PETITION
Filed: April 27, 2005	:	
Attorney Docket No. COS97101D1	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed June 26, 2007, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from Mark N. GONZALES to Mark N. STUDNESS.

Petitioner submitted $130.00 towards payment of the $400.00 petition fee. An additional $270.00 will be charged to petitioner's deposit account as authorized.

This matter is being directed to Technology Center 3600 for further examination on the merits.

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

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/115,732	04/27/2005	3621	4050	COS97101D1	31	2

CONFIRMATION NO. 4662

CORRECTED FILING RECEIPT

OC000000024863023

25537
VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON, VA 22201-2909

Date Mailed: 07/17/2007

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)

B. Reilly Barry, Colorado Springs, CO;
Mark A. Chodoronek, Centerville, VA;
Eric DeRose, Falls Church, VA;
Carol Y. Devine, Colorado Springs, CO;
Mark N. Studness, New York, NY;
Angela R. James, Chevy Chase, MD;
Lynne Levy, Herndon, VA;
Michael Tusa, Ridgefield, CT;

Assignment For Published Patent Application

MCI. Inc., Ashburn, VA

Power of Attorney: The patent practitioners associated with Customer Number 25537.

Domestic Priority data as claimed by applicant

This application is a DIV of 09/159,503 09/24/1998
which claims benefit of 60/060,655 09/26/1997

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 US11/115,732

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Integrated business systems for web based telecommunications management

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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
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Alexandria, VA 22313-1450
www.uspto.gov

ADVANCED MEDICAL OPTICS, INC.
1700 E. ST. ANDREW PLACE
SANTA ANA CA 92705

COPY MAILED

NOV 21 2005

OFFICE OF PETITIONS

In re Application of
Mainster et al.
Application No.11/115,743
Filed: April 26, 2005
Attorney Docket Number: 27544
Title of Invention: Ophthalmic Devices Having a Highly Selective Violet Light Transmissive Filter and Related Methods

DECISION ON PETITION
UNDER 37 CFR 1.183 AND 1.48

This is in response to the petitions filed under 37 CFR §§1.48 and 1.183 filed on September 12, 2005.

The petition filed under 37 CFR 1.48 is **DISMISSED**.
The petition filed under 37 CFR 1.183 is **DISMISSED.**

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," 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 October 18, 2005, with an executed oath or declaration on filing naming inventors Mainster, Lang and Lowery as the co-inventors. Petitioner now seeks to amend the inventorship for the above-identified application to add inventors Pearson, Weaver, Fleischer and King.

Petition Under 37 CFR 1.48

A grantable petition under 37 CFR 1.48 (a) requires: (1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3)

an oath or declaration by the actual inventor or inventors as required by §1.63 or as permitted by §§ 1.42, 1.43 or §1.47; (4) the processing fee set forth in §1.17(i); and (5) if an assignment has been executed by any of the original named inventors, the written consent of the assignee.

As to item (2), the declaration submitted contains non-dated and non-initialed alterations to the declaration. Specifically those changes were made by inventors Weaver, Fleischer, and King. A newly executed declaration without alterations must be submitted.

Petition Under 37 CFR 1.183

Petitioner has provided the written consent of the assignee of the original named inventors. Accordingly, the request to waive the reexecution of the declaration by inventors Mainster, Lang and Lowery may be granted pursuant to 37 CFR 1.183 upon the submission of a grantable petition under 37 CFR 1.48 . As such, the petition under 37 CFR 1.183 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 facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ADVANCED MEDICAL OPTICS, INC.
1700 E. ST. ANDREW PLACE
SANTA ANA CA 92705

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FEB 0 2 2006

OFFICE OF PETITIONS

In re Application of
Mainster et al.
Application No.11/115,743
Filed: April 26, 2005
Attorney Docket Number: 27544
Title of Invention: Ophthalmic Devices Having a Highly Selective Violet Light Transmissive Filter and Related Methods

DECISION ON PETITION
UNDER 37 CFR 1.183, AND 1.48

This is in response to the renewed petitions filed under 37 CFR §§1.48 and 1.183 on December 27, 2005.

The petition filed under 37 CFR 1.48 is **Granted.**
The petition filed under 37 CFR 1.183 is **Granted.**

The above-identified application was filed on October 18, 2005, with an executed oath or declaration on filing naming inventors Mainster, Lang and Lowery as the co-inventors. Petitioner now seeks to amend the inventorship for the above-identified application to add inventors Pearson, Weaver, Fleischer and King.

Petition Under 37 CFR 1.48

A grantable petition under 37 CFR 1.48 (a) requires: (1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) an oath or declaration by the actual inventor or inventors as required by §1.63 or as permitted by §§ 1.42, 1.43 or §1.47; (4) the processing fee set forth in §1.17(i); and (5) if an assignment has been executed by any of the original named inventors, the written consent of the assignee.

The requirements of 37 CFR 1.48 have been met.

Petition Under 37 CFR 1.183

Petitioner has provided the written consent of the assignee of the original named inventors. Accordingly, the request to waive the reexecution of the declaration by inventors Mainster, Lang and Lowery may be granted pursuant to 37 CFR 1.183.

The application is being forwarded to Technology Center 2800 for further processing.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Bryant R. Gold
Laura Haburay Bishop
25129 Rye Canyon Loop
Valencia, CA 91355

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JUL 0 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Sridhar Kothandaraman, et al.	:	
Application No. 11/115,752	:	DECISION ON PETITION
Filed: April 26, 2005	:	TO WITHDRAW
Attorney Docket No. 05-00669(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 February 14, 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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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON MA 02199-7610

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MAR 19 2007

OFFICE OF PETITIONS

In re Application of	:
Marathe, et al.	:
Application No. 11/115,768	: Decision on Petition
Filed: April 27, 2005	:
For: HIGH POWER ULTRASONIC	:
TRANSDUCER	:

The above-identified application file has been forwarded to the undersigned for consideration on the letter, which was received on February 16, 2007. The letter requests that the Office furnish a letter stating that Office improperly held up Mr. Lappin's request for a certified copy.

The petition is dismissed.

Mr. Lappin states that as states on August 2, 2006, he submitted a revocation of Prior Powers of Attorney and Appointment of New Power of Attorney and change of Address, and that on August 14, 2006, he made a first request for a Certified Copy of the Application with expedited handling and delivery by Federal Express and on August 24, 2006, he made a second request for a Certified Copy of the application with expedited handling and delivery by Federal Express. Mr. Lappin asserts that the first request was never fulfilled and that the second request was received too late to meet the August 26, 2006, filing deadline in Taiwan. Mr. Lappin asserts that the Office did not meet its one business day turn around. Mr. Lappin asserts that the Office delayed for eleven day in returning the certified document.

On January 26, 2006, a Revocation of Prior Powers of Attorney and Appointment of New Powers of Attorney and Change of Address Notice was received in the Office.

On March 2, 2006, a Notice Regarding Power of Attorney was mailed by the Office of Initial Patent Examination indicating that the revocation was not signed by applicant.

On August 2, 2006, a Revocation of Prior Powers of Attorney and Appointment of New Powers of Attorney was received and change of correspondence address in the Office.

On August 17, 2006, a Notice Regarding Power of Attorney was mailed by the Office of Initial Patent Examination (OIPE) indicating that the revocation and change of correspondence address was accepted.

On March 13, 2007, a Power of Attorney to Prosecute Applications Before the USPTO and Statement under 3.73(b) was received in the Office.

On March 16, 2007, 3.73(b) statement was received in the Office.

The revocation of Prior Powers of Attorney and Appointment of New Power of Attorney and change of correspondence address received on August 2, 2006, which was accepted by OIPE on August 17, 2006 and gave power of attorney to the attorneys associated with customer number 35893 and changed the correspondence address to Mark G. Lappin, Greenberg Traurig, LLP, One International Place, Boston, MA 02110 is defective. The revocation and change of correspondence address did not comply with 37 CFR 3.71and 37 CFR 3.73 because the assignee did become of record and establish the right to take action by filing a 3.73(b) statement. The Power of Attorney to Prosecute Applications Before the USPTO received on March 13, 2007 and the Statement under 3.73(b) received on March 16, 2007 have been accepted and the power of attorney and correspondence address have been changed in the Office records. Since the change in power of attorney and correspondence address were not effective on August 17, 2006, the attorneys identified in the revocation received on August 2, 2006 were not entitled to a certified copy of the application.

Petitioners' deposit account has not been charged a petition fee.

Telephone inquiries with regard to this communication should be directed to the undersigned at (571) 272-7709.

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

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
11/115,768	04/27/2005	2834	1015	BNUL-144 (91969-010500)	38	3

CONFIRMATION NO. 2865

CORRECTED FILING RECEIPT

OC000000022953432

48329
FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

Date Mailed: 03/19/2007

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

Applicant(s)

Kaustubh P. Marathe, Jamestown, NY;
Zhaoxia Cao, Jamestown, NY;
Brian D. Bernhardt, Jamestown, NY;
Benjaman R. Johnson, Jamestown, NY;
Gregory E. Phaneuf, Lakewood, NY;
William L. Puskas, New London, NH;

Power of Attorney: The patent practitioners associated with Customer Number **48329**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 06/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/115,768

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

High power ultrasonic transducer

Preliminary Class

310

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/115,768	04/27/2005	Kaustubh P. Marathe	BNUL-144 (91969-010500)

CONFIRMATION NO. 2865

OC000000022953335

Mark G. Lappin
Greenberg Trauring, LLP
One International Place
Boston, MA 02110

Date Mailed: 03/16/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/13/2007.

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

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

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111 HUNTINGTON AVENUE
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BOSTON, MA 02199-7610

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Kaustubh P. MARATHE, et al	:	
Application No. 11/115,768	:	DECISION ON PETITION
Filed: April 27, 2005	:	TO WITHDRAW
Attorney Docket No. 081911-0134 BNUL-0144	:	FROM RECORD
	:	

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 22 2008.

The request is **NOT APPROVED.**

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

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ROLAND RICHARDS
PHILLIPS LYTLE LLP
SUITE 3400, 1 HSBC CENTER
BUFFALO, NY 14203-2887

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FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE, 26TH FLOOR
BOSTON, MA 02199-7610

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NOV 18 2008

In re Application of	:	
Kaustubh P. MARATHE, et al	:	
Application No. 11/115,768	:	DECISION ON PETITION
Filed: April 27, 2005	:	TO WITHDRAW
Attorney Docket No. 081911-0134 BNUL-0144	:	FROM RECORD
	:	

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 30, 2008.

The request is **APPROVED**.

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

The request was signed by Joesph M. Maraia on behalf of the attorneys of record associated with Customer No. 48329.

The attorneys of record associated with Customer No. 48329 have been withdrawn.

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

All future correspondence from the Office will be directed to the address indicated below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: KAUSTUBH P. MARATHE
115 TRENTON STREET,
JAMESTOWN, NY 14701

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/28/2010

Applicant	: Abhijit Mahajan	: DECISION ON REQUEST FOR
Patent Number	: 7633764	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/115,769	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **553** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

2/14/08

Patent No. :7291147
Inventor(s) : Ellman et al.
Issued : 11/6/2007
Title : FOREHEAD AND BROW LIFT BIPOLAR FORCEPS
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 item [75] 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

JACK OISHER
200 HIGH POINT DR. - PH2
HARTSDALE, NY 10530

HR/CBN

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111

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JAN 3 1 2006

OFFICE OF PETITIONS

In re Application of Burmeister, Cload, Diener, Keefe, Keene, Kurz, Lagasse, Marsh, and Sawhney Application No. 11/115,780 Filed: 26 April, 2005 Atty Docket No. 23239-581 (ARC 581)	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a) filed on 19 December, 2005.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Pooja Sawhney, has refused to review the sign the declaration after having been sent a copy of the application. Specifically, petitioners have shown that a copy of the application was sent to joint inventor Sawhney, but that the non-signing inventor has failed to sign and return the declaration naming him as a joint inventor along with Paula Burmeister, Sharon Cload, John L. Diener, Anthony Dominic Keefe, Sara Cheworth Keene, Markus Kurz, H.A. Daniel Lagasse, Harold Nicholas Marsh, and Chunhua Wang.

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

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

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

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Pooja Sawhney
276 Massachusetts Avenue, Apt. 511
Arlington MA 02474

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JAN 31 2006

OFFICE OF PETITIONS

In re Application of
Burmeister et al.
Application No. 11/115,780
Filed: 26 April, 2005
For: NUCLEIC ACID LIGANDS SPECIFIC TO IMMUNOGLOBIULIN E AND THEIR USE AS ATOPIC DISEASE THERAPEUTICS

Dear Dr. Sawhney:

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 571/272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111

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Paper No.

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

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JUL 21 2009

OFFICE OF PETITIONS

In re Application of	:	
Burmeister et al.	:	
Application No. 11/115,780	:	ON APPLICATION FOR
Filed: April 26, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No. 23239-581	:	
(ARC-581)	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b) filed April 7, 2009. Applicant submits that the correct patent term adjustment to be indicated on the patent is two hundred sixty-one (261) days, not zero (0) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent[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, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of

[1] This calculation is based on a projected issue date of July 21, 2009.

issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

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

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[2].

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

MAILED

JAN 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Rogers, William H.	:	
Application No. 11/115,785	:	ON PETITION
Filed: April 27, 2005	:	
Attorney Docket No. 33034US2	:	

This is a decision on the petition under 37 CFR 1.181, filed July 13, 2009, requesting the withdrawal of the holding of abandonment in the above-identified application and has been so treated.

The petition to withdraw the holding of abandonment is **GRANTED.**

The above-identified application was held abandoned for failure to timely reply to the Notice of Non-Compliant Amendment (Notice), mailed October 31, 2008. A Notice of Abandonment was mailed on May 13, 2009.

Petitioner states that the Notice failed to identify itself as a Notice of Non-Compliant Amendment or specify any requirement to respond, and therefore, was not docketed as such.

As stated in CFR 1.135(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.*

Further, as stated in MPEP 714.03:

> *Where the amendment is bona fide but contains an omission, the examiner should: A) if there is sufficient time remaining for applicant's reply to be filed within the time period for reply to the non-final Office action (or within any extension pursuant to 37 CFR 1.136(a)), notify applicant that the omission must be supplied within the time period for reply; or* ***B) if there is insufficient time remaining, issue an Office action setting a 1-month time period to complete the reply pursuant to 37 CFR 1.135(c). In either event, the examiner should not further examine the application on its merits unless and until the omission is timely supplied.***

As there was insufficient time remaining, a Notice of Non-Compliance Amendment setting forth a one-month period for reply should have been mailed. The Notice mailed October 31, 2008

failed to set such timeframe. In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee and none has been charged.

This matter is being referred to Technology Center AU 2163 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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Vista IP Law Group LLP
2040 MAIN STREET, Suite 710
IRVINE, CA 92614

Mail Date: 04/21/2010

Applicant	: James R. Thacker	: DECISION ON REQUEST FOR
Patent Number	: 7657317	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/115,789	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/26/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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MAR 23 2010

OFFICE OF PETITIONS

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

In re Patent of Jung	:	DECISION ON REQUEST
Patent No. 7,576,825	:	FOR RECONSIDERATION OF
Issue Date: August 18, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/115,793	:	AND NOTICE OF INTENT TO
Filing Date: April 27, 2005	:	ISSUE CERTIFICATE OF
Attorney Docket No. 10125-4179	:	CORRECTION

This is a decision on the petition filed on September 30, 2009, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting that the patent term adjustment indicated on the patent be corrected to indicate the term of the above-identified patent is extended or adjusted by nine hundred fifty-five (955) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate the term of the above-identified patent is extended or adjusted by nine hundred fifty-five (955) days is **GRANTED**.

The $200 fee set forth in 37 C.F.R. § 1.18(e) has been charged to Deposit Account no. 23-1925 as authorized in the petition. No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **nine hundred fifty-five (955)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	:	7,576,825 B2
ISSUE DATE	:	August 18, 2009
INVENTOR(S)	:	Jung 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 545 days.

Delete the phrase "by 545 days" and insert - by 955 days--

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Tae Woo Jung	: DECISION ON REQUEST FOR
Patent Number	: 7576825	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/115,793	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1365** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

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OFFICE OF PETITIONS

In re Application of	:	
Matsuba et al.	:	DECISION ON PETITION
Application Number: 11/115795	:	TO WITHDRAW HOLDING OF
Filing Date: 04/27/2005	:	ABANDONMENT
Attorney Docket Number: 5448-6	:	

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181(a)," filed on January 22, 2008.

A review of the file reveals that a final Office action was mailed on July 16, 2007, setting a three (3) month shortened statutory period for reply. On October 16, 2007, an amendment after final rejection was mailed. On November, 2, 2007, an Advisory Action was mailed, stating that the amendment filed on October 16, 2007, fails to place the application in condition for allowance. Thus, the application was held abandoned as of midnight October 16, 2007. The filing of this petition precedes the mailing of Notice of Abandonment.

Petitioners assert that a proper response was in fact timely filed in the form of a Request for Continued Examination (RCE) and a petition and fee for a one (1) month extension of time, filed on November 15, 2007. In support of the petition, petitioners submitted a copy of a date-stamped post card receipt acknowledging receipt of, *inter alia*, an RCE Transmittal and petition for extension of time in the United States Patent and Trademark Office (Office) on November 19, 2007. Additionally, petitioners have submitted a copy of the RCE Transmittal and extension of time request.

The original fee payment for an RCE and a one (1) month extension of time filed on November 19, 2007, has been located in the Office.

The original RCE Transmittal and one (1) month extension of time asserted to have been timely filed are not of record in the file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers

which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the RCE and extension of time were received in the Office but were not matched with the application file.

The date-stamped on the post card of November 19, 2007, is after the due date for the response. However, under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The RCE Transmittal letter filed with the present petition bears a proper certificate of mailing, dated November 15, 2007, in compliance with the requirements of 37 C.F.R. § 1.8(a)(1) as set forth above.

Accordingly the showing of record is that a reply was timely filed. Any holding of abandonment is withdrawn.

The petition is **GRANTED**.

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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JUN 24 2010

OFFICE OF PETITIONS

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

In re Application of	:
Joonsuk Kim	: DECISION ON PETITION
Application No. 11/115,804	: UNDER 37 CFR 1.78(a)(3)
Filed: April 26, 2005	: AND 37 CFR 1.78(a)(6)
Attorney Docket No. 16498US02	:

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed May 24, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 119(e) for the benefit of the prior-filed applications set forth in the amendment filed concurrently with the instant petition.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

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

The instant nonprovisional application was filed on April 26, 2005 and was pending at the time of filing of the instant petition. A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). *See* 35 U.S.C. § 120 and § 119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 120 and § 119(e), the petition to accept an unintentionally delayed claim of benefit to the prior-filed applications is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should <u>not</u> 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. §120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should <u>not</u> be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-3206.

This matter is being referred to Technology Center Art Unit 2474 for appropriate action on the Amendment submitted May 24, 2010, including consideration by the examiner of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed application, and for consideration of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: **ATTACHMENT**: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/115,804	04/26/2005	2474	1462	16498US02	23	3

CONFIRMATION NO. 4538

CORRECTED FILING RECEIPT

23446
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

OC000000042276695

Date Mailed: 06/24/2010

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

Applicant(s)

Joonsuk Kim, San Jose, CA;

Power of Attorney: The patent practitioners associated with Customer Number 23446

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/656,357 02/25/2005
and is a CIP of 11/110,241 04/20/2005
which claims benefit of 60/650,941 02/07/2005

Foreign Applications

If Required, Foreign Filing License Granted: 05/23/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/115,804**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND SYSTEM FOR ADAPTIVE MODULATIONS AND SIGNAL FIELD FOR CLOSED LOOP MULTIPLE INPUT MULTIPLE OUTPUT (MIMO) WIRELESS LOCAL AREA NETWORK (WLAN) SYSTEM

Preliminary Class

370

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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Paper No. 11

Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, IL 60690-1135

COPY MAILED

JUL 15 2005

OFFICE OF PETITIONS

In re Application of	:	
Lee Cannon	:	
Application No. 11/115,852	:	ON PETITION
Filed: April 27, 2005	:	
Attorney Docket No. 0112300-2581	:	

This is a decision on the PETITION TO SUBMIT OMITTED ITEMS IN A NON-PROVISIONAL APPLICATION filed June 27, 2005, requesting that drawing 2B be accepted and prosecuted with the above-identified application and that the application retain a filing date of April 27, 2005.

The application was filed on April 27, 2005. However, on June 3, 2005, the Office mailed a "Notice of Omitted Items" stating that the application had been accorded a filing date; however, Figure 2B described in the specification appeared to have been omitted.

In response, the present petition was filed requesting, in effect, that the application be amended to include the drawing of Figure 2B described in the specification. Petitioner argues that the specification as filed on April 27, 2005, includes a complete description of the invention illustrated in Fig. 2B and it is respectfully submitted that no new matter is being added thereto.

The petition is **dismissed**.

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of

the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

In this case, petitioner neither asserts that the missing drawing was deposited on April 27, 2005, nor requests the June 27, 2005 (the date the omitted drawing figure was supplied) filing date.

Instead, applicants seek to amend the application to include the Figure 2B. However, no petition under 37 CFR 1.182 is necessary for that purpose. New drawings may be entered by the primary examiner without petition so long as the new drawings contain no new matter. See MPEP § 608.02(a).

Accordingly, the petition is inappropriate and is subject to dismissal.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 27, 2005, using the papers received on that date and including an indication in Office records that 21 sheets of drawings were present on filing.

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

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 20, 2010

TO SPE OF : ART UNIT 2821 - SPE Douglas W. Owens.

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/115,855 Patent No.: 7,116,200 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 Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Should the changes in the claims be approved?
(Changing "perpendicular" to "parallel")

_____
Certificates of Correction Branch
(571)272-0483

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

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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
11/115,864	04/27/2005	3764	500	59310.US	9	6	1

CONFIRMATION NO. 4846

UPDATED FILING RECEIPT

OC000000016607436

000408
LUEDEKA, NEELY & GRAHAM, P.C.
P O BOX 1871
KNOXVILLE, TN 37901

Date Mailed: 07/25/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Suzanne R. Vittone, Hurley, WI;
Larry W. Vittone, Hurley, WI;
William M. Vittone, Oak Ridge, TN;

Assignment For Published Patent Application

VITEX, LLC

Power of Attorney: The patent practitioners associated with Customer Number **000408**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/584,245 06/30/2004

Foreign Applications

If Required, Foreign Filing License Granted: 05/27/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/115,864

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

** SMALL ENTITY **

Title

Abdominal exercise machine

Preliminary Class

482

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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LICENSE FOR FOREIGN FILING UNDER
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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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JUL 21 2008

Glenn Patent Group
3475 Edison Way, Suite L
Menlo Park, CA 94025

In re Application of	:	
Matthew Krakowiecki et al.	:	
Application No. 11/115,869	:	DECISION ON PETITION
Filed: April 26, 2005	:	TO WITHDRAW
Attorney Docket No. WELL0046	:	FROM RECORD
	:	

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** as moot.

A review of the file record indicates that the power of attorney to Michael A. Glenn and all attorneys/agents associated with customer number 22862 has been revoked by the applicant of the patent application on July 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 Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Foley & Lardner
777 East Wisconsin Avenue
Suite 3800
Milwaukee, WI 53202-5306

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/115,869	04/26/2005	Matthew Krakowiecki	WELL0046

CONFIRMATION NO. 4827

POWER OF ATTORNEY NOTICE

22862
GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

OC000000030988158

Date Mailed: 07/18/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/11/2008.

- 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).

/febriscoe/

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

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GENENCOR INTERNATIONAL, INC.
ATTENTION: LEGAL DEPARTMENT
925 PAGE MILL ROAD
PALO ALTO, CA 94304

COPY MAILED
NOV 24 2008

In re Application of	:	
Russell et al.	:	
Application No. 11/115,873	:	ON PETITION
Filed: April 27, 2005	:	
Attorney Docket No. DCU0592-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 10, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 25, 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 timely obtained. Accordingly, the application became abandoned on June 26, 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 , and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110.00 extension of time fee submitted with the petition on November 10, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 1637 for further examination on the merits.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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JUL 20 2006
OFFICE OF PETITIONS

Howard J. Greenwald, PC
349 W. Commercial Street, Suite 2490
East Rochester, NY 14445

In re Application of	:	
Xingwu WANG, et al.	:	
Application No. 11/115,886	:	DECISION ON PETITION
Filed: April 27, 2005	:	TO WITHDRAW
Attorney Docket No. XW-827	:	FROM RECORD
	:	

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 13, 2005.

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

A review of the file record indicates that the power of attorney to Howard J Greenwald and attorneys associated with customer number 37282 have been revoked by the applicant of the patent application on May 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 Monica Graves at 571-272-7253.

David Bucci
Petitions Examiner
Office of Petitions

cc: Curatolo Sidoti Co., LPA
24500 Center Ridge Road, Suite 280
Cleveland, OH 44145

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/115,911	04/26/2005	Sanjay V. Patel	SCS-4001-UT	3887

35938 7590 04/23/2010
BioTechnology Law Group
12707 High Bluff Drive
Suite 200
San Diego, CA 92130-2037

EXAMINER
NOGUEROLA, ALEXANDER STEPHAN

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
04/23/2010	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):

DOCKETING@BIOTECHNOLOGYLAWGROUP.COM

UNITED STATES PATENT and TRADEMARK OFFICE

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Alexandria, VA 22313-1450
WWW.USPTO.GOV

4/23/10

		chk
In re application of	Patel, Sanjay V. et al.	:
Serial no.	11/115911	: DECISION
Filed:	April 26, 2005	: ON
		:PETITION
		:
FOR: INTERDIGITATED CHEMICAL SENSORS AND METHODS OF MAKING AND USING THE SAME		:

This is a decision on the PETITION FILED UNDER under 37 C.F.R. § 1.84 to include Color Formal Drawings dated April 8, 2010.

It is noted that the applicant has met the requirements under 37 C.F.R. § 1.84:
(i) The fee set forth in § 1.17(h);
(ii) Three (3) sets of color drawings;
(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Therefore, the petition **GRANTED**.

The file is being forwarded to the Office of Publications for further processing.

Cynthia H. Kelly
SPE, Technology Center 1700
Chemical and Materials Engineering

Daniel M. Chambers
BIOTECHNOLOGY LAW GROUP
12707 HIGH BLUFF DRIVE, SUITE 200
SAN DIEGO, CA 92130

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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	: Edward Rebar	: DECISION ON REQUEST FOR
Patent Number	: 7605140	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/115,922	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/26/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **501** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: Trishul Chilimbi	: DECISION ON REQUEST FOR
Patent Number	: 7607119	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/115,924	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/26/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1058** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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OCT 0 1 2007

OFFICE OF PETITIONS

In re Application of
Tung Thanh Le
Application No. 11/115,947
Filed: April 26, 2005
Attorney Docket No. 021496-001510US

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed September 6, 2007.

The request is **APPROVED**.

A review of the file record indicates that James M. Heslin and all attorneys/agents associated with customer number 20350: (1) does not have power of attorney in this patent application[1]; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, all the attorneys associated with customer number 20350 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) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first named inventor. A courtesy copy of this decision will be mailed to the address noted on the request to withdraw. If this firm desires to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

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

There are no outstanding Office actions at this time.

[1] The power of attorney filed on June 23, 2005 is not acceptable. Compliance with 37 CFR 3.73(b) has not been satisfied in that the statement does not set forth a reel and frame number where the recorded assignment appears in the assignment records of the Office or a copy of the assignment document.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Tung Thanh Le
14831 Walnut Grove Court
Tustin, CA 92780

cc: Johney Han
Levin Bagade Han LLP
2483 East Bayshore Road
Suite 100
Palo Alto, CA 94303

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/115,947	04/26/2005	Tung Thanh Le	021496-001510US

CONFIRMATION NO. 2764

OC000000026085108

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

Date Mailed: 10/01/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/06/2007.

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

K. Grabinet

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

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William H. Logsdon
WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818

Mail Date: 04/21/2010

Applicant	: Kwang Choon Chung	: DECISION ON REQUEST FOR
Patent Number	: 7571995	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/115,963	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **89** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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APR 28 2006
OFFICE OF PETITIONS

In re Application of	:	
Manoharan et al.	:	
Application No. 11/115,989	:	ON PETITION
Filed: April 27, 2004	:	
Attorney Docket Number:	:	
APX-003.01	:	

This is in response to the Petition to Correct Official Filing Receipt, filed April 5, 2006. The petition is properly treated as a petition under 37 CFR 1.53.

Application papers in the above-identified application were filed on April 27, 2004. Applicant files the instant petition and requests correction of Office records to indicate that the above-identified application was filed on April 26, 2004. No support for this request has been filed.

Applicable Law, Rules and MPEP

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

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

Under the province of 35 U.S.C. 21, the Director promulgated 37 CFR 1.10, whereby correspondence will be considered filed on the date of deposit with the United States Postal Service or would have been deposited with the United States Postal Service but

for postal service interruptions or emergencies designated by the Director.

As per 37 CFR 1.6, the date of receipt will be used for all other purposes[1].

37 CFR 1.8 provides a procedure by which the timely filing of papers and fees deposited with the U.S. Postal Service may be established without independent corroboration by an employee of the U.S. Postal Service (*i.e.*, established solely by the statement(s) from applicant or his or her counsel). The suggestion that 37 CFR 1.8 be applicable to application papers deposited the U.S. Postal Service for purposes of obtaining a filing date was considered and expressly rejected. The criticality of an application filing date was considered adequate to justify independent verification by an employee of the U.S. Postal Service of the date of deposit of the application papers with the U.S. Postal Service. *See* rulemaking entitled "Revision of Patent Procedure," published in the *Federal Register* at 48 *Fed. Reg.* 2696, 2702 (January 20, 1983), and in the Patent and Trademark Office *Official Gazette* at 1027 *Off. Gaz. Pat. Office* 9, 25 (February 1, 1983). Put simply, the insertion by a disinterested employee of the U.S. Postal Service of the date of deposit in the U.S. Postal Service by Express Mail on the Express Mail label of the envelop containing application papers is the *raison d'être* of 37 CFR 1.10.[2]

Under section 503 of the MPEP, an Applicant may demonstrate receipt in this Office of papers by enclosing with the paper a self-addressed postcard specifically identifying the item.

Analysis

Applicant has failed to demonstrate that the filing date of the application is other than that as identified in Office records. The USPTO file is the official record of the papers actually received or filed. Applicant's request, without more, is

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

insufficient to justify changing the filing date of the application. The petition is dismissed without prejudice. If Applicant has documentary evidence, e.g. a copy of an Express Mail label, or a return receipt postcard, to support his assertion that the Application was deposited on March 29, 2004, Applicant should submit such evidence in any renewed petition.

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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OFFICE OF PETITIONS

Foley Hoag, LLP
Patent Group (w/APX)
155 Seaport Boulevard
Boston, MA 02210-2600

In re Application of	:	
Muthiah Manoharan et al.	:	
Application No. 11/115,989	:	DECISION ON PETITION
Filed: April 27, 2005	:	TO WITHDRAW
Attorney Docket No. 051058-3000	:	FROM RECORD
	:	

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 17, 2008.

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 Dana M. Gordon and all attorneys/agents of record have been revoked by the assignee of the patent application on January 7, 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
Petitions Examiner
Office of Petitions

cc: Nixon Peabody, LLP
401 9th Street N.W.
Suite 900
Washington, DC 20004

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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Nixon Peabody LLP
401 9th Street N.W.
Suite 900
Washington, DC 20004

Mail Date: 04/21/2010

Applicant	: Muthiah Manoharan	: DECISION ON REQUEST FOR
Patent Number	: 7626014	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/115,989	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **869** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

Mail Date: 04/27/2010

Applicant	: Guodong Zhang	: DECISION ON REQUEST FOR
Patent Number	: 7599707	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/116,017	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1197** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY CA 94019

In re Patent No. 7634584	:	DECISION ON REQUEST
Pope et al.	:	FOR
Issue Date: 12/15/2009	:	RECONSIDERATION OF
Application No. 11/116018	:	PATENT TERM ADJUSTMENT
Filed: 04/27/2005	:	and
Atty Docket No.	:	NOTICE OF INTENT TO ISSUE
LVL5 2003-1	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed under 37 CFR 1.705(d) on January 29, 2010, which is treated as a petition 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 eight hundred eighteen (818) days. For the reasons stated below, the petition is treated as 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-five (955) 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-five (955) days is **GRANTED to the extent indicated herein.**

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on April 28, 2008, and ends on June 24, 2009, the day before the RCE was filed, and is 423 (not 424) days. See 35 U.S.C. 154(b)(1)(B)(i). Considering the overlapping period of 38 days from April 28, 2008, to June 4, 2008, the date the first Office action was mailed, the patent term adjustment is 955 days (708 days of Office delay + 423 days of over three years delay - 38 days overlap - 138 days of applicant 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.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

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 **nine hundred fifty-five (955)** days.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,634,584 B2

DATED : **Dec. 15, 2009** **DRAFT**

INVENTOR(S) : Pope 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 570 days.

Delete the phrase "by 570 days" and insert – by 955 days--

Best Available Copy

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C/O PORTFOLIO IP
P.O. BOX 52050
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of	:	
Tony WILLIAMSON et al.	:	
Application No. 11/116,034	:	DECISON ON PETITION
Filed: April 27, 2005	:	
Attorney Docket No. **WWEO-001**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 21, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 28, 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 August 29, 2008.

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

As to item (3) the statement of unintentional delay is presently not acceptable since it was not signed by all of the inventors. See 37 CFR 1.33(b) which states:

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
(2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
(3) An assignee as provided for under §3.71(b) of this chapter; or
(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

By Mail: Mail Stop PETITION
Commissioner for Patents
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 Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **TONY WILLIAMSON**
520 S. LINCOLN AVE.
LOVELAND CO 80537

cc: **ALBERT HAEGELE**
SUITE 280
9137 E. MINERAL CIRCLE
CENTENNIAL CO 80112

PTO/SB/64 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

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.

[redacted]	8/14/09
Signature	Date
Tony Williamson / Inventor	NA
Type or Printed name	Registration Number, if applicable
[redacted] 520 S. Lincoln Ave	
Address	Telephone Number
[redacted] Loveland, Co. 80537	
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 _____

Albert Haegele
Typed or printed name of person signing certificate

CONCLUSION

Applicant believes the rejections and objections of the Office Action have been overcome through amendment and remark. Accordingly, the application and all pending claims are in condition of allowance. Applicant respectfully requests Examiner to contact the undersigned at 303.493.5734 if there are any other outstanding issues that would prevent the expeditious issuance of a Notice of Allowance in this case.

Dated this 21st day of August, 2009.

Respectfully submitted,

/Albert Haegele/

Albert Haegele, Reg. no. 57655
Suite 280
9137 E. Mineral Circle
Centennial, CO 80112
303.493.5734

REMARKS

In the Claims:

Cancelled Claims

CLAIMS 1-4, 8, 9, and 13

Claims 1-4, 8, 9, and 13 were rejected by the Examiner and are cancelled here.

Amended Claims

CLAIMS 5 and 10

Applicant attests that amended claims contain no new matter. The Examiner concluded that original claim 5 has allowable subject matter and would be in condition of allowance if rewritten in independent form to include the limitations of claim 1. Claim 5 is rewritten here in independent form, currently amended claim 5 reciting all of the limitations of original claim 1. Accordingly, claim 5 as currently amended is in condition of allowance. Moreover, currently amended claim 5 puts original claims 6 and 7 in condition of allowance as well.

The Examiner concluded that original claim 10 has allowable subject matter and would be in condition of allowance if rewritten in independent form to include the limitations of claim 9. Claim 10 is rewritten here in independent form, currently amended claim 10 reciting all of the limitations of original claim 9. Accordingly, claim 10 as currently amended is in condition of allowance. Moreover, currently amended claim 10 puts original claims 11 and 12 in condition of allowance as well.

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LEYENDECKER & LEMIRE, LLC
C/O PORTFOLIO IP
P.O. BOX 52050
MINNEAPOLIS MN 55402

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In re Application of	:	
Tony WILLIAMSON et al.	:	
Application No. 11/116,034	:	DECISION ON PETITION
Filed: April 27, 2005	:	
Attorney Docket No. **WWEO-001**	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 06, 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, May 28, 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 August 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office Action of May 28, 2008 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 3723 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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Fay Kaplun & Marcin, LLP
150 Broadway, suite 702
New York NY 10038

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OFFICE OF PETITIONS

In re Application of
Maughan et al.
Application No. 11/116,051
Filed: April 27, 2005
Attorney Docket No. 10139/02701

DECISION ON PETITION

This is a decision on the petition, filed January 30, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Non-Compliant Appeal Brief (37 CFR 41.37) of June 19, 2008, which set a one (1) month shortened statutory period for reply. A reply was due on or before July 19, 2008.

Petitioner states that a reply was in fact timely filed. To support petitioner's argument a copy of the reply which includes a certificate of transmission pursuant to 37 CFR 1.8. Petitioner has also provided a copy of the Auto-Reply Facsimile Transmission and a copy of the sending unit's report. Further, petitioner acknowledges that the facsimile did contain incorrect application number 10/843,113, however the actual revised Appeal Brief did include the correct application number, title and examiner. Petitioner states that a review of PAIR shows the revised Appeal Brief submitted on July 16, 2008 is located in 10/843,113.

The Office has located the original reply received on July 16, 2008.

All future correspondence should include correct application number 11/116,051.

Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Non-Compliant Appeal Brief of June 19, 2008 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 3775 for appropriate action in the normal course of business on the reply received with petition.

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

Charlema Grant
Petitions Attorney
Office of Petitions

OIPE JC112
JUN 0 9 2005
PATENT & TRADEMARK OFFICE

Practitioner's Docket No. 50997.2.1 *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul F. Waters, et al.

Application No.: 11/116,074 Group No.: Unknown

Filed: April 27,2005 Examiner: Unknown

For: LOW MOLECULAR WEIGHT FUEL ADDITIVE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
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PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE
(37 C.F.R. § 1.102(c) AND M.P.E.P. § 708.02 IV)

Applicant hereby petitions to make this application special because applicant is over 65 years of age.

As a showing of this fact, accompanying this petition is a declaration by the applicant that he is over 65 years of age.

No fee is required with this petition, in accordance with 37 C.F.R. § 1.102(c).

The Office is hereby invited to contact the undersigned at (612) 492-7256 if it believes it would be useful to advance this petition.

Matthew J.S. Graham
Registration No. 54,647
Fredrikson & Byron, P.A.
200 South Sixth Street
Suite 4000
Minneapolis, MN 55402
U.S.

lead

#3123918\1

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC1700

JUN 2 8 2005

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United States Patent and Trademark Office
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JENKINS, WILSON & TAYLOR, P. A.
3100 TOWER BLVD
SUITE 1400
DURHAM NC 27707

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OFFICE OF PETITIONS

In re Application of	:	
Delaney et al.	:	DECISION ON PETITION
Application No. 11/116,089	:	TO MAKE SPECIAL
Filed: April 27, 2005	:	37 CFR 1.102(D)
Attorney Docket No. 1322/216	:	

This is a decision on the petition under 37 CFR 1.102(d), filed April 27, 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 XI: Countering Terrorism.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(d), MPEP § 708.02, Section XI: Countering Terrorism, must be accompanied by a statement by the applicant, assignee, or attorney/agent registered to practice before the Office alleging that the invention materially contributes to countering terrorism. No fee is required.

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

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in MPEP § 708.02(XI). The specification and claims as originally filed provide no indication of an intention to counter terrorism by providing surveillance monitoring in a communication network. The disclosure failed to indicate countering terrorism. Further steps would be required to actually offset or nullify terrorism, yet no suggestion of "countering terrorism" is found in the disclosure. As a result, no advancement in the technology of countering terrorism has been persuasively shown.

A petition to make an application special under 37 CFR 1.102(d), MPEP § 708.02, Section XI: Countering Terrorism does not require a petition fee. Accordingly, the $130.00 fee submitted with the instant petition will be credited to petitioner's deposit account.

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

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

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

By FAX: (571) 273-8300

Telephone inquires concerning this decision should be directed to Paralegal Liana Chase at (571) 272-3282.

This matter is being referred to the Technology Center Art Unit 2131 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20070918

DATE : January 11, 2007

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/116090 patent No.: 7,069,190

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.

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

Comments: _____

ELISEO RAMOS-FELICIANO
~~SUPERVISORY PATENT EXAMINER~~
SPE

2857
Art Unit

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SAN FRANCISCO, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
Bruce D. Marchant, et al.	:	
Application No.: 11/116,106	:	ON PETITION
Filed: April 26, 2005	:	
Attorney Docket No.: 018865-016900US	:	

This is a decision on the petition, filed February 7, 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 January 14, 2008, using a Certificate of Mailing or Transmission under 37 CFR 1.8 dated January 10, 2008, 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 2811 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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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 05/24/2010

Applicant	: Earle Roberts	: DECISION ON REQUEST FOR
Patent Number	: 7664553	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/116,108	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **889** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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CAREFREE, AZ 85377

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OFFICE OF PETITIONS

In re Application of
DRY, Joel M.
Application No. 11/116,119
Filed: April 26, 2005
Attorney Docket No. **OPTOLUM 008**

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 19, 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).

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 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, (Optolum, Inc. has expressly terminated the representation), does not meet any the conditions set forth in 37 CFR 10.40.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **OPTOLUM, INC.**
1515 W. UNIVERSITY DR.
SUITE 102
TEMPE, AZ 85281

UNITED STATES PATENT AND TRADEMARK OFFICE

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200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND, OR 97204

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OFFICE OF PETITIONS

In re Application of Kaj Gyr Application No. 11/116,124 Filed: April 26, 2005 Attorney Docket No. GYK 315	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed by July 24, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed May 19, 2005. The notice required the statutory basic filing fee, an oath or declaration under 37 CFR 1.63, the requisite surcharge under 37 CFR 1.16(e), and replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121. In response, on July 24, 2006, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the basic filing fee, surcharge, an executed declaration and replacement drawings; (2) the petition fee of $750; and (3) the required statement of unintentional delay.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

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OFFICE OF PETITIONS

In re Application of MAZZAROLO Application No. 11/116,126 Filed: April 27, 2005 Attorney Docket No. SAIC 21.879 (100788-00095	: : : : :	DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, April 26, 2007, to correct the name of inventor "Gabriele Mazzarolo" to – Giovanni Mazzarolo --.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correction of the above-named inventor, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Petitioner is encouraged to submit a supplemental Application Data Sheet (ADS) in accordance with 37 CFR 1.33(b).

The application is being referred to Technology Center AU 3765 for appropriate action by the Examiner in the normal course of business.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/116,126	04/27/2005	3765	1130	SAIC 21.879 (100788-00095	3	2

CONFIRMATION NO. 1763

CORRECTED FILING RECEIPT

OC000000025917355

26304
KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

Date Mailed: 09/20/2007

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)

Mazzarolo Giovanni, Treviso, ITALY;

Power of Attorney: The patent practitioners associated with Customer Number **026304**.

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP03/11991 10/29/2003

Foreign Applications

ITALY TV2002U000047 10/31/2002

If Required, Foreign Filing License Granted: 05/18/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/116,126

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Garment for motorcyclists with improved comfort

Preliminary Class

002

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

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

NOT GRANTED

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

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OFFICE OF PETITIONS

KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

In re Application of
Giovanni
Application No. 11/116,126
Filed: April 27, 2005
Atty. Dkt. No: SAIC 21.879
(100788-00095

DECISION ON PETITION

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed June 18, 2008.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The application became abandoned January 2, 2008 for failure to timely submit a proper reply to the final Office action mailed October 1, 2007. The final Office action set a three month shortened statutory period of time for reply. No extension of time was requested. Notice of Abandonment was mailed May 28, 2008.

Petitioner asserts non-receipt of the final Office action. Petitioner indicates that a search of the file jacket and docket records indicate that the Office action was not received.

Petitioner has provided a copy of the file jacket. Petitioner has provided copies of the docket records dated December 21, 2007 to January 11, 2008 and March 21, 2008 to April 11, 2008.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO.

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

The instant petition does not establish non-receipt of the Notice in compliance with the procedures set forth at MPEP 711.03(c). Specifically, the petition fails to describe the system used for recording an Office action received at the correspondence address of record with the USPTO. Thus, it cannot be found that practitioner's docketing system is sufficiently reliable.

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

ALTERNATE VENUE

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

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

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

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

By facsimile: (571) 273-8300

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

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OCT 1 4 2008

OFFICE OF PETITIONS

In re Application of
Giovanni
Application No. 11/116,126
Filed: April 27, 2005
Attorney Docket No. SAIC 21.879 (100788-00095

DECISION ON PETITION

This is a decision on the renewed petition, filed October 3, 2008, under 37 CFR 1.181 requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is GRANTED.

This application was held abandoned for failure to reply to the final Office action mailed October 1, 2007, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on May 28, 2008.

Petitioner asserts that the Office action dated October 1, 2007 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action. In the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

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

proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. *See* MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action."

The petition has been carefully reviewed and found in compliance with the above-stated requirements.

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

This application is being referred to the Technology Center technical support staff of Art Unit 3765 for re-mailing the Office action of October 1, 2007. The period for reply will run from the mailing date of the Office action.

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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JAN 3 1 2008

OFFICE OF PETITIONS

MAYER & WILLIAMS PC
251 NORTH AVENUE WEST, 2ND FLOOR
WESTFIELD NJ 07090

In re Application of

NEUBELT, Michael J.
Application No. 11/116,134
Filed: April 27, 2005
Attorney Docket No. **9005/65**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 18, 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 reason set forth in the request, "responsibility for this matter was transferred to the firm of Choate, Hall & Stewart LLP per assignee's request", does not meet any of the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).
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: **CHOATE HALL & STEWART, LLP**
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

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

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

In re Patent No. 7,616,776
Issued: November 10, 2009
Application No. 11/116,137
Filed: April 26, 2005
Dkt. No.: 093196-1050

: DECISION ON APPLICATION FOR
: PATENT TERM ADJUSTMENT and
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION
:

This is a decision on the petition filed on January 11, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by 1,225 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 1,225 days is **GRANTED**.

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

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 1,225 days.

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

/ALESIA M. BROWN/

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,616,776 B2

DATED : **November 10, 2009** **DRAFT**

INVENTOR(S) : Petrovic, 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 807 days

Delete the phrase "by 807 days" and insert – by 1,225 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Quine Intellectual Property Law Group, P.C.
P.O. Box 458
Alameda, CA 94501

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OFFICE OF PETITIONS

In re Application of	:	
Frank Sauer, et al.	:	
Application No. 11/116,142	:	DECISION ON PETITION
Filed: April 26, 2005	:	TO WITHDRAW
Attorney Docket No. UCOTP014/2004-474-4	:	FROM RECORD
	:	

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 19, 2007.

The request is **APPROVED**.

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

The request was signed by Jonathan Alan Quine on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

The application became abandoned for failure to timely reply to the Office action mailed November 16, 2007.

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

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Frank Sauer**
375 Central Avenue, #191
Riverside, CA 92507

cc: **Beyer Weaver LLP**
P.O. Box 70250
Oakland, CA 94612-0250

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
11/116,142	04/26/2005	Frank Sauer	UCOTP014/2004-474-4

CONFIRMATION NO. 2543

POWER OF ATTORNEY NOTICE

22798
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

OC000000029813021

Date Mailed: 05/07/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/19/2007.

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

/tswilliams/

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

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DEC 29 2005

OFFICE OF PETITIONS

KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

In re Application of GianLuca Velente, Victorio Pozzetti, Olle Kordina, Maurizio Masi, Natale Speciale, Danilo Crippa , and Franco Preti Application No.11/116,145 Filed: April 27, 2005 Attorney Docket No. SAIC 21.881 Title of Invention: System for Growing Silicon Carbide Crystals	DECISION GRANTING STATUS UNDER 37 CFR 1.47(A)

This is in response to the petition under 37 CFR 1.47(a) filed November 18, 2005.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. The petition attest a copy of the application was sent to non-signing inventor's last known address. The non-signing inventor's failure to respond to the application mailing sufficiently establishes that he refuses to execute the application papers.

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

Pursuant to petitioner's request deposit account will be charged the $200.00 petition fee, $2,160.00 five month extension of time fee and $130.00 surcharge for late filing fee or oath or declaration.

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

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

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Olle Kordina
121 Forest Heights
Butler, Pennsylvania 16001

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DEC 29 2005

OFFICE OF PETITIONS

In re Application of
GianLuca Velente, Victorio Pozzetti, Olle Kordina, Maurizio Masi, Natale Speciale, Danilo Crippa , and Franco Preti
Application No.11/116,145
Filed: April 27, 2005
Attorney Docket No. SAIC 21.881
Title of Invention: System for Growing Silicon Carbide Crystals

: LETTER

Dear Dr. Kordina :

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema Grant
Charlema R. Grant
Petitions Attorney
Office of Petitions

KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585
ATTN: LINDA S. CHAN

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Christie, Parker & Hale, LLP
PO Box 7068
Pasadena CA 91109-7068

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SEP 06 2005
OFFICE OF PETITIONS

In re Application of :
Kocaman et al. :
Application No. 11/116,159 :
Filed: April 27, 2005 :
Attorney Docket No. 54388/PCH/B600 :

ON PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed July 19, 2005, requesting that the application be accorded a filing date of April 27, 2005, rather than the presently accorded filing date of April 28, 2005.

Petitioners request the earlier filing date on the basis that the United States Postal Service (USPS) picked up the application on April 27, 2005, for Express Mail Delivery to the United States Patent and Trademark Office (USPTO). Nevertheless, the Filing Receipt issued by the USPTO indicates the filing date as April 28, 2005.

In support of the assertion, the petition is accompanied by a USPS Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post, which indicates that a USPS employee accepted a package bearing Express Mail label No. EV327881899US on April 27, 2005, as evidenced by the USPS employee's signature. Additionally, petitioners submitted a printout of the USPS Track & Confirm, indicating that a package bearing Express Mail label No. EV327881899US was en route on April 27, 2005, at 5:07 p.m. and delivered to Alexandria, VA 22313, on April 28, 2005, at 10:39 a.m. The same Express Mail label number was placed on the original transmittal sheet located in the official file.

In view of corroborating evidence submitted by petitioners, the petition is granted.

The Office of Initial Patent Examination is directed to correct the filing date to April 27, 2005, and to mail a corrected filing receipt.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Christie, Parker & Hale, LLP
PO Box 7068
Pasadena CA 91109-7068

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SEP 06 2005

OFFICE OF PETITIONS

In re Application of :
Kocaman et al. :
Application No. 11/116,160 : ON PETITION
Filed: April 27, 2005 :
Attorney Docket No. 54389/PCH/B600 :

This is a decision on the petition under 37 CFR 1.10(c), filed July 19, 2005, requesting that the application be accorded a filing date of April 27, 2005, rather than the presently accorded filing date of April 28, 2005.

Petitioners request the earlier filing date on the basis that the United States Postal Service (USPS) picked up the application on April 27, 2005, for Express Mail Delivery to the United States Patent and Trademark Office (USPTO). Nevertheless, the Filing Receipt issued by the USPTO indicates the filing date as April 28, 2005.

In support of the assertion, the petition is accompanied by a USPS Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post, which indicates that a USPS employee accepted a package bearing Express Mail label No. EV327881908US on April 27, 2005, at 4:20, as evidenced by the USPS employee's signature. Additionally, petitioners submitted a printout of the USPS Track & Confirm, indicating that a package bearing Express Mail label No. EV327881908US was en route on April 27, 2005, at 5:07 p.m. and delivered to Alexandria, VA 22313, on April 28, 2005, at 10:39 a.m. The same Express Mail label number was placed on the original transmittal sheet located in the official file.

In view of corroborating evidence submitted by petitioners, the petition is granted.

The Office of Initial Patent Examination is directed to correct the filing date to April 27, 2005, and to mail a corrected filing receipt.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

OIPE JC26
MAY 1 8 2005
PATENT & TRADEMARK OFFICE

MS PETITION
Attorney Docket No. 26431-X

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named Inventor:
Greg MOORE

Application No.: 11/116,208

Filed: April 28, 2005

Title: **REPLACEMENT SKINS FOR A WRITING SURFACE**

SUPPLEMENTAL PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102(d)

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

Sir:

This is a Supplemental Petition to Make Special under 37 C.F.R. 1.102(d) in addition to the original Petition to Make Special filed April 28, 2005, to advance examination of the above application. In particular, Applicant is petitioning for advancement of examination under MPEP § 708.02(VIII) for certain new applications.

In addition to the documents filed on April 28, 2005 with the original Petition to Make Special, Applicant includes herein:

(A) a statement that a follow-up pre-examination search has been made (Supplemental Attachment A);

(B) a copy of each reference discussed in Supplemental Attachment B;

(C) a detailed discussion of each references which points 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 (Supplemental Attachment B).

Applicant respectfully requests this petition and the attachments included herein be incorporated into the original

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
DEC 2 2 2005

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

7/21/09

Patent No. :7470081
Inventor(s) :Yutaka MIYAHARA et al.
Issued : 12/30/2008
Title : JOINT STRUCTURE BETWEEN MEMBERS
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 claims 3, Col.10, line 10 is printed in accordance with the record please show evidence of supporting data or amendment. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.
Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

STUDEBAKER & BRACKETT PC
1890 PRESTON WHITE DRIVE, SUITE 105
RESTON, VA 20191

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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NOVATECH IP LAW
1001 AVE. PICO, SUITE C500
SAN CLEMENTE, CA 92673

MAILED

MAY 15 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Arnold J. Lauder et al
Application No. 11/116,222
Filed: April 28, 2005
Attorney Docket No. 03-0866

This is a decision on the petition, filed May 15, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 14, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 1791 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STEPHEN R. GREINER, ESQUIRE
GREINER LAW OFFICES, P.C.
SUITE 110
6701 DEMOCRACY BLVD.
BETHESDA MD 20817

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OFFICE OF PETITIONS

In re Application of
Raymond L. Bessmertny
Application No. 11/116,223
Filed: April 28, 2005
Attorney Docket No. 3909.01

ON PETITION

This is a decision in response to the petition, filed June 26, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed August 2, 2006. A Notice of Abandonment was mailed on May 22, 2007. In response, on June 26, 2007, the present petition was filed, including, *inter alia*, a petition for extension of time.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, petitioner is entitled to a refund of the $510 extension fees included with this petition.

Any request for refund must included a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed response; (2) the petition fee of $750; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to Technology Center AU 3753 for appropriate action by the Examiner in the normal course of business on the reply received June 26, 2007.

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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United States Patent and Trademark Office
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ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of	:
Chung-Yu Lin	:
Application No. 11/116,248	: DECISION GRANTING PETITION
Filed: April 28, 2005	: UNDER 37 CFR 1.137(b)
Attorney Docket No. LINC3188/BEU	:

This is a decision on the petition under 37 CFR 1.137(b), filed July 3, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Nonfinal Rejection of October 30, 2006, is accepted as having been unintentionally delayed.

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

This matter is being referred to Technology Center AU 2164.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date : March 12, 2009

Patent No. :7479362
Inventor(s) :Hitoshi Fukishima et al
Issued :January 20, 2009
Title :UV DECOMPOSABLE MOLECULES AND A PHOTOPATTERN MONOMOLECULAR
:FILM FORMED THEREFROM

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 Rules 1.322 and 1.323.

Respecting the alleged error the omission of inventors' names, the inventors are printed in accordance with the Declaration submitted at the time of filing the application. Therefore, no correction is in order here under Rules 1.322 or 1.323.

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

However, your attention is directed to C.F.R. 1.324, wherein a request is being made to add or delete inventor(s), after issuance of the patent.

J H Green

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308-9390 ext. 123

James A. Oliff
P.O. Box 320850
Alexandria, VA 22320-4850

/arg

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 1 2 2005
Director's Office
Group 3700

Dilworth D. Sanderson
848 East 214th Street
Bronx, NY 10476

In re application of Dilworth D. Sanderson	:	**DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR. 1.102(c)**
Serial Number: 11/116,315 Filed: April 28, 2005	:	

For: **SENSORMATIC TOILET**

This is a decision on the petition filed on April 28, 2005, under 37 CFR. 1.102(c) to make special the above identified application because of the age/health of the applicant. Since the requirements of the M.P.E.P Section 708.02 IV have been met, the petition will be GRANTED.

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

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

Summary: Decision on Petition **GRANTED**.

Richard A. Bertsch
Director
Technology Center 3700
(571) 272-3750

rt: 9/9/05

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/116,321	04/28/2005	Yoichiro Yamagata	271567US2S	3691

7590 10/14/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
10/14/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 10/10/2008 BPOWELL
04/29/2005 SMINASS1 00000045 11116321
02 FC:1111 -500.00 OP

Adjustment date: 10/10/2008 BPOWELL
04/29/2005 SMINASS1 00000045 11116321
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

Mail Date: 04/20/2010

Applicant	: Paul E. Sidwell	: DECISION ON REQUEST FOR
Patent Number	: 7588477	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/116,322	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **12** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/116,330	04/28/2005	Yasufumi Tsumagari	271569US2S	4415

7590 10/14/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
10/14/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 10/10/2008 BPOWELL
04/29/2005 AADOF01 00000050 11116330
02 FC:1111 -500.00 OP

Adjustment date: 10/10/2008 BPOWELL
04/29/2005 AADOF01 00000050 11116330
02 FC:1111 -500.00 OP

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Paper No.

DUANE MORRIS LLP
1667 K Street, N.W.
Washington DC 20006

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OFFICE OF PETITIONS

In re Application of	:	
Andy Rostron, Eric Wenger	:	DECISION NOTING JOINDER
and W. Cari Day	:	OF INVENTOR AND PETITION
Application No. 11/116,346	:	UNDER 37 C.F.R. § 1.47 MOOT
Filed: April 28, 2005	:	
Atty Docket No. HAR66 031 CIP	:	

This is in response to the "PETITION UNDER 37 CFR 1.47(a) AND RESPONSE TO NOTICE OF INCOMPLETE REPLY", filed November 30, 2005. This decision is made in light of the submission of the declaration filed December 12, 2005 and the supplemental ADS filed May 30, 2006.

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on April 28, 2005, without an executed oath or declaration. In response to a "Notice to File Missing Parts of Application" mailed May 31, 2005, on September 27, 2005, applicants filed a response[1]. However, by Notice of Incomplete Reply mailed October 6, 2005, applicants were advised that the response was missing a declaration with the signature of joint inventor Eric Wenger. The period for reply continued to run as set forth in the Notice mailed May 31, 2005.

On November 30, 2005, applicants filed the petition under § 1.47(a). The period for filing this petition ran from the original Notice mailed May 31, 2005. To avoid abandonment, the May 31, 2005 Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a). Accordingly,

[1] The response was made timely by an accompanying petition for extension for response within the second month.

the prior extension for response within the second month is insufficient to make this response timely. To make this response timely, an extension for response within the fourth month was charged pursuant to the authorization to charge any required fees to the Deposit Account. In addition for this response to be complete, the petition fee is required.

Before a decision was rendered on the petition, on December 12, 2005, applicants filed a declaration executed by inventor Wenger.

The declaration has been reviewed and found in compliance with 37 CFR 1.63.

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

This application will be examined in due course.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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PO BOX 747
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OFFICE OF PETITIONS

In re Application of	:	
Takesako et al.	:	
Application No. 11/116,371	:	ON PETITION
Filed: April 28, 2005	:	
Attorney Docket No.:1422-0523PUS2	:	
Title of Invention: Antigenic	:	
Protein Originating in Malassezia	:	

This is a decision on the petition filed July 18, 2005, requesting that page 65 of the specification be considered as part of the original disclosure submitted on April 28, 2004.

The application was filed on April 28, 2005. However, on May 19, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of April 28, 2004 but page 65 of the specification appeared to have been omitted. The Notice also required compliance with 37 CFR 1.821.

In response, the present petition was filed wherein Petitioner contends 154 sheets of specification including page 65 were filed on April 28, 2005. In support, the petition is accompanied by a copy of applicants' return postcard which lists 154 sheets of drawings. The petition is further accompanied by a copy of page 65 of the specification.

Applicant's postcard receipt is prima facie evidence that 154 sheets of specification (description and claims), including page 656 were received on April 28, 2005, but page 65 is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that page 65 was received on April 28, 2005, as shown in counsel's file, and later misplaced in the office.

The petition is Granted. The $400.00 petition fee will be refunded to deposit account no. 02-2448.

Since page 65 of the specification cannot be located in the

Office, page 65 supplied on July 18, 2005, will be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of April 28, 2005, using substitute page 65 of the specification supplied on July 18, 2005. Thereafter, the application will be evaluated for compliance with 37 CFR 1.821(e).

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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Set Name side by side	Query	Hit Count	Set Name result set
	DB=USPT; PLUR=YES; OP=ADJ		
L3	MALESSEZIA	6	L3
L2	(16 or 17 or 18 or 19 or 20 or 21 or 22 or 23 or 24 or 25 or 26) W (000 OR KD OR KDA OR KDALTON OR KILODALTON)	0	L2
L1	6911208	1	L1

END OF SEARCH HISTORY

do this separately because in the conference it was suggested

INDEX BIOSCIENCE
S (16 or 17 or 18 or 19 or 20 or 21 or 22 or 23 or 24 or 25 or 26) W (000 OR KD OR KDA OR KDALTON OR KILODALTON)
L1
S (16000 OR 17000 OR 18000 OR 19000 OR 20000 OR 21000 OR 22000 OR 23000 OR 24000 OR 25000 OR 26000)
L2
S MALESSEZIA
L3
S (L1 OR L2) AND L3
L4
D RANK
FILE FRS
S L4
L5
DUP REM
L6
S L6 AND PY<"PRIORITY YEAR+1" priority date is 6/12/1998)
D BIB ABS

1. (Original) An isolated and purified antigenic protein from fungi of the genus **Malassezia**, wherein said antigenic protein has a molecular weight of about **21 kDa** as determined by SDS-PAGE under reduced conditions and about **40 kDa** as determined by SDS-PAGE under non-reduced conditions, an **isoelectric point** of about **4.7** in a native state, and an **isoelectric point of about 5.3** in a denatured state with 8 M urea.
MALASSEZIA OR FURFUR OR PITYROSPORT OR IP OR PITYROSPORT(W)ORBICULAR?
Protein 16-21kd
Protein 40-45kd + highlighted isoelectric points, also see or previous search history but this time we have to do 40-45kd protein range

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FILE COVERS 1907 - 17 Oct 2008 VOL 149 ISS 17
FILE LAST UPDATED: 16 Oct 2008 (20081016/ED)

Caplus now includes complete International Patent Classification (IPC) reclassification data for the second quarter of 2008.

Effective October 17, 2005, revised CAS Information Use Policies apply. They are available for your review at:

http://www.cas.org/legal/infopolicy.html

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L1          955 SEA FILE=CAPLUS ABB=ON  PLU=ON  MALASSEZ? OR FURFUR OR
                PITYROSPOR? OR (P OR PITYROSPOR?)(W)ORBICULAR?
L2           26 SEA FILE=CAPLUS ABB=ON  PLU=ON  L1 AND (KD OR KDA OR KILOD
                OR KILODA OR KILODATON)


L1          955 SEA FILE=CAPLUS ABB=ON  PLU=ON  MALASSEZ? OR FURFUR OR
                PITYROSPOR? OR (P OR PITYROSPOR?)(W)ORBICULAR?
L3           11 SEA FILE=CAPLUS ABB=ON  PLU=ON  L1 AND (16 OR 17 OR 18 OR
                19 OR 20 OR 21 OR 22 OR 23 OR 24 OR 25 OR 26)(S)(KD OR KDA
                OR KILOD OR KILODA OR KILODATON)


L1          955 SEA FILE=CAPLUS ABB=ON  PLU=ON  MALASSEZ? OR FURFUR OR
                PITYROSPOR? OR (P OR PITYROSPOR?)(W)ORBICULAR?
L4            0 SEA FILE=CAPLUS ABB=ON  PLU=ON L1 AND (16000 OR 17000 OR 18000
                OR 19000 OR 20000 OR 2100 OR 22000 OR 23000 OR 24000 OR 25000
                OR 26000)

L5           26 S L2 OR L3


L9            7 SEA ABB=ON  PLU=ON  L5 AND (PY<1998 OR PRY<1998 OR AY<1998
                OR PY<1999 OR PRY<1999 OR AY<1999)
```

L9 ANSWER 1 OF 7 CAPLUS COPYRIGHT 2008 ACS on STN
ED Entered STN: 07 Aug 1998
ACCESSION NUMBER: 1998:492984 CAPLUS Full-text
DOCUMENT NUMBER: 129:259272
ORIGINAL REFERENCE NO.: 129:52835a,52838a
TITLE: Identification and cloning of two novel allergens from the lipophilic yeast, Malassezia

furfur
AUTHOR(S): Yasueda, Hiroshi; Hoshida-Okado, Takashi; Saito, Akemi; Uchida, Katsuhisa; Kuroda, Masanobu; Onishi, Yoshimi; Takahashi, Kazuo; Yamaguchi, Hideyo; Takesako, Kazutoh; Akiyama, Kazuo
CORPORATE SOURCE: Clinical Research Center for Allergy and Rheumatology, National Sagamihara Hospital, Kanagawa, 228-8522, Japan
SOURCE: Biochemical and Biophysical Research Communications (1998), 248(2), 240-244
CODEN: BBRCA9; ISSN: 0006-291X
PUBLISHER: Academic Press
DOCUMENT TYPE: Journal
LANGUAGE: English

AB Two novel allergens, designated Mal f 2 and Mal f 3 according to the WHO/IUIS Allergen Nomenclature Subcommittee recommendation, were isolated from the lipophilic yeast Malassezia furfur cell exts. and the genes coding for those were cloned. Mal f 2 and Mal f 3 had apparent mol. wts. of 21 kDa and 20 kDa, resp., on SDS-PAGE under reducing conditions. The identified cDNA clone of Mal f 2 encoded an open reading frame of 177 amino acid residues. Fifty-one percent identity was found between the Mal f 2 and Mal f 3 sequences. Comparison of the Mal f 2 and Mal f 3 sequences with known protein sequences revealed that they had sequence homol. with two peroxisomal membrane proteins of Candida boidinii and an Aspergillus fumigatus allergen, Asp f 3. In RAST, both Mal f 2- and Mal f 3-specific IgE antibodies could be detected in approx. 70 % of sera from M. furfur sensitized patients with atopic dermatitis. (c) 1998 Academic Press.

REFERENCE COUNT: 27 THERE ARE 27 CITED REFERENCES AVAILABLE FOR THIS RECORD. ALL CITATIONS AVAILABLE IN THE RE FORMAT

L9 ANSWER 2 OF 7 CAPLUS COPYRIGHT 2008 ACS on STN
ED Entered STN: 01 May 1998
ACCESSION NUMBER: 1998:248617 CAPLUS Full-text
DOCUMENT NUMBER: 128:280661
ORIGINAL REFERENCE NO.: 128:55501a,55504a
TITLE: Protein profiles of Malassezia pachydermatis isolated from dogs
AUTHOR(S): Dall'Acqua Coutinho, Selene; De Souza, Tania; Rodrigues Paula, Claudete
CORPORATE SOURCE: Microbiol. Dep., Biomedical Sci. Inst., Univ. Sao Paulo, Sao Paulo, 05053, Brazil
SOURCE: Mycopathologia (1997), 139(3), 129-135
CODEN: MYCPAH; ISSN: 0301-486X
PUBLISHER: Kluwer Academic Publishers
DOCUMENT TYPE: Journal
LANGUAGE: English

AB The protein fractions from the cell walls of M. pachydermatis isolates from dogs with otitis and dermatitis were studied by sodium dodecyl sulfate -PAGE. The ear canal secretion and skin isolates showed bands of 15.0-145.7 and 16.0-141.1 kDa, resp. Protein bands occurred most frequently within the 30-40, 40-50, 50-60, and 70-80 kDa bands (66.7, 70.0, 73.3, 83.3%, resp.). Statistical anal. comparing skin and ear canal samples showed no differences concerning either the total number of bands nor of the mol. weight strips.

L9 ANSWER 3 OF 7 CAPLUS COPYRIGHT 2008 ACS on STN
ED Entered STN: 27 Jun 1997
ACCESSION NUMBER: 1997:399175 CAPLUS Full-text
DOCUMENT NUMBER: 127:78326

ORIGINAL REFERENCE NO.: 127:14921a,14924a
TITLE: Cell surface expression of two major yeast allergens in the Pityrosporum genus
AUTHOR(S): Zargari, A.; Emilson, A.; Hallden, G.; Johansson, S.; Scheynius, A.
CORPORATE SOURCE: Department of Laboratory Medicine, Division of Clinical Immunology, Karolinska Hospital, Stockholm, S-171 76, Swed.
SOURCE: Clinical and Experimental Allergy (1997), 27(5), 584-592
CODEN: CLEAEN; ISSN: 0954-7894
PUBLISHER: Blackwell
DOCUMENT TYPE: Journal
LANGUAGE: English

AB The authors have previously identified 2 major allergens of Pityrosporum orbiculare and characterized these as 37 kDa and 67 kDa proteins. Here, they investigated the presence and subcellular location of the 37 kDa and 67 kDa allergen components in various members of the genus Pityrosporum as well as in Candida albicans, C. parapsilosis, and Saccharomyces cerevisiae. To detect both cell surface and intracellular expression of the allergens, flow cytometry and confocal laser scanning microscopy (CLSM) were used. The cells were stained with indirect immunofluorescent (IIF) or alkaline phosphatase anti-alkaline phosphatase (APAAP) methods using mouse monoclonal antibodies (MoAbs). Ninety-five per cent of the P . orbiculare (P. ovale) cells cultured for 4 days showed cell surface-binding of the anti-37 kDa MoAb and 88% of the cells bound the anti-67 kDa MoAb when analyzed with IIF and flow cytometry. It was found that the members of the genus Pityrosporum (Malassezia), P. pachydermatis and M. sympodialis, expressed the 37 kDa and 67 kDa allergens to a similar extent as did P. orbiculare . Less than 5% of the cells of the genus Candida and S. cerevisiae showed pos. staining with the MoAbs. The CLSM revealed that the 37 kDa and the 67 kDa components were located to the cell wall and could not be detected inside the acetone fixed and APAAP stained yeast cells of the genus Pityrosporum. When the yeast cells were cultured for >4 days the expression of both allergens decreased. All 3 members of the genus Pityrosporum express the 37 kDa and 67 kDa major allergens on the cell surface, whereas these proteins could virtually not be detected in the Candida genus and S. cerevisiae.

REFERENCE COUNT: 33 THERE ARE 33 CITED REFERENCES AVAILABLE FOR THIS RECORD. ALL CITATIONS AVAILABLE IN THE RE FORMAT

L9 ANSWER 4 OF 7 CAPLUS COPYRIGHT 2008 ACS on STN
ED Entered STN: 07 Mar 1997
ACCESSION NUMBER: 1997:150830 CAPLUS Full-text
DOCUMENT NUMBER: 126:198414
ORIGINAL REFERENCE NO.: 126:38338h,38339a
TITLE: IgE antibodies to protein and mannan antigens of Pityrosporum ovale in atopic dermatitis patients
AUTHOR(S): Lintu, P.; Savolainen, J.; Kalimo, K.
CORPORATE SOURCE: Departments of Clinical Allergology, University of Turku, Turku, FIN-25020, Finland
SOURCE: Clinical and Experimental Allergy (1997), 27(1), 87-95
CODEN: CLEAEN; ISSN: 0954-7894
PUBLISHER: Blackwell
DOCUMENT TYPE: Journal
LANGUAGE: English

AB Pityrosporum ovale is a common saprophyte on the skin capable of inducing IgE antibody production in atopic dermatitis (AD) patients. Allergens of P. ovale

have been examined in several studies, but consensus on them is lacking. This study was carried out to obtain more information about the IgE antibody response against P. ovale, including mannan. Sera from 64 AD patients and 10 healthy controls were analyzed with immunoblotting and the nitrocellulose radio allergosorbent test (RAST) method specifically developed to detect antimannan P. ovale IgE antibodies. In immunoblotting a total of 39 different IgE stained protein bands were seen. A high mol. weight staining was also seen especially in patients who displayed elevated mannan P. ovale RAST values. The most commonly stained protein bands in immunoblotting were 9 and 96 kDa bands with antibodies in 73 and 65% of AD patients who had been pos. in com. P. orbiculare RAST with total serum IgE less than 4000 kU/1. Mannan RAST appeared pos. in 77% of them. Pos. immunoblotting to either of these bands was seen in 90% and, if added with staining with the 20 kDa band, in 100% of these AD patients. A combination of 9 kDa IgE staining and mannan P. ovale RAST was pos. in 92% of the patients and 96 kDa and mannan P. ovale RAST in 85% of the patients. It is evident that P. ovale has several allergens, the 9, 96 and 20 kDa regions being the most important. According to our results mannan is also an important allergen of P. ovale.

L9 ANSWER 5 OF 7 CAPLUS COPYRIGHT 2008 ACS on STN
ED Entered STN: 11 Nov 1995
ACCESSION NUMBER: 1995:909778 CAPLUS Full-text
DOCUMENT NUMBER: 124:26406
ORIGINAL REFERENCE NO.: 124:5022h,5023a
TITLE: Maintenance of cell-type-specific cytoskeletal character in epithelial cells out of epithelial context: cytokeratins and other cytoskeletal proteins in the rests of Malassez of the periodontal ligament
AUTHOR(S): Peters, Beate H.; Peters, Jan-Michael; Kuhn, Caecilia; Zoeller, Joachim; Franke, Werner W.
CORPORATE SOURCE: Division of Cell Biology, German Cancer Research Center, Heidelberg, D-69120, Germany
SOURCE: Differentiation (Berlin) (1995), 59(2), 113-26
CODEN: DFFNAW; ISSN: 0301-4681
PUBLISHER: Springer
DOCUMENT TYPE: Journal
LANGUAGE: English

AB We have determined the patterns of synthesis of cytokeratins and other epithelial marker proteins in the "rests of Malassez" of the periodontium of rabbits and humans, by immunofluorescence microscopy of cryosections prepared from fixed and decalcified rabbit teeth with attached ligament or from manually isolated human periodontal ligaments. Proteins of the major cell structures characterizing epithelial differentiation are present in Malassez cells: a complex set of cytokeratins as well as desmosomal, hemidesmosomal and basal lamina proteins. In addition, we have shown these cytoskeletal and extracellular matrix structures by electron microscopy. The cytokeratin complement of Malassez cells was found to be highly complex, as 8 of the total of 20 known epithelial cytokeratins were detected (nos. 5, 7, 8, 14, 15, 17, 18, 19). This pattern, together with the presence of the desmosomal cadherins Dsg2 and Dsc2 and the cytoplasmic desmosome plaque-associated protein plakophilin 1, indicates that the cells of the rests of Malassez are derived from the basal cell layer of a stratified squamous epithelium rather than from simple epithelial or neuroendocrine epithelial cells. Our observations show that Malassez cells retain the major characteristics of epithelial cells throughout their differentiation from the root sheath epithelium into the rests of Malassez, even though the surface location and the polar tissue architecture that typify epithelia are lost during this process. From this study we further conclude that the specific cytoskeletal complement of the

Malassez cells represents an intrinsic gene expression program that neither depends on nor causes the formation of a stratified epithelium. We also compare the specific cytoskeletal features of Malassez cells with those of other persisting epithelial residues and discuss the potential value of these findings in relation to the histogenesis and diagnostic classification of dental and periodontal cysts and tumors.

L9 ANSWER 6 OF 7 CAPLUS COPYRIGHT 2008 ACS on STN
ED Entered STN: 01 Oct 1994
ACCESSION NUMBER: 1994:563972 CAPLUS Full-text
DOCUMENT NUMBER: 121:163972
ORIGINAL REFERENCE NO.: 121:29589a,29592a
TITLE: Laminin localization and gelatinolytic activity of epithelial rest of Malassez grown on titanium
AUTHOR(S): Abiko, Yoshihiro; Saitoh, Masato; Inoue, Takashi; Shimono, Masaki; Kaku, Tohru
CORPORATE SOURCE: School Dentistry, Health Sciences University Hokkaido, Ishikawa, 061-02, Japan
SOURCE: Bulletin of Tokyo Dental College (1994), 35(2), 55-9
CODEN: BTDCAV; ISSN: 0040-8891
DOCUMENT TYPE: Journal
LANGUAGE: English
AB The purpose of this study was to examine laminin localization in epithelial rests of Malassez grown on Ti and their gelatinase activities. Laminin localization was confirmed by immunocytochem. in all epithelial cells grown on Ti. The conditioned medium from the epithelial cells grown on Ti exhibited 72- and 92- kDa gelatinase activities by gelatin zymog. The results suggested that laminin contributes to the epithelial cell attachment to Ti and that gelatinases may be mobilized for epithelial cell movement on Ti.

L9 ANSWER 7 OF 7 CAPLUS COPYRIGHT 2008 ACS on STN
ED Entered STN: 20 Aug 1994
ACCESSION NUMBER: 1994:480836 CAPLUS Full-text
DOCUMENT NUMBER: 121:80836
ORIGINAL REFERENCE NO.: 121:14526h,14527a
TITLE: Identification of allergen components of the opportunistic yeast Pityrosporum orbiculare by monoclonal antibodies
AUTHOR(S): Zargari, A.; Haerfast, B.; Johansson, S.; Johansson, S. G. O.; Scheynius, A.
CORPORATE SOURCE: Dep. Clin. Immunol., Karolinska Hosp., Stockholm, S-104 01, Swed.
SOURCE: Allergy (Oxford, United Kingdom) (1994), 49(1), 50-6
CODEN: LLRGDY; ISSN: 0105-4538
DOCUMENT TYPE: Journal
LANGUAGE: English
AB The yeast Pityrosporum orbiculare (P. orbiculare) is a member of the normal human cutaneous flora, but it is also associated with several clin. manifestations of the skin. The authors have previously observed IgE-binding components in P . orbiculare exts., using sera from patients with atopic dermatitis. In the present study, the authors raised several monoclonal antibodies (MoAbs) against P. orbiculare to characterize some of its antigens, and used Candida albicans (C. albicans) as a control. The authors obtained several IgG1 MoAbs which specifically recognized P. orbiculare in ELISA. Two of these were selected for immunoblotting studies on P. orbiculare, and two patterns of reactivity emerged. Firstly, one MoAb showed a distinct band at a mol. mass of 67 kDa. In the second pattern, a

sharp band at about 37 kDa appeared. In contrast, the IgM antibodies raised reacted with a 14- kDa component; but they reacted with C. albicans in addition to P. orbiculare. The IgG1 antibodies seemed to react with proteins, as their ability to react in ELISA with extract pretreated with protease was greatly reduced. In contrast, IgM MoAbs were much less affected, suggesting that they recognized nonprotein components. To determine whether these MoAbs-binding components were also recognized by human IgE, the authors adopted a RIA using the MoAbs as catcher antibodies. Both the 67-kDa and the 37-kDa components were IgE-binding proteins. P. orbiculare RAST pos. sera were scored as pos. in the RIA, whereas the control serum was not.

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L6          241 S L2
L7          106 S L3
L8            4 S L4

L10         244 SEA ABB=ON  PLU=ON  (L6 OR L7 OR L8)
L11         103 SEA ABB=ON  PLU=ON  L10 AND (PY<1998 OR PRY<1998 OR
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AY<1998 OR PY<1999 OR PRY<1999 OR AY<1999)
L12 36 DUP REM L11 (67 DUPLICATES REMOVED)

L12 ANSWER 1 OF 36 SCISEARCH COPYRIGHT (c) 2008 The Thomson Corporation on STN
ACCESSION NUMBER: 1998:416159 SCISEARCH Full-text
THE GENUINE ARTICLE: ZQ766
TITLE: IgE, IgA, and IgG responses to common yeasts in atopic patients
AUTHOR: Savolainen J (Reprint); Kortekangas-Savolainen O; Nermes M; Viander M; Koivikko A; Kalimo K; Terho E O
CORPORATE SOURCE: Univ Turku, MediCity Res Lab, Turku Allergy Res Unit, Dept Pulm Dis & Clin Allergol, Tykistokatu 6, FIN-20520 Turku, Finland (Reprint); Univ Turku, MediCity Res Lab, Turku Allergy Res Unit, Dept Pulm Dis & Clin Allergol, FIN-20520 Turku, Finland; Univ Turku, MediCity Res Lab, Turku Allergy Res Unit, Dept Pediat, FIN-20520 Turku, Finland; Univ Turku, MediCity Res Lab, Turku Allergy Res Unit, Dept Dermatol, FIN-20520 Turku, Finland; Univ Turku, MediCity Res Lab, Turku Allergy Res Unit, Dept Med Microbiol, FIN-20520 Turku, Finland; Hop Arnaud Villeneuve, INSERM U454, Montpellier, France
COUNTRY OF AUTHOR: Finland; France
SOURCE: ALLERGY, (MAY 1998) Vol. 53, No. 5, pp. 506-512.
ISSN: 0105-4538.
PUBLISHER: MUNKSGAARD INT PUBL LTD, 35 NORRE SOGADE, PO BOX 2148, DK-1016 COPENHAGEN, DENMARK.
DOCUMENT TYPE: Article; Journal
LANGUAGE: English
REFERENCE COUNT: 35
ENTRY DATE: Entered STN: 1998
Last Updated on STN: 1998
ABSTRACT IS AVAILABLE IN THE ALL AND IALL FORMATS

AB This study was undertaken to analyze the differences in exposure and sensitization to five common environmental yeasts. The responses of IgG, IgA, and IgE to Candida albicans, C. utilis, Cryptococcus albidus, Rhodotorula rubra, and Saccharomyces cerevisiae and purified S, cerevisiae enolase were analyzed by immunoblotting (IgE-IB), and the cross-reactivity of their IgE-binding components by IgE-IB inhibition. Twenty atopic subjects, with asthma, allergic rhinitis, or atopic dermatitis were included. In skin prick tests (SPT), 12 of the patients showed simultaneous reactivity to at least two of the five yeasts, four reacted to one of the yeasts, and four had no responses. Antigens run in SDS-PAGE and transferred to nitrocellulose were probed with enzyme-labeled IgA-, IgG-, and IgE-specific antibodies. The IgE immunoblotting revealed most IgE-binding bands in C. albicans (11 bands) followed by C. utilis (eight bands), S. cerevisiae (five bands), R. rubra (five bands), and Cr. albidus (four bands). Six of the IgE-binding bands of C, albicans and C. utilis shared molecular weight, and only two bands shared molecular weight with other yeasts. These were the 46-kDa band, shared by all five yeasts, and a 13-kDa band shared by four yeasts. Prominent IgE binding was seen to a 46-kDa band of C, albicans (seven patients), C. utilis (five patients), and S. cerevisiae (one patient) and to corresponding weak bands of Cr. albidus and R. rubra (one patient). The possible cross-reactivity of the 46-kDa band was analyzed by IgE-IB inhibition and densitometry, revealing clear C. albicans inhibition of C. utilis (80%) and enolase (98%) (autoinhibition 100%). The strongest IgG responses were seen against S. cerevisiae and C.

albicans. The responses were mainly against mannans of C. albicans and S. cerevisiae, suggesting that most of the exposure is to these yeasts. Yeasts with different types of exposure, from saprophytic growth on human mucous membranes to exposure by air and food, were shown to cross-react at the allergenic level. Atopic patients primarily sensitized by C. albicans and S. cerevisiae may develop allergic symptoms by exposure to other environmental yeasts due to cross-reacting IgE antibodies.

L12 ANSWER 2 OF 36 MEDLINE on STN DUPLICATE 1
ACCESSION NUMBER: 1998303278 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 9641576
TITLE: Stability of Pityrosporum ovale allergens during storage.
AUTHOR: Lintu P; Savolainen J; Kalimo K; Terho E O
CORPORATE SOURCE: Department of Pulmonary Diseases and Clinical Allergology, University of Turku, Finland.
SOURCE: Clinical and experimental allergy : journal of the British Society for Allergy and Clinical Immunology, (1998 Apr) Vol. 28, No. 4, pp. 486-90. Journal code: 8906443. ISSN: 0954-7894.
PUB. COUNTRY: ENGLAND: United Kingdom
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE) (RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 199809
ENTRY DATE: Entered STN: 10 Sep 1998
Last Updated on STN: 10 Sep 1998
Entered Medline: 2 Sep 1998

AB BACKGROUND: Pityrosporum ovale is a common saprophyte on the skin capable to induce IgE antibody production in atopic dermatitis. Generally IgE response to P. ovale has been established with skin-prick test, but the stability of P. ovale skin test allergens is not known. OBJECTIVE AND METHODS: In this study we analysed the stability of identified allergens of P. ovale in skin test solutions during storage. The stability was checked with immunoblotting and densitometry after different time periods and at various temperatures. RESULTS: Coomassie Brilliant blue staining clearly showed, that proteins were preserved poorly at + 20 degrees C in 50% glycerol. Even extracts stored at + 4 degrees C during 6 and 12 months in 50% glycerol were degraded. Only extract stored at + 4 degrees C for 1 month in 50% glycerol was quite well preserved. According to densitometry results the 9 kDa band was the most stable main protein allergen. The 20 kDa and especially the 96 kDa bands were far more labile. The stability of low molecular allergens was in general better than the stability of high molecular weight allergens. CONCLUSIONS: The stability of P. ovale extracts stored for more than 1 month was poor even when kept at + 4 degrees C temperature. Reliability of negative skin prick results should be questioned when older extracts are used. In skin test negative cases, the sensitization should be evaluated also with the measurement of specific serum IgE antibodies to P. ovale.

L12 ANSWER 3 OF 36 MEDLINE on STN DUPLICATE 2
ACCESSION NUMBER: 1998342073 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 9675120
TITLE: Identification and cloning of two novel allergens from the lipophilic yeast, Malassezia furfur.
AUTHOR: Yasueda H; Hashida-Okado T; Saito A; Uchida K; Kuroda M; Onishi Y; Takahashi K; Yamaguchi H; Takesako K;

Akiyama K
CORPORATE SOURCE: Clinical Research Center for Allergy and Rheumatology, National Sagamihara Hospital, 18-1 Sakuradai, Kanagawa, Sagamihara, 228-8522, Japan.
SOURCE: Biochemical and biophysical research communications, (1998 Jul 20) Vol. 248, No. 2, pp. 240-4.
Journal code: 0372516. ISSN: 0006-291X.
PUB. COUNTRY: United States
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE)
LANGUAGE: English
FILE SEGMENT: Priority Journals
OTHER SOURCE: GENBANK-AB011804; GENBANK-AB011805
ENTRY MONTH: 199808
ENTRY DATE: Entered STN: 3 Sep 1998
Last Updated on STN: 3 Sep 1998
Entered Medline: 27 Aug 1998

AB Two novel allergens, designated Mal f 2 and Mal f 3 according to the WHO/IUIS Allergen Nomenclature Subcommittee recommendation, were isolated from the lipophilic yeast Malassezia furfur cell extracts and the genes coding for those were cloned. Mal f 2 and Mal f 3 had apparent molecular weights of 21 kDa and 20 kDa, respectively, on SDS-PAGE under reducing conditions. The identified cDNA clone of Mal f 2 encoded an open reading frame of 177 amino acid residues. Fifty-one percent identity was found between the Mal f 2 and Mal f 3 sequences. Comparison of the Mal f 2 and Mal f 3 sequences with known protein sequences revealed that they had sequence homology with two peroxisomal membrane proteins of Candida boidinii and an Aspergillus fumigatus allergen, Asp f 3. In RAST, both Mal f 2- and Mal f 3-specific IgE antibodies could be detected in approximately 70 % of sera from M. furfur sensitized patients with atopic dermatitis.
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L12 ANSWER 4 OF 36 MEDLINE on STN DUPLICATE 3
ACCESSION NUMBER: 1998327500 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 9662998
TITLE: [Yeast-like fungi malassezia (pityrosporum): clinical and immunological aspects fo study].
Kliniko-immunologicheskoe izuchenie drozhzhepodobnykh gribov malasszia (pityrosporum).
AUTHOR: Mokronosova M A; Arzumanian V G; Gervazieva V B
SOURCE: Vestnik Rossiiskoi akademii meditsinskikh nauk / Rossiiskaia akademiia meditsinskikh nauk, (1998) No. 5, pp. 47-50. Ref: 69
Journal code: 9215641. ISSN: 0869-6047.
PUB. COUNTRY: RUSSIA: Russian Federation
DOCUMENT TYPE: (ENGLISH ABSTRACT)
Journal; Article; (JOURNAL ARTICLE)
General Review; (REVIEW)
LANGUAGE: Russian
FILE SEGMENT: Priority Journals
ENTRY MONTH: 199808
ENTRY DATE: Entered STN: 20 Aug 1998
Last Updated on STN: 20 Aug 1998
Entered Medline: 7 Aug 1998

AB The normal flora is typified by the yeast-like fungi Malassezia (Pityrosporum). Successful attempts at treating patients with atopic and seborreic dermatitis, pityriasis versicolor, and psoriasis with antifungicides confirm the involvement of these fungi in the etiology and development of these diseases. In patients with various skin diseases, an immune response to

M. furfur is specific. In those with psoriasis, it is characterized by the higher chemoatractant activity of polymorphonuclear leukocytes stimulated by a M. furfur extract and by the immune response of IgG antibodies with immunoreactive proteins having a molecular weight of 100-120 kD. Patients with atopic dermatitis show a hyperimmune IgE-mediated response to M. furfur, with its specific Th2-lymphocytes inducing the atopic cytokines (IL-4, IL-10) that stimulate allergic reactions to other allergens. Those with pityriasis versicolor had impaired keratinocytic pigment exchange due to azelainic acid produced by M. furfur. The cause of transformation of the yeast phase of M. furfur to the mycelial one is presumably to be changes in the composition of fatty acids of the sebaceous glands due to increased androgen concentrations.

L12 ANSWER 5 OF 36 WPIX COPYRIGHT 2008 THOMSON REUTERS on STN

ACCESSION NUMBER: 1997-332788 [30] WPIX
DOC. NO. CPI: C1997-106840 [30]
DOC. NO. NON-CPI: N1997-276172 [30]
TITLE: Antigenic proteins from the fungus Malassezia - bind to IgE antibodies present in patients with Malassezia allergies, useful for diagnosis, treatment and prevention of such conditions
DERWENT CLASS: B04; D16; S03
INVENTOR: AKIYAMA K; DAIMON H; KATO I; KATOU I; KURODA M; OKADO T; ONISHI Y; TAKESAKO K; YAGIHARA T; YAMAGUCHI H; YASUEDA H
PATENT ASSIGNEE: (TAKI-C) TAKARA BIO INC; (TAKI-C) TAKARA BIO KK; (TAKI-C) TAKARA SHUZO CO LTD
COUNTRY COUNT: 26

PATENT INFO ABBR.:

PATENT NO	KIND	DATE	WEEK	LA	PG	MAIN IPC
WO 9721817	A1	19970619	(199730)*	JA	162[24]	
AU 9710413	A	19970703	(199743)	EN		
JP 09221498	A	19970826	(199744)	JA	24[0]	
JP 10077296	A	19980324	(199822)	JA	39	
JP 09521926	X	19990112	(199912)	JA		
EP 955366	A1	19991110	(199952)	DE		
AU 717150	B	20000316	(200024)	EN		
KR 99071959	A	19990927	(200048)	KO	[37]	
US 6432407	B1	20020813	(200255)	EN		
US 20030105283	A1	20030605	(200339)	EN		
TW 565567	A	20031211	(200434)	ZH		
JP 2005168506	A	20050630	(200543)	JA	72	
US 6911208	B2	20050628	(200543)	EN		
KR 465382	B	20050414	(200655)	KO		
EP 955366	B1	20060906	(200659)	EN		
DE 69636527	E	20061019	(200670)	DE		
EP 1792992	A1	20070606	(200737)	EN		
JP 3983246	B2	20070926	(200765)	JA	70	
JP 2007252380	A	20071004	(200766)	JA	72	
JP 3990730	B2	20071017	(200770)	JA	82	

JP 4044605	B2	20080206 (200812)	JA	71
US 20080069829	A1	20080320 (200822)	EN	

APPLICATION DETAILS:

PATENT NO	KIND	APPLICATION	DATE
WO 9721817	A1	WO 1996-JP3602	19961210
JP 09221498	A	JP 1996-257612	19960905
JP 10077296	A	JP 1996-257613	19960905
DE 69636527	E	DE 1996-69636527	19961210
EP 955366	A1	EP 1996-941211	19961210
EP 955366	B1	EP 1996-941211	19961210
DE 69636527	E	EP 1996-941211	19961210
US 6911208	B2 Div Ex	US 1996-91097	19961210
JP 09521926	X	WO 1996-JP3602	19961210
EP 955366	A1	WO 1996-JP3602	19961210
KR 99071959	A	WO 1996-JP3602	19961210
US 6432407	B1	WO 1996-JP3602	19961210
US 20030105283	A1 Div Ex	WO 1996-JP3602	19961210
US 6911208	B2 Div Ex	WO 1996-JP3602	19961210
KR 465382	B	WO 1996-JP3602	19961210
EP 955366	B1	WO 1996-JP3602	19961210
DE 69636527	E	WO 1996-JP3602	19961210
JP 3990730	B2	WO 1996-JP3602	19961210
TW 565567	A	TW 1996-115374	19961212
EP 1792992	A1 Div Ex	EP 1996-941211	19970619
AU 9710413	A	AU 1997-10413	19961210
AU 717150	B	AU 1997-10413	19961210
JP 09521926	X	JP 1997-521926	19961210
JP 2005168506	A Div Ex	JP 1997-521926	19961210
JP 3983246	B2 Div Ex	JP 1997-521926	19961210
JP 3990730	B2	JP 1997-521926	19961210
KR 99071959	A	KR 1998-704249	19980605
KR 465382	B	KR 1998-704249	19980605
US 6432407	B1	US 1998-91097	19980612
US 20030105283	A1 Div Ex	US 1998-91097	19980612
US 20030105283	A1	US 2002-109670	20020401
US 6911208	B2	US 2002-109670	20020401
JP 2007252380	A Div Ex	JP 2004-368355	19961210
JP 4044605	B2 Div Ex	JP 2004-368355	19961210
JP 2005168506	A	JP 2004-368355	20041220
JP 3983246	B2	JP 2004-368355	20041220
EP 1792992	A1	EP 2006-18603	19961210
JP 2007252380	A	JP 2007-118138	20070427
JP 4044605	B2	JP 2007-118138	20070427
US 20080069829	A1 Div Ex	WO 1996-JP3602	19961210
US 20080069829	A1 Div Ex	US 1998-91097	19980612
US 20080069829	A1 Div Ex	US 2002-109670	20020401
US 20080069829	A1	US 2005-116371	20050428

FILING DETAILS:

PATENT NO	KIND		PATENT NO	
AU 717150	B	Previous Publ	AU 9710413	A
DE 69636527	E	Based on	EP 955366	A
EP 1792992	A1	Div ex	EP 955366	A
JP 3983246	B2	Previous Publ	JP 2005168506	A

JP 4044605	B2	Previous Publ	JP 2007252380	A
KR 465382	B	Previous Publ	KR 99071959	A
US 20030105283	A1	Div ex	US 6432407	B
US 6911208	B2	Div ex	US 6432407	B
AU 9710413	A	Based on	WO 9721817	A
JP 09521926	X	Based on	WO 9721817	A
EP 955366	A1	Based on	WO 9721817	A
AU 717150	B	Based on	WO 9721817	A
KR 99071959	A	Based on	WO 9721817	A
US 6432407	B1	Based on	WO 9721817	A
KR 465382	B	Based on	WO 9721817	A
EP 955366	B1	Based on	WO 9721817	A
DE 69636527	E	Based on	WO 9721817	A
JP 3990730	B2	Based on	WO 9721817	A
US 20080069829	A1	Div ex	US 6432407	B
US 20080069829	A1	Div ex	US 6911208	B

PRIORITY APPLN. INFO: JP 1996-257612 19960905
JP 1995-346627 19951212
JP 1996-257613 19960905

AN 1997-332788 [30] WPIX

AB WO 1997021817 A1 UPAB: 20060113

Pure antigenic proteins isolated from the fungus Malassezia which bind to IgE antibodies present in patients with allergic conditions are new.

USE - The proteins, peptides an nucleic acids can be used in the diagnosis, treatment and prevention of allergic conditions due to Malassezia organisms (such as M.furfur, M. sympodialis and M.pachydermatitis).

Member(0003)

ABEQ JP 09221498 A UPAB 20060113

Pure antigenic proteins isolated from the fungus Malassezia which bind to IgE antibodies present in patients with allergic conditions are new.

USE - The proteins, peptides an nucleic acids can be used in the diagnosis, treatment and prevention of allergic conditions due to Malassezia organisms (such as M.furfur, M. sympodialis and M.pachydermatitis).

Member(0004)

ABEQ JP 10077296 A UPAB 20060113

Pure antigenic proteins isolated from the fungus Malassezia which bind to IgE antibodies present in patients with allergic conditions are new.

USE - The proteins, peptides an nucleic acids can be used in the diagnosis, treatment and prevention of allergic conditions due to Malassezia organisms (such as M.furfur, M. sympodialis and M.pachydermatitis).

Member(0005)

ABEQ JP 09521926 X UPAB 20060113

Pure antigenic proteins isolated from the fungus Malassezia which bind to IgE antibodies present in patients with allergic conditions are new.

USE - The proteins, peptides an nucleic acids can be used in the diagnosis, treatment and prevention of allergic conditions due to Malassezia organisms (such as M.furfur, M. sympodialis and M.pachydermatitis).

Member(0006)

ABEQ EP 955366 A1 UPAB 20060113
Pure antigenic proteins isolated from the fungus Malassezia which bind to IgE antibodies present in patients with allergic conditions are new.
USE - The proteins, peptides an nucleic acids can be used in the diagnosis, treatment and prevention of allergic conditions due to Malassezia organisms (such as M.furfur, M. sympodialis and M.pachydermatitis).

L12 ANSWER 6 OF 36 WPIX COPYRIGHT 2008 THOMSON REUTERS on STN
ACCESSION NUMBER: 1997-321363 [30] WPIX
DOC. NO. CPI: C1997-104009 [30]
TITLE: Peptide with antimicrobial, antimycotic and antiviral activity - especially for use in cosmetic and dermatological compositions
DERWENT CLASS: B04; C03; D21; D22
INVENTOR: CHRISTOPHERS E; HOPPE U; SCHROEDER J; WOLF F
PATENT ASSIGNEE: (BEIE-C) BEIERSDORF AG; (PLAN-N) PLANTON GMBH
COUNTRY COUNT: 20

PATENT INFO ABBR.:

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DE 19629119 <--	A1	19970619	(199730)*	DE	14[0] <--	
WO 9722624 <--	A2	19970626	(199731)	DE	31[0] <--	
WO 9722624 <--	A3	19970828	(199749)	EN	<--	
EP 866804 <--	A2	19980930	(199843)	DE		
JP 2000504312	W	20000411	(200029)	JA	35	
US 6255279	B1	20010703	(200140)	EN		
EP 866804	B1	20010919	(200155)	DE		
DE 59607734	G	20011025	(200171)	DE		
ES 2162125	T3	20011216	(200206)	ES		
JP 4001383	B2	20071031	(200778)	JA	19	

APPLICATION DETAILS:

PATENT NO	KIND	APPLICATION	DATE
DE 19629119 A1 19960719		DE 1996-19629119	
DE 59607734 G		DE 1996-507734	19961204
EP 866804 A2		EP 1996-942336	19961204
EP 866804 B1		EP 1996-942336	19961204
DE 59607734 G		EP 1996-942336	19961204
ES 2162125 T3		EP 1996-942336	19961204
WO 9722624 A2		WO 1996-EP5405	19961204
WO 9722624 A3		WO 1996-EP5405	19961204
EP 866804 A2		WO 1996-EP5405	19961204
JP 2000504312	W	WO 1996-EP5405	19961204
US 6255279 B1		WO 1996-EP5405	19961204
EP 866804 B1		WO 1996-EP5405	19961204
DE 59607734 G		WO 1996-EP5405	19961204

JP 2000504312 W	JP 1997-522462 19961204
US 6255279 B1	US 1999-91055 19990315
JP 4001383 B2	WO 1996-EP5405 19961204
JP 4001383 B2	JP 1997-522462 19961204

FILING DETAILS:

PATENT NO	KIND		PATENT NO	
DE 59607734	G	Based on	EP 866804	A
ES 2162125	T3	Based on	EP 866804	A
EP 866804	A2	Based on	WO 9722624	A
JP 2000504312	W	Based on	WO 9722624	A
US 6255279	B1	Based on	WO 9722624	A
EP 866804	B1	Based on	WO 9722624	A
DE 59607734	G	Based on	WO 9722624	A
JP 4001383	B2	Previous Publ	JP 2000504312	W
JP 4001383	B2	Based on	WO 9722624	A

PRIORITY APPLN. INFO: DE 1995-19547162 19951216
DE 1996-19629119 19960719

AN 1997-321363 [30] WPIX

AB DE 19629119 A1 UPAB: 20050703

Novel monomeric, homo- or heterodimeric, homo- or heterotrimeric or homo- or heterotetrameric peptide, comprises: (a) amino acid sequence (I); (b) (I) with up to 5 amino acid deletions, substitutions or insertions; (c) (I) with up to 17 amino acids deleted from and/or added to the carboxy and/or amino terminus; or (d) 1 or more copies of (I): Gly-Ile-Gly-Asp-Pro-Val-Thr-Xaa-Leu-Lys-Ser-Gly-Ala-Ile-Xaa-His- Pro-Val-Phe-Xaa-Pro-Arg-Arg-Tyr-Lys-Gln-Ile-Gly-Gly-Xaa-Gly-Leu-Pro- Xaa-Thr-Lys-Xaa-Xaa-Xaa-Xaa (I); X = any amino acid.

USE - The peptide can be used to control of Gram positive and negative bacteria (e.g. Propionibacterium acnes), yeasts (e.g. Pityrosporum ovale) and viruses, especially as an active ingredient in cosmetic and dermatological compositions, e.g. deodorants and antidandruff shampoos (it may be used as a preservatives for such compositions).

Member(0002)

ABEQ WO 1997022624 A2 UPAB 20050703

Novel monomeric, homo- or heterodimeric, homo- or heterotrimeric or homo- or heterotetrameric peptide, comprises: (a) amino acid sequence (I); (b) (I) with up to 5 amino acid deletions, substitutions or insertions; (c) (I) with up to 17 amino acids deleted from and/or added to the carboxy and/or amino terminus; or (d) 1 or more copies of (I): Gly-Ile-Gly-Asp-Pro-Val-Thr-Xaa-Leu-Lys-Ser-Gly-Ala-Ile-Xaa-His-Pro-Val-Phe-Xaa-Pro-Arg-Arg-Tyr-Lys-Gln-Ile-Gly-Gly-Xaa-Gly-Leu-Pro-Xaa-Thr-Lys-Xaa-Xaa-Xaa-Xaa (I); X = any amino acid.

USE - The peptide can be used to control of Gram positive and negative bacteria (e.g. Propionibacterium acnes), yeasts (e.g. Pityrosporum ovale) and viruses, especially as an active ingredient in cosmetic and dermatological compositions, e.g. deodorants and antidandruff shampoos (it may be used as a preservatives for such compositions).

Member(0004)

ABEQ EP 866804 A2 UPAB 20050703

Novel monomeric, homo- or heterodimeric, homo- or heterotrimeric or homo- or heterotetrameric peptide, comprises: (a) amino acid sequence (I); (b) (I) with up to 5 amino acid deletions, substitutions or insertions; (c) (I) with up to 17 amino acids deleted from and/or

added to the carboxy and/or amino terminus; or (d) 1 or more copies of (I): Gly-Ile-Gly-Asp-Pro-Val-Thr-Xaa-Leu-Lys-Ser-Gly-Ala-Ile-Xaa-His-Pro-Val-Phe-Xaa-Pro-Arg-Arg-Tyr-Lys-Gln-Ile-Gly-Gly-Xaa-Gly-Leu-Pro-Xaa-Thr-Lys-Xaa-Xaa-Xaa-Xaa (I); X = any amino acid.

USE - The peptide can be used to control of Gram positive and negative bacteria (e.g. Propionibacterium acnes), yeasts (e.g. Pityrosporum ovale) and viruses, especially as an active ingredient in cosmetic and dermatological compositions, e.g. deodorants and antidandruff shampoos (it may be used as a preservatives for such compositions).

Member(0005)
ABEQ JP 2000504312 W UPAB 20050703

Novel monomeric, homo- or heterodimeric, homo- or heterotrimeric or homo- or heterotetrameric peptide, comprises: (a) amino acid sequence (I); (b) (I) with up to 5 amino acid deletions, substitutions or insertions; (c) (I) with up to 17 amino acids deleted from and/or added to the carboxy and/or amino terminus; or (d) 1 or more copies of (I): Gly-Ile-Gly-Asp-Pro-Val-Thr-Xaa-Leu-Lys-Ser-Gly-Ala-Ile-Xaa-His-Pro-Val-Phe-Xaa-Pro-Arg-Arg-Tyr-Lys-Gln-Ile-Gly-Gly-Xaa-Gly-Leu-Pro-Xaa-Thr-Lys-Xaa-Xaa-Xaa-Xaa (I); X = any amino acid.

USE - The peptide can be used to control of Gram positive and negative bacteria (e.g. Propionibacterium acnes), yeasts (e.g. Pityrosporum ovale) and viruses, especially as an active ingredient in cosmetic and dermatological compositions, e.g. deodorants and antidandruff shampoos (it may be used as a preservatives for such compositions).

Member(0006)
ABEQ US 6255279 B1 UPAB 20050703

Novel monomeric, homo- or heterodimeric, homo- or heterotrimeric or homo- or heterotetrameric peptide, comprises: (a) amino acid sequence (I); (b) (I) with up to 5 amino acid deletions, substitutions or insertions; (c) (I) with up to 17 amino acids deleted from and/or added to the carboxy and/or amino terminus; or (d) 1 or more copies of (I): Gly-Ile-Gly-Asp-Pro-Val-Thr-Xaa-Leu-Lys-Ser-Gly-Ala-Ile-Xaa-His-Pro-Val-Phe-Xaa-Pro-Arg-Arg-Tyr-Lys-Gln-Ile-Gly-Gly-Xaa-Gly-Leu-Pro-Xaa-Thr-Lys-Xaa-Xaa-Xaa-Xaa (I); X = any amino acid.

USE - The peptide can be used to control of Gram positive and negative bacteria (e.g. Propionibacterium acnes), yeasts (e.g. Pityrosporum ovale) and viruses, especially as an active ingredient in cosmetic and dermatological compositions, e.g. deodorants and antidandruff shampoos (it may be used as a preservatives for such compositions).

L12 ANSWER 7 OF 36 MEDLINE on STN DUPLICATE 4

ACCESSION NUMBER: 1997322945 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 9179435
TITLE: Cell surface expression of two major yeast allergens in the Pityrosporum genus.
AUTHOR: Zargari A; Emilson A; Hallden G; Johansson S; Scheynius A
CORPORATE SOURCE: Department of Laboratory Medicine, Division of Clinical Immunology, Karolinska Hospital, Stockholm, Sweden.
SOURCE: Clinical and experimental allergy : journal of the British Society for Allergy and Clinical Immunology, (1997 May) Vol. 27, No. 5, pp. 584-92.
Journal code: 8906443. ISSN: 0954-7894.
PUB. COUNTRY: ENGLAND: United Kingdom
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE)

(RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 199707
ENTRY DATE: Entered STN: 5 Aug 1997
Last Updated on STN: 5 Aug 1997
Entered Medline: 18 Jul 1997

AB BACKGROUND: We have previously identified two major allergens of Pityrosporum orbiculare and characterized these as 37 kDa and 67 kDa proteins. OBJECTIVE: In the present study we have investigated the presence and subcellular location of the 37 kDa and 67 kDa allergen components in various members of the genus Pityrosporum as well as in Candida albicans, Candida parapsilosis and Saccharomyces cerevisiae. METHODS: To detect both cell surface and intracellular expression of the allergens, flow cytometry and confocal laser scanning microscopy (CLSM) were used. The cells were stained with indirect immunofluorescent (IIF) or alkaline phosphatase anti-alkaline phosphatase (APAAP) methods using mouse monoclonal antibodies (MoAbs). RESULTS: Ninety-five per cent of the P. orbiculare (P. ovale) cells cultured for 4 days showed cell surface-binding of the anti-37 kDa MoAb and 88% of the cells bound the anti-67 kDa MoAb when analysed with IIF and flow cytometry. It was found that the members of the genus Pityrosporum (Malassezia), P. pachydermatis and M. sympodialis, expressed the 37 kDa and 67 kDa allergens to a similar extent as did P. orbiculare. Less than 5% of the cells of the genus Candida and S. cerevisiae showed positive staining with the MoAbs. The CLSM revealed that the 37 kDa and the 67 kDa components were located to the cell wall and could not be detected inside the acetone fixed and APAAP stained yeast cells of the genus Pityrosporum. When the yeast cells were cultured for more than 4 days the expression of both allergens decreased significantly. CONCLUSION: All three members of the genus Pityrosporum express the 37 kDa and 67 kDa major allergens on the cell surface, whereas these proteins could virtually not be detected in the Candida genus and S. cerevisiae.

L12 ANSWER 8 OF 36 MEDLINE on STN DUPLICATE 5
ACCESSION NUMBER: 1998271644 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 9608717
TITLE: Protein profiles of Malassezia pachydermatis isolated from dogs.
AUTHOR: Coutinho S D; de Souza T; Paula C R
CORPORATE SOURCE: Microbiology Department, Biomedical Science Institute, Universidade de Sao Paulo, Brazil.
SOURCE: Mycopathologia, (1997) Vol. 139, No. 3, pp. 129-35.
Journal code: 7505689. ISSN: 0301-486X.
PUB. COUNTRY: Netherlands
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE)
(RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 199806
ENTRY DATE: Entered STN: 13 Jul 1998
Last Updated on STN: 13 Jul 1998
Entered Medline: 26 Jun 1998

AB The protein fractions of 30 Malassezia pachydermatis isolates from dogs (15 with otitis and 15 with dermatitis) were investigated by sodium dodecyl sulphate-polyacrylamide gel electrophoresis (SDS-PAGE). The electrophoresis runs resulted in bands ranging from 15.0-145.7 kDa in the ear canal secretion isolates. The values for the skin isolates varied between 16 .0-141.1 kDa. The presence of protein bands occurred most frequently within the 30-40 kDa bands (66.7%), 40-50 kDa (70.0%), 50-60 kDa (73.3%) and 80-90 kDa (83.3%). No

statistical differences were determined, considering the behavior of M. pachydermatis isolates from ear and skin in each band of molecular weight values, nor in the number of bands obtained.

L12 ANSWER 9 OF 36 MEDLINE on STN DUPLICATE 6
ACCESSION NUMBER: 1997196705 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 9117887
TITLE: IgE antibodies to protein and mannan antigens of pityrosporum ovale in atopic dermatitis patients.
AUTHOR: Lintu P; Savolainen J; Kalimo K
CORPORATE SOURCE: Department of Clinical Allergology, University of Turku, Finland.
SOURCE: Clinical and experimental allergy : journal of the British Society for Allergy and Clinical Immunology, (1997 Jan) Vol. 27, No. 1, pp. 87-95.
Journal code: 8906443. ISSN: 0954-7894.
PUB. COUNTRY: ENGLAND: United Kingdom
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE) (RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 199704
ENTRY DATE: Entered STN: 6 May 1997
Last Updated on STN: 6 May 1997
Entered Medline: 22 Apr 1997

AB BACKGROUND: Pityrosporum ovale is a common saprophyte on the skin capable of inducing IgE antibody production in atopic dermatitis (AD) patients. Allergens of P. ovale have been examined in several studies, but consensus on them is lacking. OBJECTIVE: This study was carried out to obtain more information about the IgE antibody response against P. ovale, including mannan. METHODS: Sera from 64 AD patients and 10 healthy controls were analysed with immunoblotting and the nitrocellulose radio allergosorbent test (RAST) method specifically developed to detect antimannan P. ovale IgE antibodies. RESULTS: In immunoblotting a total of 39 different IgE stained protein bands were seen. A high molecular weight staining was also seen especially in patients who displayed elevated mannan P. ovale RAST values. The most commonly stained protein bands in immunoblotting were 9 and 96 kD bands with antibodies in 73 and 65% of AD patients who had been positive in commercial P. orbiculare RAST with total serum IgE less than 4000 kU/l. Mannan RAST appeared positive in 77% of them. Positive immunoblotting to either of these bands was seen in 90% and, if added with staining with the 20 kD band, in 100% of these AD patients. A combination of 9 kD IgE staining and mannan P. ovale RAST was positive in 92% of the patients and 96 kD and mannan P. ovale RAST in 85% of the patients. CONCLUSION: It is evident that P. ovale has several allergens, the 9, 96 and 20 kD regions being the most important. According to our results mannan is also an important allegen of P. ovale.

L12 ANSWER 10 OF 36 MEDLINE on STN DUPLICATE 7
ACCESSION NUMBER: 1998210257 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 9549101
TITLE: Humoral immune response to Malassezia furfur in patients with pityriasis versicolor and seborrheic dermatitis.
AUTHOR: Silva V; Fischman O; de Camargo Z P
CORPORATE SOURCE: Departamento de Microbiologia, Imunologia e Parasitologia, Escola Paulista de Medicina, Universidade Federal de Sao Paulo (UNIFESP), Brasil.

SOURCE: Mycopathologia, (1997) Vol. 139, No. 2, pp. 79-85.
Journal code: 7505689. ISSN: 0301-486X.
PUB. COUNTRY: Netherlands
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE) (RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 199804
ENTRY DATE: Entered STN: 7 May 1998
Last Updated on STN: 7 May 1998
Entered Medline: 30 Apr 1998

AB Humoral immune responses against exoantigen components of oval, elliptic and round yeast forms of Malassezia furfur were analysed by ELISA and Western blotting assays, using sera from patients with pityriasis versicolor (PV), seborrheic dermatitis (SD) and healthy adults (HA), as control. Sera from patients with SD showed IgG anti-oval M. furfur titers ranging from 1/400 to 1/6400 showing geometric mean (GM) of 1/1472, higher than those obtained with sera from patients with PV (1/200 to 1/6400, GM = 1/1239). Both patient groups showed mean titres statistically superior ($P < 0.05$) than those obtained form HA (GM = 1/229). Similar data were also obtained with the elliptic and round antigens. However, the anti-oval IgG mean titers from patients' sera were much higher than those obtained with elliptic or round antigenic components ($p < 0.05$) Anti-M furfur IgM titers obtained from patient's sera with PV against all three exoantigens were statistically superior ($p < 0.05$) than HA group. Patients with SD showed IgM titers statistically superior ($p < 0.05$) only to oval yeasts of M. furfur. The IgA mean titers from patients' groups against the different morphological antigens were shown be slightly higher than those HA group. By Western blot, using rabbit anti-sera, the different antigenic components of M.furfur showed a close relationship mainly between oval and elliptic yeast cells antigens. The 70 kDa component of the M. furfur exoantigen of oval morphology was recognized by 84% of the PV patients' sera. On the other hand, SD patients' sera recognized 3 principal components of 70 kDa (100%), 65 kDa (67%) and 84 kDa (53%). These components may be considered immunological markers for PV and SD. Twenty-five percent of HA sera recognized the components of 65, 70 and 94 kDa. This investigation shows that M. furfur antigens can sensitize the host, mainly the oval yeast form of M. furfur with a very important specific IgG response in patients with SD and PV.

L12 ANSWER 11 OF 36 SCISEARCH COPYRIGHT (c) 2008 The Thomson Corporation on STN
ACCESSION NUMBER: 1996:144138 SCISEARCH Full-text
THE GENUINE ARTICLE: TV536
TITLE: Cloning and sequencing of the cDNA encoding the Pityrosporum orbiculare 37 kDa major allergen.
AUTHOR: Lindblom L (Reprint); Schmidt M; Hellman U; Zargari A; vanderPloeg I; Harfast B; Scheynius A
SOURCE: JOURNAL OF ALLERGY AND CLINICAL IMMUNOLOGY, (JAN 1996) Vol. 97, No. 1, Part 3, pp. 768-768.
ISSN: 0091-6749.
PUBLISHER: MOSBY-YEAR BOOK INC, 11830 WESTLINE INDUSTRIAL DR, ST LOUIS, MO 63146-3318.
DOCUMENT TYPE: Conference; Journal
FILE SEGMENT: LIFE; CLIN
LANGUAGE: English
REFERENCE COUNT: 0
ENTRY DATE: Entered STN: 1996

Last Updated on STN: 1996

L12 ANSWER 12 OF 36 BIOSIS COPYRIGHT (c) 2008 The Thomson Corporation on STN

ACCESSION NUMBER: 1996:145384 BIOSIS Full-text
DOCUMENT NUMBER: PREV199698717519
TITLE: Cloning and sequencing of the cDNA encoding the Pityrosporum orbiculare 37 kDa major allergen.
AUTHOR(S): Lindblom, L. [Reprint author]; Schmidt, M.; Hellman, U.; Zargari, A. [Reprint author]; Van Der Ploeg, I. [Reprint author]; Harfast, B. [Reprint author]; Scheynius, A. [Reprint author]
CORPORATE SOURCE: Stockholm, Sweden
SOURCE: Journal of Allergy and Clinical Immunology, (1996) Vol. 97, No. 1 PART 3, pp. 374.
Meeting Info.: Fifty-second Annual Meeting of the American Academy of Allergy Asthma and Immunology. New Orleans, Louisiana, USA. March 15-20, 1996.
CODEN: JACIBY. ISSN: 0091-6749.
DOCUMENT TYPE: Conference; (Meeting)
Conference; Abstract; (Meeting Abstract)
LANGUAGE: English
ENTRY DATE: Entered STN: 3 Apr 1996
Last Updated on STN: 26 Apr 1996

L12 ANSWER 13 OF 36 BIOSIS COPYRIGHT (c) 2008 The Thomson Corporation on STN DUPLICATE 8

ACCESSION NUMBER: 1996:356640 BIOSIS Full-text
DOCUMENT NUMBER: PREV199699078996
TITLE: Cloning and sequencing of the CDNA encoding the Pityrosporum orbiculare 38-KDA major allergen.
AUTHOR(S): Zargari, A. [Reprint author]; Lindbom, L. [Reprint author]; Schmidt, M. [Reprint author]; Holt, P. [Reprint author]; Hellman, U.; Van Der Ploeg, I. [Reprint author]; Harfast, B. [Reprint author]; Scheynius, A. [Reprint author]
CORPORATE SOURCE: Stockholm, Sweden
SOURCE: Allergy (Copenhagen), (1996) Vol. 51, No. SUPPL. 31, pp. 186.
Meeting Info.: Annual Meeting of the European Academy of Allergology and Clinical Immunology. Budapest, Hungary. June 2-5, 1996.
CODEN: LLRGDY. ISSN: 0105-4538.
DOCUMENT TYPE: Conference; (Meeting)
Conference; Abstract; (Meeting Abstract)
LANGUAGE: English
ENTRY DATE: Entered STN: 5 Aug 1996
Last Updated on STN: 5 Aug 1996

L12 ANSWER 14 OF 36 MEDLINE on STN DUPLICATE 9

ACCESSION NUMBER: 1996280782 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 8697640
TITLE: Antibodies from patients with psoriasis recognize N-acetylglucosamine terminals in glycoproteins from Pityrosporum ovale.
AUTHOR: Mathov I; Plotkin L; Abatangelo C; Galimberti R; Squiquera L; Leoni J
CORPORATE SOURCE: IDEHU, Facultad de Farmacia y Bioquimica, Universidad

de Buenos Aires, Argentina.
SOURCE: Clinical and experimental immunology, (1996 Jul) Vol. 105, No. 1, pp. 79-83.
Journal code: 0057202. ISSN: 0009-9104.
PUB. COUNTRY: ENGLAND: United Kingdom
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE)
(RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 199609
ENTRY DATE: Entered STN: 12 Sep 1996
Last Updated on STN: 12 Sep 1996
Entered Medline: 3 Sep 1996

AB We have previously reported the finding of circulating antibodies recognizing two proteins of 100 and 120 kD (PO100 and PO120) from Pityrosporum ovale in patients with psoriasis. These antibodies were specific, since they were not detected in normal sera nor in other diseases linked to P. ovale such as seborrhoeic dermatitis or pityriasis versicolor. The present study aimed at further characterizing the specificity of these antibodies. Enzyme-labelled lectins were used to determine the carbohydrate composition of PO120 and PO100. BSII, a lectin that recognizes terminal N-acetylglucosamine (GlcNAc), showed the same banding pattern as sera from patients. Reactivity against these proteins was inhibited after mild oxidation of the carbohydrate moieties of the extract. Treatment of the extracts with lyticase altered the immune reactivity against the PO120 band as seen in Western blot assays. PO100 was not detected after lyticase digestion. Digestion with lysozyme did not alter the immune reactivity of the PO100 and PO120 bands, although the protein pattern in SDS-PAGE was modified. To examine the relevance of anti-GlcNAc antibodies in the immune response to P. ovale in psoriasis, we performed a binding inhibition ELISA. Psoriatic sera that were positive in the ELISA against a heat-denatured extract of P. ovale were rendered negative only by pre-incubation with GlcNAc in a concentration-dependent manner. Our results are indicative that the antibody response to PO100 and PO120 in patients with psoriasis is directed towards terminal GlcNAc residues.

L12 ANSWER 15 OF 36 MEDLINE on STN DUPLICATE 10
ACCESSION NUMBER: 1996418520 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 8821305
TITLE: Influence of culture period on the allergenic composition of Pityrosporum orbiculare extracts.
AUTHOR: Zargari A; Doekes G; van Ieperen-van Dijk A G; Landberg E; Harfast B; Scheynius A
CORPORATE SOURCE: Department of Clinical Immunology, Karolinska Hospital, Stockholm, Sweden.
SOURCE: Clinical and experimental allergy : journal of the British Society for Allergy and Clinical Immunology, (1995 Dec) Vol. 25, No. 12, pp. 1235-45.
Journal code: 8906443. ISSN: 0954-7894.
PUB. COUNTRY: ENGLAND: United Kingdom
DOCUMENT TYPE: (COMPARATIVE STUDY)
Journal; Article; (JOURNAL ARTICLE)
(RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 199611
ENTRY DATE: Entered STN: 19 Dec 1996
Last Updated on STN: 19 Dec 1996
Entered Medline: 5 Nov 1996

AB BACKGROUND: Previous characterization studies of Pityrosporum orbiculare allergens have led to contradictory results. In immunoblotting studies a range of IgE-binding proteins of 10-100 kDa have been identified. In another study, however, the IgE-binding structures were claimed to be associated with high-molecular-weight polysaccharides or glycoproteins, presumably mannans or mannoproteins. OBJECTIVE: In the present study the reasons for these discrepancies were investigated. METHODS: P. orbiculare preparations were compared in IgE ELISA and IgE-inhibition ELISA, as well as in immunoblotting with sera from atopic dermatitis patients. RESULTS: It was inferred that variations in the period of in vitro culture of P. orbiculare constituted the most important factor determining the different compositions of the resulting yeast cell extracts. After 2 days of culture a wide range of allergenic proteins was present but upon more prolonged culture (> 4 days) most proteins of 10-100 kDa were lost. Accordingly, the protein concentration of the extracts gradually declined from 40% to 25% between days 4 and 15 of culture. On the other hand, the carbohydrate content remained fairly constant (approximately 30%). Using inhibition ELISA it was demonstrated that the high-molecular-weight glycoproteins or polysaccharides presumably involved in most of the IgE-binding capacity in extracts from old cultures, were also present in comparable concentrations in all extracts tested, even after culture for only 2 or 4 days. CONCLUSION: Preparations obtained from the exponential phase of yeast cultures (2-4 days old), should preferably be used in studies of the IgE response to P. orbiculare.

L12 ANSWER 16 OF 36 MEDLINE on STN DUPLICATE 11

ACCESSION NUMBER: 1996098151 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 7503400
TITLE: Allergen cross-reactivity between Pityrosporum orbiculare and Candida albicans.
AUTHOR: Huang X; Johansson S G; Zargari A; Nordvall S L
CORPORATE SOURCE: Department of Clinical Immunology, Karolinska Hospital, Karolinska Institute, Stockholm, Sweden.
SOURCE: Allergy, (1995 Aug) Vol. 50, No. 8, pp. 648-56.
Journal code: 7804028. ISSN: 0105-4538.
PUB. COUNTRY: Denmark
DOCUMENT TYPE: (IN VITRO)
Journal; Article; (JOURNAL ARTICLE)
(RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 199601
ENTRY DATE: Entered STN: 17 Feb 1996
Last Updated on STN: 17 Feb 1996
Entered Medline: 17 Jan 1996

AB Pityrosporum orbiculare and Candida albicans extracts were separated by SDS-PAGE, and IgE binding was detected by immunoblotting with 21 patient sera that were RAST positive to both yeasts. Cross-wise inhibition was performed of IgE binding of a serum pool containing IgE antibodies to both yeasts. The pool was mixed with serial dilutions of P. orbiculare or C. albicans extracts, and incubated with strips containing separated allergen. IgE binding was quantified by densitometric scanning and percent inhibition was calculated as well as the respective ratios between required extract concentration for 50% inhibition in heterologous compared to homologous inhibition for each component (inhibition ratio). Ten components of P. orbiculare were detected by more than 60% of the sera. IgE binding to C. albicans was weak, and only to four bands was IgE binding detected by more than 30% of the sera. The most important C. albicans allergen was a 48-kDa band, to which IgE of half of the patient sera bound. There was little inhibition of IgE binding to P.

orbiculare with C. albicans. Thus, all but three components exhibited an inhibition ratio higher than 100. The inhibition ratio of the 48-kDa C. albicans compound was 50, thus indicating some degree of cross-reactivity. Significant cross-reactivity was shown by C. albicans compounds of 18, 24, 26, 34, and 38 kDa, the inhibition ratios of which were less than 10. There was some degree of cross-reactivity between apparent protein allergens of the two yeasts, but IgE antibodies to C. albicans do not merely reflect sensitization to P. orbiculare.

L12 ANSWER 17 OF 36 SCISEARCH COPYRIGHT (c) 2008 The Thomson Corporation on STN

ACCESSION NUMBER: 1995:385085 SCISEARCH Full-text
THE GENUINE ARTICLE: RB166
TITLE: DETECTION OF IGE ANTIBODY AGAINST CANDIDA-ALBICANS ENOLASE AND ITS CROSS-REACTIVITY TO SACCHAROMYCES-CEREVISIAE ENOLASE
AUTHOR: ITO K (Reprint); ISHIGURO A; KANBE T; TANAKA K; TORII S
CORPORATE SOURCE: NAGOYA UNIV, SCH MED, DEPT PEDIAT, SHOWA KU, TSURUMAI 65, NAGOYA, AICHI 466, JAPAN (Reprint); NAGOYA UNIV, SCH MED, DIS MECHANISM & CONTROL RES INST, MED MYCOL LAB, SHOWA KU, NAGOYA, AICHI 466, JAPAN; NAGOYA UNIV, COLL MED TECHNOL, NAGOYA, AICHI, JAPAN
COUNTRY OF AUTHOR: JAPAN
SOURCE: CLINICAL AND EXPERIMENTAL ALLERGY, (JUN 1995) Vol. 25, No. 6, pp. 522-528.
ISSN: 0954-7894.
PUBLISHER: BLACKWELL SCIENCE LTD, OSNEY MEAD, OXFORD, OXON, ENGLAND OX2 0EL.
DOCUMENT TYPE: Article; Journal
FILE SEGMENT: LIFE; CLIN
LANGUAGE: English
REFERENCE COUNT: 28
ENTRY DATE: Entered STN: 1995
Last Updated on STN: 1995

ABSTRACT IS AVAILABLE IN THE ALL AND IALL FORMATS

AB Candida albicans 46 kDa protein, a glycolytic enolase enzyme, is an important allergen of the yeast. The purpose of the study was to detect circulating IgE and IgG antibodies against C, albicans enolase (CAE). We isolated CAE using sequential DEAE Sephacel and P11 column chromatography from spheroplasts of C. albicans, and detected IgE and IgG antibody against CAE by immunoblotting. Crossreactivity of enolose of C. albicans and Saccharomyces cerevisiae was also examined by immunoblotting and immunoblot inhibition test. Among 54 sera with positive IgE PAST to C. albicans, IgE antibody against CAE was detected in 20 sera (37%) and IgG antibody in 27 sera (50%). The allergenic potency of CAE was confirmed using a skin-prick test in three patients. Simultaneous IgE binding to S. cerevisiae enolase was only observed in four out of 20 sera reacting,to CAE. Pre-treatment of sera with CAE completely inhibited IgE binding to S. cerevisiae enolase. Whereas the latter only partially inhibited IgE binding to CAE. These results suggest that CAE shares some crossreacting epitopes with S. cerevisiae enolase, representing minor components of CAE but dominant segments of S. cerevisiae enolase.

L12 ANSWER 18 OF 36 MEDLINE on STN DUPLICATE 12

ACCESSION NUMBER: 1995043484 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 7955467

TITLE: Antibodies to proteins from Pityrosporum ovale in the sera from patients with psoriasis.
AUTHOR: Squiquera L; Galimberti R; Morelli L; Plotkin L; Milicich R; Kowalckzuk A; Leoni J
CORPORATE SOURCE: Immunodermatology Unit, Hospital Italiano de Buenos Aires, Argentina.
SOURCE: Clinical and experimental dermatology, (1994 Jul) Vol. 19, No. 4, pp. 289-93.
Journal code: 7606847. ISSN: 0307-6938.
PUB. COUNTRY: ENGLAND: United Kingdom
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE) (RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 199412
ENTRY DATE: Entered STN: 10 Jan 1995
Last Updated on STN: 10 Jan 1995
Entered Medline: 20 Dec 1994

AB In order to analyse the humoral immune response to the commensal yeast Pityrosporum ovale, we developed a western immunoblot technique with a salt soluble extract of P. ovale cytoplasm. In the present study, we tested sera from patients with psoriasis (n = 15), seborrhoeic dermatitis (n = 10), pityriasis versicolor (n = 8), and normal controls (n = 10). Seventy-three per cent (11/15) of the patients with psoriasis showed specific reactivity with a protein derived from P. ovale of estimated molecular mass 120 kDa, and 46% (7/15) of the cases recognized a 100-kDa protein. Sera from pityriasis versicolor and normal donors showed nonspecific reactivity with several bands of lower molecular weight. To characterize the location of the 100 and 120-kDa proteins, we performed a lyticase digestion of the cell wall, and analysed the soluble digested products by western blotting. The sera from psoriasis patients detected several bands in the range 100-120 kDa. The finding of the immunoreactive 120-kDa protein in this fraction suggests its location at the space between cell wall and membrane (periplasmic space). As a control, we performed an extraction of the cytoplasmic proteins of the dimorphic yeast Candida albicans. C. albicans showed a different pattern of banding in SDS-PAGE. Immunoblots with C. albicans did not allow the detection of any related band. A smear was observed in the high molecular weight range consistent with the presence of lipopolysaccharides. The role of the immune response in infection by P. ovale has not yet been fully explored.(ABSTRACT TRUNCATED AT 250 WORDS)

L12 ANSWER 19 OF 36 MEDLINE on STN
ACCESSION NUMBER: 1995079552 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 7987964
TITLE: Laminin localization and gelatinolytic activity of epithelial rest of Malassez grown on titanium.
AUTHOR: Abiko Y; Saitoh M; Inoue T; Shimono M; Kaku T
CORPORATE SOURCE: Department of Oral Pathology, School of Dentistry, Health Sciences University of Hokkaido, Japan.
SOURCE: The Bulletin of Tokyo Dental College, (1994 May) Vol. 35, No. 2, pp. 55-9.
Journal code: 7505414. ISSN: 0040-8891.
PUB. COUNTRY: Japan
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE)
LANGUAGE: English
FILE SEGMENT: Dental Journals
ENTRY MONTH: 199501
ENTRY DATE: Entered STN: 24 Jan 1995

Last Updated on STN: 3 Mar 2000
Entered Medline: 6 Jan 1995

AB The purpose of this study was to examine laminin localization in epithelial rests of Malassez grown on titanium and their gelatinase activity. Laminin localization was confirmed by immunocytochemistry in all epithelial cells grown on titanium. The conditioned medium from the epithelial cells grown on titanium exhibited 72kD- and 92 kD-gelatinase activities by gelatin zymography. Those results suggest that laminin contributes to the epithelial cell attachment to titanium and that gelatinases may be mobilized for epithelial cell movement on titanium.

L12 ANSWER 20 OF 36 MEDLINE on STN DUPLICATE 13

ACCESSION NUMBER: 1994256615 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 8198240
TITLE: Identification of allergen components of the opportunistic yeast Pityrosporum orbiculare by monoclonal antibodies.
AUTHOR: Zargari A; Harfast B; Johansson S; Johansson S G; Scheynius A
CORPORATE SOURCE: Department of Clinical Immunology, Karolinska Hospital, Stockholm, Sweden.
SOURCE: Allergy, (1994 Jan) Vol. 49, No. 1, pp. 50-6. Journal code: 7804028. ISSN: 0105-4538.
PUB. COUNTRY: Denmark
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE) (RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 199406
ENTRY DATE: Entered STN: 7 Jul 1994
Last Updated on STN: 7 Jul 1994
Entered Medline: 30 Jun 1994

AB The yeast Pityrosporum orbiculare (P. orbiculare) is a member of the normal human cutaneous flora, but it is also associated with several clinical manifestations of the skin. We have previously observed IgE-binding components in P . orbiculare extracts, using sera from patients with atopic dermatitis. In the present study, we raised several monoclonal antibodies (MoAbs) against P. orbiculare to characterize some of its antigens, and used Candida albicans (C. albicans) as a control. We obtained several IgG1 MoAbs which specifically recognized P. orbiculare in ELISA. Two of these were selected for immunoblotting studies on P. orbiculare, and two patterns of reactivity emerged. Firstly, one MoAb showed a distinct band at a molecular mass of 67 kDa . In the second pattern, a sharp band at about 37 kDa appeared. In contrast, the IgM antibodies raised reacted with a 14- kDa component; but they reacted with C. albicans in addition to P. orbiculare. The IgG1 antibodies seemed to react with proteins, as their ability to react in ELISA with extract pretreated with protease was greatly reduced. In contrast, IgM MoAbs were much less affected, suggesting that they recognized nonprotein components. To determine whether these MoAbs-binding components were also recognized by human IgE, we adopted a radioimmunoassay (RIA) using the MoAbs as catcher antibodies. Both the 67-kDa and the 37-kDa components were IgE-binding proteins. P . orbiculare RAST positive sera were scored as positive in the RIA, whereas the control serum was not.

L12 ANSWER 21 OF 36 BIOSIS COPYRIGHT (c) 2008 The Thomson Corporation on STN DUPLICATE 14

ACCESSION NUMBER: 1993:356211 BIOSIS Full-text
DOCUMENT NUMBER: PREV199345039636

TITLE: A 120 kD soluble protein from Pityrosporum ovale is recognized by sera from patients with psoriasis.
AUTHOR(S): Squiquera, Luis; Plotkin, Lilian; Galimberti, Ricardo; Leoni, Juliana
CORPORATE SOURCE: Dep. Dermatology, Hosp. Italiano Buenos Aires, Univ. Buenos Aires, Argentina
SOURCE: Journal of Investigative Dermatology, (1993) Vol. 100, No. 4, pp. 576.
Meeting Info.: Annual Meeting of the Society for Investigative Dermatology. Washington, D.C., USA. April 28-May 1, 1993.
CODEN: JIDEAE. ISSN: 0022-202X.
DOCUMENT TYPE: Conference; (Meeting)
LANGUAGE: English
ENTRY DATE: Entered STN: 31 Jul 1993
Last Updated on STN: 31 Jul 1993

L12 ANSWER 22 OF 36 SCISEARCH COPYRIGHT (c) 2008 The Thomson Corporation on STN
ACCESSION NUMBER: 1993:230003 SCISEARCH Full-text
THE GENUINE ARTICLE: KW761
TITLE: A 120-KD SOLUBLE-PROTEIN FROM PITYROSPORUM OVALE IS RECOGNIZED BY SERA FROM PATIENTS WITH PSORIASIS
AUTHOR: SQUIQUERA L (Reprint); PLOTKIN L; GALIMBERTI R; LEONI J
CORPORATE SOURCE: HOSP ITALIANO BUENOS AIRES, DEPT DERMATOL, BUENOS AIRES, ARGENTINA; UNIV BUENOS AIRES, IDEHU, BUENOS AIRES, ARGENTINA
COUNTRY OF AUTHOR: ARGENTINA
SOURCE: CLINICAL RESEARCH, (APR 1993) Vol. 41, No. 2, pp. A472-A472.
ISSN: 0009-9279.
PUBLISHER: SLACK INC, 6900 GROVE RD, THOROFARE, NJ 08086.
DOCUMENT TYPE: Conference; Journal
FILE SEGMENT: LIFE
LANGUAGE: English
REFERENCE COUNT: 0
ENTRY DATE: Entered STN: 1994
Last Updated on STN: 1994

L12 ANSWER 23 OF 36 MEDLINE on STN DUPLICATE 15
ACCESSION NUMBER: 1994111046 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 7506776
TITLE: Discrimination of parakeratinised odontogenic keratocysts from other odontogenic and non-odontogenic cyst types by expression of a 38kd cell-surface glycoprotein.
AUTHOR: High A S; Robinson P A; Klein C E
CORPORATE SOURCE: Division of Dental Surgery, Leeds Dental Institute, England.
SOURCE: Journal of oral pathology & medicine : official publication of the International Association of Oral Pathologists and the American Academy of Oral Pathology, (1993 Sep) Vol. 22, No. 8, pp. 363-7.
Journal code: 8911934. ISSN: 0904-2512.
PUB. COUNTRY: Denmark
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE)

LANGUAGE: English
FILE SEGMENT: Dental Journals; Priority Journals
ENTRY MONTH: 199402
ENTRY DATE: Entered STN: 28 Feb 1994
Last Updated on STN: 29 Jan 1996
Entered Medline: 14 Feb 1994

AB We have identified strong expression of a 38-kD cell surface glycoprotein (gp38), a marker of basal cell carcinomas (BCCs), in basal and suprabasal epithelial cell membranes of parakeratinised odontogenic keratocysts. In contrast, orthokeratinised cysts and most other odontogenic cyst types, ameloblastomas, normal stratified oral epithelium, cell rests of Malassez and glands of Serres, all proved negative. To our knowledge this is the first histochemical marker to distinguish between these major cyst types. It has obvious uses in the diagnosis of inflamed keratocysts and the separation of ameloblastomas from BCCs and may find a role in studies of the developmental biology of other odontogenic structures.

L12 ANSWER 24 OF 36 SCISEARCH COPYRIGHT (c) 2008 The Thomson Corporation on STN

ACCESSION NUMBER: 1993:296998 SCISEARCH Full-text
THE GENUINE ARTICLE: KZ746
TITLE: CANDIDA-ALBICANS AND ATOPIC-DERMATITIS
AUTHOR: SAVOLAINEN J (Reprint); LAMMINTAUSTA K; KALIMO K; VIANDER M
CORPORATE SOURCE: UNIV TURKU, DEPT PEDIAT, SF-20520 TURKU 52, FINLAND (Reprint); UNIV TURKU, DEPT MED MICROBIOL, SF-20520 TURKU 52, FINLAND; UNIV TURKU, DEPT CLIN ALLERGOL, SF-20520 TURKU 52, FINLAND; UNIV TURKU, DEPT DERMATOL, SF-20520 TURKU 52, FINLAND
COUNTRY OF AUTHOR: FINLAND
SOURCE: CLINICAL AND EXPERIMENTAL ALLERGY, (APR 1993) Vol. 23, No. 4, pp. 332-339.
ISSN: 0954-7894.
PUBLISHER: BLACKWELL SCIENCE LTD, OSNEY MEAD, OXFORD, OXON, ENGLAND OX2 0EL.
DOCUMENT TYPE: Article; Journal
FILE SEGMENT: LIFE; CLIN
LANGUAGE: English
REFERENCE COUNT: 30
ENTRY DATE: Entered STN: 1994
Last Updated on STN: 1994
ABSTRACT IS AVAILABLE IN THE ALL AND IALL FORMATS

AB The role of sensitization and exposure to Candida albicans in atopic dermatitis (AD) was studied with skin-prick tests, yeast cultures and immunoblotting in 156 young adults with AD attending the Department of Dermatology, University of Turku, during 1983-89. Eighteen patients with allergic rhinitis without eczema and 39 non-atopics were included as controls. Parameters associated with severe AD were simultaneous anti-C. albicans IgE and saprophytic C. albicans growth. A statistically significant correlation between C. albicans sensitization (specific IgE antibodies) and AD symptoms was observed only in patients with saprophytic C. albicans exposure. No correlation between C. albicans-specific IgE and AD severity was shown in patients without gastrointestinal growth. Furthermore, severe eczema was seldom seen in patients without saprophytic C. albicans growth. The most important IgE-binding components of C. albicans in immunoblotting were 27 and 46 kD proteins and mannan. a polysaccharide. IgG and IgA antibodies to C. albicans, mainly towards C. albicans mannan, were found in practically all 70 sera studied. These results suggest a continuous exposure and

induction of IgE antibodies by C. albicans in AD patients. Severe phases of AD in colonized patients are associated with IgE synthesis against C. albicans. These findings suggest a role for C. albicans in the exacerbations of AD but the clarification of this subject needs double-blind placebo-controlled treatment trials.

L12 ANSWER 25 OF 36 BIOSIS COPYRIGHT (c) 2008 The Thomson Corporation on STN DUPLICATE 16
ACCESSION NUMBER: 1992:360348 BIOSIS Full-text
DOCUMENT NUMBER: PREV199243038498; BR43:38498
TITLE: SERA FROM PSORIATIC PATIENTS REACT WITH A 100 KD PROTEIN FROM PITYROSPORUM-OVALE CYTOPLASM.
AUTHOR(S): SQUIQUERA L [Reprint author]; GALIMBERTI R; FLORES V; MILICICH R; KOWALCKZUK A; LEONI J
CORPORATE SOURCE: DEP DERMATOL, HOSP ITALIANO DE BUENOS AIRES, ARGENTINA
SOURCE: Journal of Investigative Dermatology, (1992) Vol. 98, No. 4, pp. 631.
Meeting Info.: 1992 ANNUAL MEETING OF THE SOCIETY FOR INVESTIGATIVE DERMATOLOGY, BALTIMORE, MARYLAND, USA, APRIL 29-MAY 2, 1992. J INVEST DERMATOL.
CODEN: JIDEAE. ISSN: 0022-202X.
DOCUMENT TYPE: Conference; (Meeting)
FILE SEGMENT: BR
LANGUAGE: ENGLISH
ENTRY DATE: Entered STN: 30 Jul 1992
Last Updated on STN: 30 Jul 1992

L12 ANSWER 26 OF 36 BIOSIS COPYRIGHT (c) 2008 The Thomson Corporation on STN DUPLICATE 17
ACCESSION NUMBER: 1992:320245 BIOSIS Full-text
DOCUMENT NUMBER: PREV199243020970; BR43:20970
TITLE: SERA FROM PSORIATIC PATIENTS REACT WITH A 100 KD PROTEIN FROM PITYROSPORUM-OVALE CYTOPLASM.
AUTHOR(S): SQUIQUERA L [Reprint author]; GALIMBERTI R; FLORES V; MILICICH R; KOWALCKZUK A; LEONI J
CORPORATE SOURCE: DEP DERMATOL, HOSP ITALIANO DE BUENOS AIRES, ARGENTINA
SOURCE: Clinical Research, (1992) Vol. 40, No. 2, pp. 509A.
Meeting Info.: MEETING OF THE SOCIETY OF INVESTIGATIVE DERMATOLOGY, BALTIMORE, MARYLAND, USA, APRIL 29-MAY 2, 1992. CLIN RES.
CODEN: CLREAS. ISSN: 0009-9279.
DOCUMENT TYPE: Conference; (Meeting)
FILE SEGMENT: BR
LANGUAGE: ENGLISH
ENTRY DATE: Entered STN: 30 Jun 1992
Last Updated on STN: 30 Jun 1992

L12 ANSWER 27 OF 36 MEDLINE on STN DUPLICATE 18
ACCESSION NUMBER: 1992306003 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 1377092
TITLE: Crossreacting IgE antibodies to Pityrosporum ovale and Candida albicans in atopic children.
AUTHOR: Savolainen J; Broberg A
CORPORATE SOURCE: Department of Medical Microbiology, University of Turku, Finland.
SOURCE: Clinical and experimental allergy : journal of the

British Society for Allergy and Clinical Immunology, (1992 Apr) Vol. 22, No. 4, pp. 469-74.
Journal code: 8906443. ISSN: 0954-7894.
PUB. COUNTRY: ENGLAND: United Kingdom
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE) (RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 199207
ENTRY DATE: Entered STN: 7 Aug 1992
Last Updated on STN: 29 Jan 1996
Entered Medline: 24 Jul 1992

AB Sera from 13 patients with positive Pityrosporum ovale skin prick test were analysed with IgE immunoblotting. Both P. ovale and Candida albicans antigens were used to reveal possible crossreactivity of these yeasts. Of the 13 sera, eight sera showed IgE binding to P. ovale and six sera to C. albicans. Simultaneous IgE-binding to both C. albicans and P. ovale was observed in five of these sera. The most common IgE-binding band pairs were, a 23 kD band of P. ovale and a 27 kD band of C. albicans, as one pair, and a 26 kD band and a 13 kD band,
respectively, as another pair. In addition to these protein bands, simultaneous reactivity was observed to C. albicans mannan, a polysaccharide, and to a diffuse high molecular weight component of P. ovale, possibly also a polysaccharide. The five sera with simultaneous IgE-binding were analysed with RAST-inhibition, which revealed presence of crossreacting IgE-antibodies to P. ovale and C. albicans in two of these sera. Crossreacting epitopes were suggested to be located in the mannan polysaccharide of C. albicans and high molecular weight diffuse stain of P. ovale, based on the immunoblotting and RAST-inhibition patterns of the studied sera. Crossreacting sera were pooled and used as an IgE probe in CRIE and Tandem-CRIE. These experiments revealed a fused precipitin line indicating presence of a common structure of P. ovale and C. albicans. This suggested crossreactivity may imply an interesting phenomenon in atopics who are sensitized by C. albicans growth in the gastrointestinal tract and get exposed by P. ovale growing on the skin.(ABSTRACT TRUNCATED AT 250 WORDS)

L12 ANSWER 28 OF 36 MEDLINE on STN DUPLICATE 19
ACCESSION NUMBER: 1991281347 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 1676206
TITLE: IgE-binding components in Pityrosporum orbiculare identified by an immunoblotting technique.
AUTHOR: Johansson S; Karlstrom K
CORPORATE SOURCE: Department of Clinical Immunology, Karolinska Institute, Karolinska Hospital, Stockholm, Sweden.
SOURCE: Acta dermato-venereologica, (1991) Vol. 71, No. 1, pp. 11-6.
Journal code: 0370310. ISSN: 0001-5555.
PUB. COUNTRY: Sweden
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE) (RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 199107
ENTRY DATE: Entered STN: 18 Aug 1991
Last Updated on STN: 6 Feb 1995
Entered Medline: 26 Jul 1991

AB IgE-binding components in crude extracts of Pityrosporum orbiculare were separated by sodium dodecylsulphate polyacrylamide gel electrophoresis and

transferred to Immobilon membrane. The components were detected by P. orbiculare radioallergosorbent (RAST) positive sera (class 2-4) from 37 patients with atopic dermatitis and visualized by enzyme-labelled anti-human IgE antibodies in chromogenic substrate. Numerous IgE-binding compounds were demonstrated in the molecular weight (MW) range of 14-94 kD. Eight of them were characterized to molecular size, frequency of reacting sera and intensity of bands. Six of the defined components were found to be major allergens reacting with more than 50% of the sera. They had MWs 86, 76, 67, 28, 17 and 13 kD. Thirty-six of the 37 patients had elevated total serum IgE. Two other patient categories were studied; 11 patients with lymphatic filariasis (high total serum IgE, greater than 1,300 kU/l) and 15 pityriasis versicolor patients (normal total serum IgE, less than 122 kU/l). The P . orbiculare RAST values for these sera showed good accordance with the reactivity in immunoblotting experiments.

L12 ANSWER 29 OF 36 DRUGU COPYRIGHT 2008 THOMSON REUTERS on STN
ACCESSION NUMBER: 1990-25295 DRUGU T M Full-text
TITLE: Lithium Succinate and Seborrhoeic dermatitis: an Antifungal Mode of Action. (Question).
AUTHOR: Leeming J P; Burton J L
LOCATION: Bristol, United Kingdom
SOURCE: Br.J.Dermatol. (122, No. 5, 718-19, 1990)
CODEN: BJDEAZ ISSN: 0366-2845
AVAIL. OF DOC.: Department of Microbiology, Bristol Royal Infirmary, Bristol BS2 8HW, England.
LANGUAGE: English
DOCUMENT TYPE: Journal
FIELD AVAIL.: AB; LA; CT
FILE SEGMENT: Literature
AN 1990-25295 DRUGU T M Full-text
AB 12 Strains of Malassezia furfur were tested lithium succinate (1.5-100 mM), as described in a letter. Inocula consisted of 12.5 ul of moderately turbid suspensions (1-5 x 10 power 5 cfu/ml) of 9-day cultures of various laboratory isolates. The inhibitory activities of lithium Cl and Na succinate were also assessed. Results varied markedly among different morphological groups of M. furfur. Large colony strains which predominate on the skin of the upper trunk yielded lithium succinate MICs of 100 mM (1 strain) or 50 mM (4 strains). Small and medium-sized colony strains, which predominate particularly at sites on the head, were more sensitive with MICs of 6 mM (4 strains) or 3 mM (3 strains). Parallel determinations of lithium Cl and Na succinate MICs indicated that lithium was the active moiety.
ABEX (KD)

L12 ANSWER 30 OF 36 MEDLINE on STN DUPLICATE 20
ACCESSION NUMBER: 1990240750 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 2334183
TITLE: Contact sensitivity to Pityrosporum ovale in patients with atopic dermatitis.
AUTHOR: Rokugo M; Tagami H; Usuba Y; Tomita Y
CORPORATE SOURCE: Department of Dermatology, Tohoku University School of Medicine, Sendai, Japan.
SOURCE: Archives of dermatology, (1990 May) Vol. 126, No. 5, pp. 627-32.
Journal code: 0372433. ISSN: 0003-987X.
PUB. COUNTRY: United States
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE)
LANGUAGE: English
FILE SEGMENT: Abridged Index Medicus Journals; Priority Journals
ENTRY MONTH: 199006

ENTRY DATE: Entered STN: 6 Jul 1990
Last Updated on STN: 6 Jul 1990
Entered Medline: 1 Jun 1990

AB Contact sensitivity and immediate hypersensitivity to extracts from Pityrosporum ovale were studied in patients with atopic dermatitis (AD). In a chamber-scarification patch test, 75 (64%) of 118 patients with AD responded positively, compared with 1 (3%) of 35 healthy volunteers. However, no significant statistical correlations were found between contact sensitivity to P ovale in patients with AD and any of the following factors: age, sex, distribution of skin lesions, presence of pruriginous papules, history of infantile seborrheic dermatitis, or concomitance of other atopic diseases. Lymphocyte transformation test with P ovale antigen confirmed that those with positive patch test reactions showed significantly high stimulation indexes. The antigenic substances divided by gel filtration high-performance liquid chromatography were found in a fraction of components with molecular weights above 60 kd. In addition, 25 (71%) of 35 patients with AD showed a positive immediate response to P ovale extract in a prick test, whereas none of 11 healthy volunteers showed any response. Although the incidence of the positive immediate responses was similar to that in contact sensitivity, there was no clear correlation between the delayed and immediate hypersensitivity reactions. Based on these results, we think that P ovale plays a role as an allergen derived from the host environment in the exacerbation of the skin lesions of AD.

L12 ANSWER 31 OF 36 DRUGU COPYRIGHT 2008 THOMSON REUTERS on STN
ACCESSION NUMBER: 1990-07237 DRUGU T P S V Full-text
TITLE: The Permissive Effect of Sebum in Seborrhoeic Dermatitis: An Explanation of theRash in Neurological Disorders.
AUTHOR: Cowley N C; Farr P M; Shuster S
LOCATION: Newcastle-upon-Tyne, United Kingdom
SOURCE: Br.J.Dermatol. (122, No. 1, 71-76, 1990) 3 Fig. 19 Ref.
CODEN: BJDEAZ ISSN: 0366-2845
AVAIL. OF DOC.: Department of Dermatology, Royal Victoria Infirmary, Newcastle upon Tyne, NE1 4LP, England.
LANGUAGE: English
DOCUMENT TYPE: Journal
FIELD AVAIL.: AB; LA; CT
FILE SEGMENT: Literature
AN 1990-07237 DRUGU T P S V Full-text
AB In 10 male patients with seborrheic dermatitis, treatment with isotretinoin (IS) for 6 wk reduced the mean sebum excretion rate by 70% and improved the severity of the rash, but with a site difference in magnitude of response. It is concluded that the residual pool of sebum is important for the growth of Pityrosporum ovale and that, within the physiological range, sebum has a permissive effect on the growth of this yeast. 1 Patient was receiving p.o. phenytoin for epilepsy. Side effects were cheilitis, erythema, scaling and rash.
ABEX Methods 10 Men (aged 21-58 yr, medium 36) received IS (1 mg/kg)daily for 6 wk. Results All patients completed the study. There was a progressive decrease in sebum excretion rate (SER) during treatment, mean SER being reduced from 1.21 (0.15) ug/sq.cm/min pretreatment to 0.36 (0.05) ug/sq.cm/min after 6 wk. analysis of the clinical gradings made 2 and 4 wk after stopping treatment, when the skin changes induced by IS had resolved, showed a small but significant improvement in severity of the facial rash compared with pretreatment values, but only 2 patients were judged to be completely clear. Patients recorded a significant improvement in the severity of facial rash assessed using VAS; median pretreatment score 57 mm; median score 2 wk after stopping IS 10 mm. There was a

decrease in the severity of scalp scaling assessed clinically, but this change was not significant and no patient's scalp was cleared of seborrheic dermatitis during treatment. However, the patients' own assessment, using VAS, showed a dramatic improvement after 6 wk treatment with IS. 6 Patients had annular, scaling lesions of seborrheic dermatitis on the chest or back, or an inflammatory folliculitis on the shoulders and back. The severity of rash at these sites, assessed clincially, improved significantly during treatment, rash clearing completely in 4. (KD) (P.M.F.).

L12 ANSWER 32 OF 36 DRUGU COPYRIGHT 2008 THOMSON REUTERS on STN
ACCESSION NUMBER: 1989-40139 DRUGU T M S E Full-text
TITLE: A Double-Blind Trial of Treatment of Seborrhoeic Dermatitis with 2% Ketoconazole Cream Compared with 1% Hydrocortisone Cream.
AUTHOR: Katsambas A; Antoniou C; Frangouli E; Avgerinou G; Michailidis D; Stratigos J
CORPORATE SOURCE: Janssen
LOCATION: Athens, Greece
SOURCE: Br.J.Dermatol. (121, No. 3, 353-57, 1989) 2 Fig. 1 Tab. 18 Ref.
CODEN: BJDEAZ ISSN: 0366-2845
AVAIL. OF DOC.: A. Sygros Hospital for Diseases of the Skin, University of Athens, Greece.
LANGUAGE: English
DOCUMENT TYPE: Journal
FIELD AVAIL.: AB; LA; CT
FILE SEGMENT: Literature
AN 1989-40139 DRUGU T M S E Full-text
AB 50 Patients with seborrheic dermatitis were treated with ketoconazole (KC) or hydrocortisone (HC) cream for 4 wk in a double-blind comparative study. These twice daily applications resulted in 87.2% symptomatic improvement for HC vs. KC. The number of Pityrosporum ovale yeasts was significantly reduced after KC compared with HC. Side effects were dry skin after both drugs, and a burning sensation after HC.
ABEX Methods Patients received either KC (2%) or HC (1%) b.i.d., applied to the scalp, face, sternum and ears. Results Marked clinical improvement was seen in both groups without significant differences between KC and HC for scaling, itching, redness or for the total score of all symptoms. All the involved sites healed to almost the same extent in both groups. The % of symptomatic improvement was calculated from the total symptom score. There was no significant difference between groups; KC resulted in 81.6% improvement while HC resulted in 87.2%. Although not significant, there was a difference in global assessments. Of the 24 patients treated with KC, 15 became totally clear (95-100% improvement), 5 were categorized as good (75-95% improvement), 1 as fair (50-75% improvement) and 3 as poor (less than 50% improvement). Overall there was 87.5 responders in the KC group. The 26 patients treated with HC were evaluated as 19 totally cleared, 6 good and 1 deteriorated (96.2% responders). (KD)

L12 ANSWER 33 OF 36 MEDLINE on STN DUPLICATE 21
ACCESSION NUMBER: 1989097951 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 2463509
TITLE: Squamous odontogenic tumor: immunohistochemical identification of keratins.
AUTHOR: Tatemoto Y; Okada Y; Mori M
CORPORATE SOURCE: Department of Oral and Maxillofacial Surgery, Asahi University, School of Dentistry, Gifu, Japan.

SOURCE: Oral surgery, oral medicine, and oral pathology, (1989 Jan) Vol. 67, No. 1, pp. 63-7.
Journal code: 0376406. ISSN: 0030-4220.
PUB. COUNTRY: United States
DOCUMENT TYPE: (CASE REPORTS)
Journal; Article; (JOURNAL ARTICLE)
(RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Dental Journals; Priority Journals
ENTRY MONTH: 198902
ENTRY DATE: Entered STN: 8 Mar 1990
Last Updated on STN: 29 Jan 1996
Entered Medline: 23 Feb 1989

AB Two cases of squamous odontogenic tumors are described in terms of histopathology and keratin immunohistochemistry. Histopathologically, the lesions were composed of squamous epithelial islands without peripheral columnar cells and well-differentiated stromal tissue. Immunohistochemical detection of keratin proteins was done with the use of polyclonal antikeratin antiserum (TK, detecting 41 to 65 kDa keratins) and monoclonal antibodies (KL1, 55 to 57 kDa; PKK1, 40, 45, and 52.5 kDa). Staining for PKK1-detectable keratin was absent in tumor epithelial cells and that with KL1 and TK immunoreagents was confined to squamous cells, being strong in the keratinized cells. In view of the results, the squamous odontogenic tumor appears to arise from the rests of Malassez in periodontal tissue rather than from oral squamous epithelium.

L12 ANSWER 34 OF 36 DRUGU COPYRIGHT 2008 THOMSON REUTERS on STN
ACCESSION NUMBER: 1988-45797 DRUGU T M Full-text
TITLE: Treatment of Pityriasis versicolor with Itraconazole: A Double-Blind Placebo Controlled Study.
AUTHOR: Faergemann J
LOCATION: Gothenburg, Sweden
SOURCE: Mycoses (31, No. 7, 377-79, 1988) 1 Tab. 8 Ref.
ISSN: 0933-7407
AVAIL. OF DOC.: Department of Dermatology, University of Goteborg, Sahlgren's Hospital, S-41345, Goteborg, Sweden.
LANGUAGE: English
DOCUMENT TYPE: Journal
FIELD AVAIL.: AB; LA; CT
FILE SEGMENT: Literature
AN 1988-45797 DRUGU T M Full-text
AB 33 Patients with pityriasis versicolor, due to Pityrosporum ovale were treated in a double-blind, placebo-controlled study with p.o. itraconazole (IT). 17 Patients (8 men, aged 25-63 yr) received IT 100 mg once daily, and 16 (6 men, aged 23-64 yr) received placebo; 2 patients in each group did not fulfill the treatment. 10 Of 15 patients (66.7%) were cured in the IT group and 1/14 (7.2%) in the placebo group. Patients who were not cured after 2 wk received IT 100 mg once daily in an open study. Here 11/18 patients (61.1%) cleared after 2 wk and the other 7 (38.9%) after 4 wk. There were no side effects. This drug appears suitable for both therapy and prophylaxis of pityriasis versicolor.
ABEX (KD)

L12 ANSWER 35 OF 36 PASCAL COPYRIGHT 2008 INIST-CNRS. ALL RIGHTS RESERVED. on STN
ACCESSION NUMBER: 1989-0293232 PASCAL Full-text
TITLE (IN ENGLISH): Serological responses to Pityrosporum (Malassezia) in seborrhoeic dermatitis demonstrated by ELISA and western blotting

AUTHOR: MIDGLEY G.; HAY R. J.
CORPORATE SOURCE: St. John's hosp. diseases skin, inst. dermatology, London WC2H 7BJ, United Kingdom
SOURCE: Bulletin de la Societe francaise de Mycologie medicale, (1988), 17(2), 267-276, 18 refs.
ISSN: 0373-8744
DOCUMENT TYPE: Journal
BIBLIOGRAPHIC LEVEL: Analytic
COUNTRY: France
LANGUAGE: English
SUMMARY LANGUAGE: French
AVAILABILITY: CNRS-10124
AN 1989-0293232 PASCAL Full-text
ABFR Des anticorps precipitant Malassezia ont ete mis en evidence chez 40 patients atteints de dermatite seborrheique et a un degre moindre chez des sujets normaux. Les taux d'anticorps les plus eleves sont dus aux IgG et non pas aux IgM. La methode d'immunoblotting montre que les anticorps sont diriges contre une proteine de 35 KD dans le cas de patients seborrheiques

L12 ANSWER 36 OF 36 DRUGU COPYRIGHT 2008 THOMSON REUTERS on STN
ACCESSION NUMBER: 1988-05014 DRUGU T M Full-text
TITLE: Intravenous Catheter-Associated Malassezia furfur Fungemia.
AUTHOR: Garcia C R; Johnston B L; Corvi G; Walker L J; George W L
LOCATION: Sepulveda, Los Angeles, California, United States
SOURCE: Am.J.Med. (83, No. 4, 790-92, 1987) 12 Ref.
CODEN: AJMEAZ ISSN: 0002-9343
AVAIL. OF DOC.: Kaiser Permanente Medical Center, 25825 South Vermont Avenue, Harbor City, California 90710, U.S.A.
LANGUAGE: English
DOCUMENT TYPE: Journal
FIELD AVAIL.: AB; LA; CT
FILE SEGMENT: Literature
AN 1988-05014 DRUGU T M Full-text
AB 2 Cases are described in which Malassezia furfur fungemia developed while the patients were receiving i.v. total parenteral nutrition supplemented with lipids. The organism was identified in blood cultures only after isolation with a source of fatty acids. Both patients were treated with i.v. amphotericin B and both died following cardiac arrest. It is concluded that clinicians should alert the laboratory whenever a lipophilic organism is suspected to be present in blood cultures.
ABEX A 62-yr-old man had a small bowel infarction and partial small bowel resection following a left pneumonectomy for squamous cell carcinoma. Total parenteral nutrition was instituted post-operatively through a central venous catheter and was supplemented with medium chain triglycerides and Intralipid (500-1,000 ml/24 hr). Mixed gram negative and anerobic bacterial peritonitis was treated with multiple broad-spectrum i.v. antibiotics for 6 wk. Persistent leukocytosis developed and, 2 wk after all antibiotics had been stopped, a gram stain of pinpoint colonies grown from peripheral vein blood specimens showed the presence of a yeast. 2 Wk later, fever recurred and, the patient died 10 days after therapy with i.v. amphotericin was started. The yeast grew abundantly on subsequent subculture only after sterile olive oil was overlayed on to the solid media. A 49-yr-old man with short bowel syndrome was hospitalized because of seizures. He suffered from recurrent aspiration pneumonia requiring prolonged antibiotic therapy. He received total parenteral nutrition supplemented with i.v.

Intralipid, 500 ml/24 hr. 2 Wk after antibiotics were stopped, fever developed and a blood specimen inoculated on to a biphasic brain-heart infusion blood culture medium, yielded a yeast that grew abundantly on media supplemented with sterile olive oil. Lipid supplements were discontinued and i.v. amphotericin B (total dose 685 mg) was given through the central venous catheter for 4 wk. 20 Days prior to death, Intralipid (500 ml/48 hr) was reinstituted, and 16 days later, M. furfur was again isolated. (W141/KD)

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     (FILE 'CAPLUS' ENTERED AT 12:07:47 ON 17 OCT 2008)
L1          955 SEA FILE=CAPLUS ABB=ON  PLU=ON  MALASSEZ? OR FURFUR OR
                PITYROSPOR? OR (P OR PITYROSPOR?)(W)ORBICULAR?
L13           0 SEA FILE=CAPLUS ABB=ON  PLU=ON  L1 AND (ISOELEC? OR (I OR
                ISO)(W)ELEC?)(S)(PT OR POINT)


L1          955 SEA FILE=CAPLUS ABB=ON  PLU=ON  MALASSEZ? OR FURFUR OR
                PITYROSPOR? OR (P OR PITYROSPOR?)(W)ORBICULAR?
L2           26 SEA FILE=CAPLUS ABB=ON  PLU=ON  L1 AND (KD OR KDA OR KILOD
                OR KILODA OR KILODATON)
L14           8 SEA FILE=CAPLUS ABB=ON  PLU=ON  L2 AND (MW OR (MOL OR M OR
                MOLECULAR)(W)(W OR WEIGH? OR WT))


L15           5 S L14 NOT L9
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L15 ANSWER 1 OF 5 CAPLUS COPYRIGHT 2008 ACS on STN
ED Entered STN: 29 Jul 2003
ACCESSION NUMBER: 2003:577369 CAPLUS Full-text
DOCUMENT NUMBER: 140:75835
TITLE: IgE and IgG Antibodies to Malassezia spp. yeast extract in Patients with Atopic Dermatitis
AUTHOR(S): Arzumanyan, V. G.; Serdyuk, O. A.; Kozlova, N. N.; Basnak'yan, I. A.; Fedoseeva, V. N.
CORPORATE SOURCE: I.I. Mechnikov Institute of Vaccines and Sera, Russian Academy of Medical Sciences, Moscow, Russia
SOURCE: Bulletin of Experimental Biology and Medicine (Translation of Byulleten Eksperimental'noi Biologii i Meditsiny) (2003), 135(5), 460-463
CODEN: BEXBAN; ISSN: 0007-4888
PUBLISHER: Kluwer Academic/Consultants Bureau
DOCUMENT TYPE: Journal
LANGUAGE: English

AB The presence of Igs to Malassezia spp. surface proteins in the sera from patients with atopic dermatitis and healthy subjects was studied. It was found that 28% of 25 examined patients with atopic dermatitis had IgE antibodies to Malassezia spp. surface protein preparation All patients and 5 healthy subjects had IgG antibodies to this preparation The presence and concentration of specific IgE antibodies in patients with atopic dermatitis correlated with reverse titers of IgG antibodies to this preparation (r=0.782). The medians of values reciprocal to IgG antibody titers in patients with atopic dermatitis with and without specific IgE antibodies to the preparation and in healthy subjects were 64, 1024, and 16, resp. The preparation derived from Candida albicans (candidine) and previously derived preparation from Malassezia did not cross-react. According to immunoblotting data, the preparation contains allergens presented by proteins with mol. wts. 15, 36, 52-56, and 78.4 kDa.

REFERENCE COUNT: 8 THERE ARE 8 CITED REFERENCES AVAILABLE FOR THIS RECORD. ALL CITATIONS AVAILABLE IN THE RE FORMAT

L15 ANSWER 2 OF 5 CAPLUS COPYRIGHT 2008 ACS on STN
ED Entered STN: 22 Nov 2002
ACCESSION NUMBER: 2002:884645 CAPLUS Full-text
DOCUMENT NUMBER: 138:317201
TITLE: Allergenic evaluation of *Malassezia furfur* crude extracts
AUTHOR(S): Gandra, R. F.; Melo, T. A.; Matsumoto, F. E.; Pires, M. F. C.; Croce, J.; Gambale, W.; Paula, C. R.
CORPORATE SOURCE: Departamento de Microbiologia, Univ. de Sao Paulo, Sao Paulo, Brazil
SOURCE: Mycopathologia (2002), 155(4), 183-189
CODEN: MYCPAH; ISSN: 0301-486X
PUBLISHER: Kluwer Academic Publishers
DOCUMENT TYPE: Journal
LANGUAGE: English
AB Crude exts. of the lipophilic yeast *Malassezia furfur* were obtained from 2, 6, 10 and 28 day old cultures. The in vitro cultivation periods corresponded, resp., to the lag phase, middle of the log phase, end of log phase and the decline phase of the growth curve, which was based on viable cell counts obtained with a fluorescent viability test. Biochem. analyses showed that the protein and carbohydrate contents were greater in day 10 exts. Seventy patients with different allergic manifestations and 30 healthy volunteers were skin prick tested using the exts. Of these, thirteen (18.57%) patients gave pos. responses. SDS-PAGE gradient electrophoretic profiles of the prepns. indicated that the 28 day exts. contained the greatest number of protein bands, with *mol. wts.* ranging mostly between 30 and 94 *kDa*. Immunoblots incubated with individual patient sera showed that four IgE-binding M. *furfur* allergens of approx. 88, 61, 52 and 39 *kDa* were present in the 28 day exts. The components identified could be used for detecting IgE-mediated responses to M. *furfur* among individuals affected with different allergic conditions.
REFERENCE COUNT: 35 THERE ARE 35 CITED REFERENCES AVAILABLE FOR THIS RECORD. ALL CITATIONS AVAILABLE IN THE RE FORMAT

L15 ANSWER 3 OF 5 CAPLUS COPYRIGHT 2008 ACS on STN
ED Entered STN: 03 May 2002
ACCESSION NUMBER: 2002:330023 CAPLUS Full-text
DOCUMENT NUMBER: 137:230843
TITLE: Atopic Eczema/Dermatitis Syndrome and *Malassezia*
AUTHOR(S): Scheynius, Annika; Johansson, Catharina; Buentke, Eva; Zargari, Arezou; Tengvall Linder, Maria
CORPORATE SOURCE: Unit of Clinical Allergy Research, Department of Medicine, Karolinska Institutet and Hospital, Stockholm, Swed.
SOURCE: International Archives of Allergy and Immunology (2002), 127(3), 161-169
CODEN: IAAIEG; ISSN: 1018-2438
PUBLISHER: S. Karger AG
DOCUMENT TYPE: Journal; General Review
LANGUAGE: English
AB A review. Atopic dermatitis is a chronic multifactorial inflammatory skin disease, which has had a marked increase in prevalence during the last decades. Recently, a new nomenclature was recommended where the term atopic eczema/dermatitis syndrome (AEDS) should be used to reflect the heterogeneity

in this group of patients and where those patients without measurable IgE reactivity should be classified as either nonallergic AEDS or non-IgE-associated allergic AEDS. For nearly 20 yr it has been discussed whether the opportunistic yeast Malassezia, previously designated Pityrosporum, is a contributing factor to AEDS. Today there are several reports that demonstrate specific serum IgE or pos. skin prick test and/or atopy patch test reactions to Malassezia in patients with AEDS. Several IgE-binding components have been identified in exts. of Malassezia ranging in mol. mass between 10 and 100 kDa . The genes for 9 Malassezia allergens with mol. wts. ranging from 14 to 36 kDa have hitherto been identified and cloned. Six of them are now produced by recombinant techniques and used in diagnostic tests. At present the genus Malassezia is subdivided into 7 different species, which all have been isolated from human skin. The resp. contribution of different Malassezia spp. to AEDS and in what proportion they share allergens remains to be clarified. The authors summarize data that Malassezia can play a role in eliciting and maintaining eczema in patients with AEDS.

REFERENCE COUNT: 105 THERE ARE 105 CITED REFERENCES AVAILABLE FOR THIS RECORD. ALL CITATIONS AVAILABLE IN THE RE FORMAT

L15 ANSWER 4 OF 5 CAPLUS COPYRIGHT 2008 ACS on STN

ED Entered STN: 06 Jun 2001

ACCESSION NUMBER: 2001:406754 CAPLUS Full-text

DOCUMENT NUMBER: 136:165923

TITLE: Antigenic components of Malassezia species for immunoglobulin E antibodies in sera of patients with atopic dermatitis

AUTHOR(S): Koyama, T.; Kanbe, T.; Ishiguro, A.; Kikuchi, A.; Tomita, Y.

CORPORATE SOURCE: Research Institute for Disease Mechanism and Control, Department of Dermatology, Nagoya University School of Medicine, Showa-ku, Nagoya, 466-8550, Japan

SOURCE: Journal of Dermatological Science (2001), 26(3), 201-208
CODEN: JDSCEI; ISSN: 0923-1811

PUBLISHER: Elsevier Science Ireland Ltd.

DOCUMENT TYPE: Journal

LANGUAGE: English

AB Antigenic components of Malassezia furfur, M. globosa, M. restricta, M. slooffiae, and M. sympodialis were studied for IgE antibodies in sera of patients with atopic dermatitis (AD). Antigenic components were extracted from Malassezia cells by treatment with β-mercaptoethanol, referred to as 2-ME extract CBB staining and lectin blots using Con A, LCA, PHA-E4, PNA or RCA120 showed that the 2-ME exts. contained several species-dependent components that differed quant. and qual. among the Malassezia species at the protein level. In the Western blot with the 2-ME exts., of 54 sera of the patients with AD (54 patients), the patients' IgE antibodies most frequently recognized components showing mol. wts. of 43-46 kDa for M. slooffiae, 12-22 kDa for M. sympodialis, 35-40 kDa for M. restricta, 45-50 kDa for M. globosa, and of 67-72 kDa for M. furfur, resp. In the correlative study, in which the total band intensities generated for each extract in Western blot were compared among the Malassezia species, the intensity for M. globosa was well correlated with that for M. sympodialis (r=0.756). In the Western blot inhibition test, the 2-ME extract of M. globosa partially inhibited the reaction of the antigenic components of other Malassezia species with the patient's IgE antibodies. These results indicated that Malassezia species contained both species-specific and common antigenic components at the IgE antibody level.

REFERENCE COUNT: 23 THERE ARE 23 CITED REFERENCES AVAILABLE FOR THIS RECORD. ALL CITATIONS AVAILABLE IN THE

RE FORMAT

L15 ANSWER 5 OF 5 CAPLUS COPYRIGHT 2008 ACS on STN
ED Entered STN: 01 Jun 2001
ACCESSION NUMBER: 2001:394877 CAPLUS Full-text
DOCUMENT NUMBER: 136:84338
TITLE: IgE antibodies to Malassezia furfur, M. sympodialis and Pityrosporum orbiculare in patients with atopic dermatitis, seborrheic eczema or pityriasis versicolor, and identification of respective allergens
AUTHOR(S): Mayser, Peter; Gross, Antje
CORPORATE SOURCE: Department of Dermatology and Andrology, Justus Liebig University, Giessen, D-35385, Germany
SOURCE: Acta Dermato-Venereologica (2000), 80(5), 357-361
CODEN: ADVEA4; ISSN: 0001-5555
PUBLISHER: Taylor & Francis Ltd.
DOCUMENT TYPE: Journal
LANGUAGE: English
AB Malassezia yeasts may be a trigger factor for atopic dermatitis. Following the recent reclassification of the genus, the presence of specific IgE antibodies was examined in the sera of patients with atopic dermatitis (n=223), pityriasis versicolor (n=83), seborrheic eczema (n=50) and hymenoptera allergy (n=39) and in controls without skin diseases (n=50). In addition to using the com. available radioallergosorbent test (RAST) for Pityrosporum orbiculare couplings were also made against the reference strains for M. furfur and M. sympodialis. To characterize the specificity and mol. weight of corresponding epitopes identical material was used for production of an immunoblot. Despite high total levels of IgE, controls and patients with pityriasis versicolor showed no specific IgE antibodies. Six patients (12%) with seborrheic eczema were pos. while 78 patients (35%) with atopic dermatitis had specific IgE antibodies in higher RAST classes that differed between the Malassezia species. The mol. wts. of the main antigens of M. sympodialis and M. furfur were determined to be 15, 22, 30, 37, 40, 58, 79, 92, 99 and 124 kDa and 15, 25, 27, 43, 58, 92, 99 and 107 kDa, resp. Evaluated according to the location of their disease, patients with head and neck lesions most frequently showed Malassezia-specific IgE antibodies. However, there were differences between the Malassezia species tested, the previously used strain P. orbiculare being assignable to the species M. sympodialis.
REFERENCE COUNT: 34 THERE ARE 34 CITED REFERENCES AVAILABLE FOR THIS RECORD. ALL CITATIONS AVAILABLE IN THE RE FORMAT

(FILE 'MEDLINE, BIOSIS, EMBASE, SCISEARCH, LIFESCI, PASCAL, BIOTECHNO, WPIX, TOXCENTER, DRUGU, AGRICOLA, BIOTECHDS, DISSABS' ENTERED AT 12:10:58 ON 17 OCT 2008)
L16 1 S L13
L17 92 S L14
L18 40 S (L16 OR L17) NOT L11
L19 16 DUP REM L18 (24 DUPLICATES REMOVED)

L19 ANSWER 1 OF 16 EMBASE COPYRIGHT (c) 2008 Elsevier B.V. All rights reserved on STN
ACCESSION NUMBER: 2007516926 EMBASE Full-text
TITLE: Evaluation of the levels of specific IgE against Cryptococcus diffluens and Cryptococcus liquefaciens in patients with atopic dermatitis.
AUTHOR: Kato, Hiroshi; Ishibashi, Yoshio; Nishikawa, Akemi, Dr.

(correspondence)
CORPORATE SOURCE: Department of Immunobiology, Meiji Pharmaceutical University, Noshio, Kiyose, Tokyo 204-8588, Japan. nishi@my-pharm.ac.jp
AUTHOR: Sugita, Takashi
CORPORATE SOURCE: Department of Microbiology, Meiji Pharmaceutical University, Kiyose, Tokyo 204-8588, Japan.
SOURCE: Microbiology and Immunology, (2007) Vol. 51, No. 10, pp. 945-950.
Refs: 21
ISSN: 0385-5600 E-ISSN: 1348-0421 CODEN: MIIMDV
COUNTRY: Japan
DOCUMENT TYPE: Journal; Article
FILE SEGMENT: 013 Dermatology and Venereology
026 Immunology, Serology and Transplantation
004 Microbiology: Bacteriology, Mycology, Parasitology and Virology
005 General Pathology and Pathological Anatomy
006 Internal Medicine
LANGUAGE: English
SUMMARY LANGUAGE: English
ENTRY DATE: Entered STN: 7 Nov 2007
Last Updated on STN: 7 Nov 2007

AB Cryptococcus diffluens and Cryptococcus liquefaciens, 2 basidiomycetous yeasts, frequently colonize the skin of patients with atopic dermatitis (AD). In this study, we investigated the presence of specific IgE antibodies against C. diffluens and C. liquefaciens in the sera of AD patients by using an enzyme immunoassay. Of the 122 AD serum samples tested, 43 (35.2%) and 50 (41.0%) were positive for specific IgE antibodies against C. diffluens and C. liquefaciens, respectively. The levels of specific IgE against the C. diffluens antigen and that against the C. liquefaciens antigen were strongly correlated (r = 0.96). In contrast, no remarkable correlation was observed between the levels of specific IgE against the 2 Cryptococcus species and that of specific IgE against Malassezia restricta. Competitive enzyme-linked immunosorbent assay (ELISA) inhibition tests revealed that C. diffluens and C. liquefaciens shared common antigens. This finding was consistent with the IgE immunoblotting data which demonstrated that several IgE-binding proteins with molecular masses of 77, 54, and 30 kDa were recognized in both C. diffluens and C. liquefaciens antigens. These results suggest that fungal components from C. diffluens and C. liquefaciens may act as allergens and play a role in the pathogenesis of AD.

L19 ANSWER 2 OF 16 EMBASE COPYRIGHT (c) 2008 Elsevier B.V. All rights reserved on STN
ACCESSION NUMBER: 2007291179 EMBASE Full-text
TITLE: Immediate hypersensitivity to Malassezia furfur in patients with atopic dermatitis.
AUTHOR: Khosravi, A.R. (correspondence)
CORPORATE SOURCE: Mycology Research Center, Faculty of Veterinary Medicine, PO Box 14155-6453, Tehran, Iran, Islamic Republic of. khosravi@ut.ac.ir
AUTHOR: Khosravi, A.R. (correspondence); Hedayati, M.T.; Shokri, H.
CORPORATE SOURCE: Mycology Research Center, Faculty of Veterinary Medicine, University of Tehran, Tehran, Iran, Islamic Republic of. khosravi@ut.ac.ir
AUTHOR: Mansouri, P.
CORPORATE SOURCE: Department of Dermatology, Imam Khomeini Hospital, Tehran, Iran, Islamic Republic of.

AUTHOR: Moazzeni, M.
CORPORATE SOURCE: Department of Immunology, Faculty of Medical Sciences, University of Tarbiat Modarres, Tehran, Iran, Islamic Republic of.
SOURCE: Mycoses, (Jul 2007) Vol. 50, No. 4, pp. 297-301.
Refs: 26
ISSN: 0933-7407 E-ISSN: 1439-0507 CODEN: MYCSEU
COUNTRY: United Kingdom
DOCUMENT TYPE: Journal; Article
FILE SEGMENT: 013 Dermatology and Venereology
026 Immunology, Serology and Transplantation
004 Microbiology: Bacteriology, Mycology, Parasitology and Virology
LANGUAGE: English
SUMMARY LANGUAGE: English
ENTRY DATE: Entered STN: 28 Jun 2007
Last Updated on STN: 28 Jun 2007

AB Atopic dermatitis (AD) is a chronic pruritic dermatitis that has unknown aetiology. It seems that Malassezia furfur has a role in pathogenesis of AD. The purpose of this study was to evaluate skin responses to M. furfur antigens in AD patients. Malassezia furfur was grown and the yeasts were broken. Cells were centrifuged and supernatants were used as crude extracts (CE). Protein components of CE were separated by sodium dodecylsulphate-polyacrylamide gel electrophoresis (SDS-PAGE). In addition, to fractionate CE antigens, gel filtration chromatography was performed. One hundred and fifteen AD patients were selected for skin-prick test (SPT). In SDS-PAGE, CE showed a total of 19 different protein bands (10-100 kDa). Chromatographic gel filtration with M. furfur proteins showed four major fractions (F). The protein pattern of F1 (tube number 40) was between 22 and 100 kDa and it was selected for SPT. In SPT, 49.6% and 42.6% patients showed positive reactions with CE and F(1) antigens respectively. The most positive results were obtained in 20-29 aged group ($P < 0.001$). The allergens of M. furfur may have a role in AD signs; it is suggested to use F1 antigens in allergy tests. .COPYRGT. 2007 The Authors.

L19 ANSWER 3 OF 16 EMBASE COPYRIGHT (c) 2008 Elsevier B.V. All rights reserved on STN
ACCESSION NUMBER: 2006073312 EMBASE Full-text
TITLE: MfLIP1, a gene encoding an extracellular lipase of the lipid-dependent fungus Malassezia furfur.
AUTHOR: Brunke, Sascha; Hube, Bernhard (correspondence)
CORPORATE SOURCE: Robert Koch-Institut, Nordufer 20, D-13353 Berlin, Germany. hubeb@rki.de
SOURCE: Microbiology, (Feb 2006) Vol. 152, No. 2, pp. 547-554.
Refs: 38
ISSN: 1350-0872 CODEN: MROBEO
COUNTRY: United Kingdom
DOCUMENT TYPE: Journal; Article
FILE SEGMENT: 004 Microbiology: Bacteriology, Mycology, Parasitology and Virology
LANGUAGE: English
SUMMARY LANGUAGE: English
ENTRY DATE: Entered STN: 3 Mar 2006
Last Updated on STN: 3 Mar 2006

AB Malassezia furfur is a dimorphic fungus and a member of the normal cutaneous microflora of humans. However, it is also a facultative pathogen, associated with a wide range of skin diseases. One unusual feature of M. furfur is an absolute dependency on externally provided lipids which the fungus hydrolyses

by lipolytic activity to release fatty acids necessary for both growth and pathogenicity. In this study, the cloning and characterization of the first gene encoding a secreted lipase of M. furfur possibly associated with this activity are reported. The gene, MfLIP1, shows high sequence similarity to other known extracellular lipases, but is not a member of a lipase gene family in M. furfur. MfLIP1 consists of 1464 bp, encoding a protein with a molecular mass of 54.3 kDa, a conserved lipase motif and an N-terminal signal peptide of 26 aa. By using a genomic library, two other genes were identified flanking MfLIP1, one of them encoding a putative secreted catalase, the other a putative amine oxidase. The cDNA of MfLIP1 was expressed in Pichia pastoris and the biochemical properties of the recombinant lipase were analysed. MfLip1 is most active at 40 °C and the pH optimum was found to be 5.8. The lipase hydrolysed lipids, such as Tweens, frequently used as the source of fatty acids in M. furfur media, and had minor esterase activity. Furthermore, the lipase is inhibited by different bivalent metal ions. This is the first molecular description of a secreted lipase from M. furfur. .COPYRGT. 2006 SGM.

L19 ANSWER 4 OF 16 EMBASE COPYRIGHT (c) 2008 Elsevier B.V. All rights reserved on STN

ACCESSION NUMBER: 2006135642 EMBASE Full-text
TITLE: Isolation, characterization and molecular cloning of a lipolytic enzyme secreted from Malassezia pachydermatis.
AUTHOR: Shibata, Nobuyuki (correspondence); Okanuma, Noriko; Hirai, Kanako; Arikawa, Kumiko; Kimura, Mayumi; Okawa, Yoshio
CORPORATE SOURCE: Second Department of Hygienic Chemistry, Tohoku Pharmaceutical University, Sendai, Miyagi, Japan. nshibata@tohoku-pharm.ac.jp
AUTHOR: Shibata, Nobuyuki (correspondence)
CORPORATE SOURCE: Tohoku Pharmaceutical University, 4-4-1 Komatsushima, Aoba-ku, Sendai, Miyagi 981-8558, Japan. nshibata@tohoku-pharm.ac.jp
SOURCE: FEMS Microbiology Letters, (Mar 2006) Vol. 256, No. 1, pp. 137-144.
Refs: 36
ISSN: 0378-1097 E-ISSN: 1574-6968 CODEN: FMLED7
COUNTRY: United Kingdom
DOCUMENT TYPE: Journal; Article
FILE SEGMENT: 004 Microbiology: Bacteriology, Mycology, Parasitology and Virology
LANGUAGE: English
SUMMARY LANGUAGE: English
ENTRY DATE: Entered STN: 11 Apr 2006
Last Updated on STN: 11 Apr 2006

AB Lipophilic Malassezia species may induce catheter-associated sepsis in premature neonates and immunocompromised patients receiving parenteral lipid emulsions. To assess the participation of lipolytic enzymes in the pathogenesis of this yeast, we cloned a gene encoding the enzyme. A lipolytic enzyme in the culture supernatant of Malassezia pachydermatis was purified 210-fold to homogeneity. The enzyme showed high esterase activity toward p-nitrophenyl octanoate. The cDNA encoding the enzyme was cloned using a degenerate oligonucleotide primer constructed from the N-terminal amino acid sequence. The cDNA consisted of 1582 bp, including an open reading frame encoding 470 amino acids. The first 19 amino acids and the following 13 amino-acid sequence were predicted to be the signal peptides for secretion and prosequence, respectively. The predicted molecular mass of the 438-amino acid mature protein was 48 kDa . Analysis of the deduced amino acid sequence revealed that it contains the consensus motif (Gly-X-Ser-X-Gly), which is

conserved among lipolytic enzymes. Homology investigations showed that the enzyme has similarities principally with 11 lipases produced by Candida albicans (29-34% identity) and some other yeast lipases. .COPYRGT. 2006 Federation of European Microbiological Societies Published by Blackwell Publishing Ltd. All rights reserved.

L19 ANSWER 5 OF 16 WPIX COPYRIGHT 2008 THOMSON REUTERS on STN
DUPLICATE 1

ACCESSION NUMBER: 2005-122773 [13] WPIX
DOC. NO. CPI: C2005-040796 [13]
TITLE: New lipid agents from Gram-negative bacteria, useful as pharmaceuticals, cosmetics and plant-protection agents, induce synthesis, in eukaryotic cells, of antimicrobial peptides and proteins
DERWENT CLASS: B04; C06; D16
INVENTOR: SCHROEDER J; SCHWICHTENBERG L
PATENT ASSIGNEE: (UYKL-N) UNIV KLINIKUM SCHLESWIG-HOLSTEIN CAMPUS
COUNTRY COUNT: 106

PATENT INFO ABBR.:

PATENT NO	KIND	DATE	WEEK	LA	PG	MAIN IPC
WO 2005007861	A2	20050127	(200513)*	DE	35[7]	
DE 10331974	A1	20050217	(200514)	DE		

APPLICATION DETAILS:

PATENT NO	KIND	APPLICATION	DATE
WO 2005007861	A2	WO 2004-DE1516	20040713
DE 10331974	A1	DE 2003-10331974	20030714

PRIORITY APPLN. INFO: DE 2003-10331974 20030714
AN 2005-122773 [13] WPIX
AB WO 2005007861 A2 UPAB: 20060121
NOVELTY - Lipid active agents (I), isolated from Gram-negative bacteria, soluble in alkali and having molecular weight over 300 kDa in aqueous solution but below 3 kDa after treatment with acetonitrile are new. In eukaryotic cells, (I) induce synthesis of antimicrobial peptides and/or proteins (II).
DETAILED DESCRIPTION - An INDEPENDENT CLAIM is also included for a method for preparing (I).
ACTIVITY - Antibacterial; Fungicide; Dermatological; Antiseborrheic.
No biological data given.
MECHANISM OF ACTION - Inducers of formation of native antimicrobial peptides and proteins.
USE - (I) are useful in pharmaceutical and cosmetic compositions and for plant protection (claimed), for prevention and treatment of infections (caused by bacteria or yeast, especially Pityrosporum or Propionibacterium on the skin) and diseases (e.g. seborrhea and mild forms of acne). They are also useful for selective stimulation of the immune system and as adjuvants for immunization.
ADVANTAGE - (I) induce antimicrobials, particularly in epithelial cells, without triggering inflammatory reactions. They also induce messenger compounds that recruit memory T cells and naive dendritic cells, i.e. they strengthen the 'chemical barrier' of many different body surfaces.

L19 ANSWER 6 OF 16 BIOSIS COPYRIGHT (c) 2008 The Thomson Corporation on STN DUPLICATE 2

ACCESSION NUMBER: 2005:353393 BIOSIS Full-text
DOCUMENT NUMBER: PREV200510143775
TITLE: IgG responses to antigens from Dermatophagoides farinae in healthy and atopic dogs.
AUTHOR(S): Hou, Chia-Chun; Pemberton, Alan; Nuttall, Tim; Hill, Peter B. [Reprint Author]
CORPORATE SOURCE: Univ Edinburgh, Easter Bush Vet Ctr, Royal Dick Sch Vet Studies, Hosp Small Anim,Div Vet Clin Studies, Roslin EH25 9RG, Midlothian, UK
pbhill@ed.ac.uk
SOURCE: Veterinary Immunology and Immunopathology, (JUN 15 2005) Vol. 106, No. 1-2, pp. 121-128.
CODEN: VIIMDS. ISSN: 0165-2427.
DOCUMENT TYPE: Article
LANGUAGE: English
ENTRY DATE: Entered STN: 8 Sep 2005
Last Updated on STN: 8 Sep 2005

AB In this study, we used a semi-quantitative electrophoresis and immunoblotting technique to characterise the IgG response to antigens from Dermatophagoides farinae in 20 healthy and 20 atopic dogs. Both groups mounted an IgG response to multiple antigens from the mite. There was no significant difference in the number of bands recognised, or the molecular weights of the bands, between the two groups. The two most obvious bands in both groups were proteins with molecular weights of 98 kDa (likely to be the high molecular weight allergen Der f 15) and 44 kDa, although dogs in both groups recognised a similar pattern of other antigens. The magnitude of the IgG response was greater in the atopic group although this was not statistically significant. The results indicate that the immune system of both healthy and atopic dogs generates an IgG response to multiple antigens from D. farinae. As some of these antigens (such as the 98 and 44 kDa proteins) are also targeted by IgE in atopic dogs, immunoglobulin class switching in response to Th2 cytokines may not be as dominant a process as has been proposed. (c) 2005 Elsevier B.V. All rights reserved.

L19 ANSWER 7 OF 16 EMBASE COPYRIGHT (c) 2008 Elsevier B.V. All rights reserved on STN
ACCESSION NUMBER: 2004223090 EMBASE Full-text
TITLE: Cloning, expression and characterization of two new IgE-binding proteins from the yeast Malassezia sympodialis with sequence similarities to heat shock proteins and manganese superoxide dismutase.
AUTHOR: Andersson, Anna; Rasool, Omid; Zargari, Arezou; Scheynius, Annika (correspondence)
CORPORATE SOURCE: Department of Medicine, Clinical Allergy Research Unit, Karolinska Institutet and Hospital, Stockholm, Sweden.
annika.scheynius@ks.se
AUTHOR: Schmidt, Margit
CORPORATE SOURCE: Department of Biology, Laboratory Medicine, East Carolina University, Greenville, NC, United States.
AUTHOR: Kodrius, Rimantas; Fluckiger, Sabine; Crameri, Reto
CORPORATE SOURCE: Swiss Inst. Allerg. and Asthma Res., Davos, Switzerland
.
AUTHOR: Scheynius, Annika (correspondence)
CORPORATE SOURCE: Clinical Allergy Research Unit L2:04, Karolinska Hospital, S-171 76 Stockholm, Sweden. annika.scheynius@ ks.se
SOURCE: European Journal of Biochemistry, (May 2004) Vol. 271, No. 10, pp. 1885-1894.
Refs: 48

ISSN: 0014-2956 CODEN: EJBCAI
COUNTRY: United Kingdom
DOCUMENT TYPE: Journal; Article
FILE SEGMENT: 013 Dermatology and Venereology
004 Microbiology: Bacteriology, Mycology, Parasitology and Virology
LANGUAGE: English
SUMMARY LANGUAGE: English
ENTRY DATE: Entered STN: 28 Jun 2004
Last Updated on STN: 28 Jun 2004

AB Malassezia sympodialis is an opportunistic yeast that colonizes human skin and may induce IgE and T cell reactivity in patients with atopic eczema/dermatitis syndrome (AEDS). Previously, we have cloned and expressed six recombinant allergens (rMala s 1 and rMala s 5 to rMala s 9) from this yeast. By combining high throughput screening and phage surface display techniques, 27 complete and partial IgE-binding clones of M. sympodialis have been identified. Here we enlarged the panel of recombinant M. sympodialis allergens by RACE-PCR, cloning and nucleotide sequencing to obtain the coding sequences of two new IgE-binding clones. The coding sequences of one of the clones showed similarity to the heat shock protein (HSP) family and the other to manganese Superoxide dismutase (MnSOD), and both had a high degree of homology to human counterparts. The coding sequences were expressed in Escherichia coli as six-histidine tagged recombinant proteins and generated products with molecular masses of 86.1 kDa for HSP and 22.4 kDa for MnSOD. Their IgE-binding frequencies were shown to be 69% and 75%, respectively, to 28 sera from AEDS patients with serum IgE to M. sympodialis extract, indicating that HSP and MnSOD are major M. sympodialis allergens. In inhibition immunoblotting. M. sympodialis extract could inhibit the binding of serum IgE from AEDS patients to rHSP and rMnSOD in a concentration-dependent manner. The high frequency of sera from AEDS patients, showing IgE binding to both HSP and MnSOD, indicates that these allergens, designated Mala s 10 and Mala s 11, could play a role in AEDS.

L19 ANSWER 8 OF 16 MEDLINE on STN DUPLICATE 3
ACCESSION NUMBER: 2003374766 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 12910286
TITLE: IgE and IgG antibodies to Malassezia spp. yeast extract in patients with atopic dermatitis.
AUTHOR: Arzumanyan V G; Serdyuk O A; Kozlova N N; Basnak'yan I A; Fedoseeva V N
CORPORATE SOURCE: I I Mechnikov Institute of Vaccines and Sera, Russian Academy of Medical Sciences, Institute of Immunology, Russian Academy of Medical Sciences, Moscow.
SOURCE: Bulletin of experimental biology and medicine, (2003 May) Vol. 135, No. 5, pp. 460-3.
Journal code: 0372557. ISSN: 0007-4888.
PUB. COUNTRY: United States
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 200407
ENTRY DATE: Entered STN: 12 Aug 2003
Last Updated on STN: 2 Jul 2004
Entered Medline: 1 Jul 2004

AB The presence of immunoglobulins to Malassezia spp. surface proteins in the sera from patients with atopic dermatitis and healthy subjects was studied. It was found that 28% of 25 examined patients with atopic dermatitis had IgE antibodies to Malassezia spp. surface protein preparation. All patients and 5 healthy subjects had IgG antibodies to this preparation. The presence and

concentration of specific IgE antibodies in patients with atopic dermatitis correlated with reverse titers of IgG antibodies to this preparation (r=0.782). The medians of values reciprocal to IgG antibody titers in patients with atopic dermatitis with and without specific IgE antibodies to the preparation and in healthy subjects were 64, 1024, and 16, respectively. The preparation derived from Candida albicans (candidine) and previously derived preparation from Malassezia did not cross-react. According to immunoblotting data, the preparation contains allergens presented by proteins with molecular weights 15, 36, 52-56, and 78.4 kDa.

L19 ANSWER 9 OF 16 MEDLINE on STN DUPLICATE 4
ACCESSION NUMBER: 2003135941 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 12650593
TITLE: Allergenic evaluation of Malassezia furfur crude extracts.
AUTHOR: Gandra R F; Melo T A; Matsumoto F E; Pires M F C; Croce J; Gambale W; Paula C R
CORPORATE SOURCE: Departamento de Microbiologia, Universidade de Sao Paulo, Brasil.
SOURCE: Mycopathologia, (2002) Vol. 155, No. 4, pp. 183-9. Journal code: 7505689. ISSN: 0301-486X.
PUB. COUNTRY: Netherlands
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE) (RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 200304
ENTRY DATE: Entered STN: 25 Mar 2003
Last Updated on STN: 26 Apr 2003
Entered Medline: 25 Apr 2003

AB Crude extracts of the lipophilic yeast Malassezia furfur were obtained from 2, 6, 10 and 28 day old cultures. The in vitro cultivation periods corresponded, respectively, to the lag phase, middle of the log phase, end of log phase and the decline phase of the growth curve, which was based on viable cell counts obtained with a fluorescent viability test. Biochemical analyses showed that the protein and carbohydrate contents were greater in day 10 extracts. Seventy patients with different allergic manifestations and 30 healthy volunteers were skin prick tested using the extracts. Of these, thirteen (18.57%) patients gave positive responses. SDS PAGE gradient electrophoretic profiles of the preparations indicated that the 28 day extracts contained the greatest number of protein bands with molecular weights ranging mostly between 30 and 94 kDa. Immunoblots incubated with individual patient sera showed that four IgE binding M. furfur allergens of approximately 88, 61, 52 and 39 kDa were present in the 28 day extracts. The components identified could be used for detecting IgE mediated responses to M. furfur among individuals affected with different allergic conditions.

L19 ANSWER 10 OF 16 MEDLINE on STN DUPLICATE 5
ACCESSION NUMBER: 2002241090 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 11979041
TITLE: Atopic eczema/dermatitis syndrome and Malassezia.
AUTHOR: Scheynius Annika; Johansson Catharina; Buentke Eva; Zargari Arezou; Linder Maria Tengvall
CORPORATE SOURCE: Department of Medicine, Unit of Clinical Allergy Research, Karolinska Institutet and Hospital, Stockholm Branch, Sweden.. annika.scheynius@ks.se
SOURCE: International archives of allergy and immunology, (2002

Mar) Vol. 127, No. 3, pp. 161-9. Ref: 105
Journal code: 9211652. ISSN: 1018-2438.
PUB. COUNTRY: Switzerland
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE)
(RESEARCH SUPPORT, NON-U.S. GOV'T)
General Review; (REVIEW)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 200205
ENTRY DATE: Entered STN: 30 Apr 2002
Last Updated on STN: 31 May 2002
Entered Medline: 30 May 2002

AB Atopic dermatitis is a chronic multifactorial inflammatory skin disease, which has had a marked increase in prevalence during the last decades. Recently, a new nomenclature was recommended where the term 'atopic eczema/dermatitis syndrome' (AEDS) should be used to reflect the heterogeneity in this group of patients and where those patients without measurable IgE reactivity should be classified as either 'nonallergic AEDS' or 'non-IgE-associated allergic AEDS'. For nearly 20 years it has been discussed whether the opportunistic yeast Malassezia, previously designated Pityrosporum, is a contributing factor to AEDS. Today there are several reports that demonstrate specific serum IgE or positive skin prick test and/or atopy patch test reactions to Malassezia in patients with AEDS. Several IgE-binding components have been identified in extracts of Malassezia ranging in molecular mass between 10 and 100 kD. The genes for nine Malassezia allergens with molecular weights ranging from 14 to 36 kD have hitherto been identified and cloned. Six of them are now produced by recombinant techniques and used in diagnostic tests. At present the genus Malassezia is subdivided into seven different species, which all have been isolated from human skin. The respective contribution of different Malassezia spp. to AEDS and in what proportion they share allergens remains to be clarified. We summarize here data that Malassezia can play a role in eliciting and maintaining eczema in patients with AEDS. Copyright 2002 S. Karger AG, Basel

L19 ANSWER 11 OF 16 EMBASE COPYRIGHT (c) 2008 Elsevier B.V. All rights reserved on STN DUPLICATE 6
ACCESSION NUMBER: 2001162938 EMBASE Full-text
TITLE: Allergen-containing drug from Malassezia spp. yeast.
AUTHOR: Arzumanyan, V.G. (correspondence); Bykova, S.A.
CORPORATE SOURCE: Institute of Microbiology, Russian Academy of Sciences, Moscow, Russian Federation. veraar@hotmail.com
AUTHOR: Arzumanyan, V.G. (correspondence); Kozlova, N.N.
CORPORATE SOURCE: I. I. Metchnikov Institute of Vaccines and Sera, Russian Academy of Medical Sciences, Moscow. veraar@hot mail.com
AUTHOR: Serdyuk, O.A.
SOURCE: Bulletin of Experimental Biology and Medicine, (2001) Vol. 130, No. 11, pp. 1084-1086.
Refs: 13
ISSN: 0007-4888 CODEN: BEXBAN
COUNTRY: United States
DOCUMENT TYPE: Journal; Article
FILE SEGMENT: 013 Dermatology and Venereology
026 Immunology, Serology and Transplantation
037 Drug Literature Index
004 Microbiology: Bacteriology, Mycology, Parasitology and Virology
LANGUAGE: English

SUMMARY LANGUAGE: English
ENTRY DATE: Entered STN: 17 May 2001
Last Updated on STN: 17 May 2001

AB Malassezia spp. yeast habituating the skin of healthy humans can be a source of allergens for patients with atopic dermatitis. We proposed a method for obtaining allergen-containing preparation by trimming outer cell wall proteins with 1% sodium dodecyl sulfate. The resultant preparation contained 36 and 67 kD proteins known as Malassezia allergens. IgE antibodies to these proteins were detected in the sera of young people with atopic dermatitis.

L19 ANSWER 12 OF 16 MEDLINE on STN DUPLICATE 7
ACCESSION NUMBER: 2001320025 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 11390205
TITLE: Antigenic components of Malassezia species for immunoglobulin E antibodies in sera of patients with atopic dermatitis.
AUTHOR: Koyama T; Kanbe T; Ishiguro A; Kikuchi A; Tomita Y
CORPORATE SOURCE: Department of Dermatology, Research Institute for Disease Mechanism and Control, Nagoya University School of Medicine, 65 Tsurumai, Showa-ku, Nagoya 466-8550, Japan.. tkoyama@med.nagoya-u.ac.jp
SOURCE: Journal of dermatological science, (2001 Jul) Vol. 26, No. 3, pp. 201-8.
Journal code: 9011485. ISSN: 0923-1811.
PUB. COUNTRY: Ireland
DOCUMENT TYPE: Journal; Article; (JOURNAL ARTICLE)
(RESEARCH SUPPORT, NON-U.S. GOV'T)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 200108
ENTRY DATE: Entered STN: 13 Aug 2001
Last Updated on STN: 13 Aug 2001
Entered Medline: 9 Aug 2001

AB Antigenic components of Malassezia furfur, M. globosa, M. restricta, M. slooffiae, and M. sympodialis were studied for immunoglobulin E antibodies in sera of patients with atopic dermatitis (AD). Antigenic components were extracted from Malassezia cells by treatment with beta-mercaptoethanol, referred to as 2-ME extract. CBB staining and lectin blots using Con A, LCA, PHA-E4, PNA or RCA120 showed that the 2-ME extracts contained several species-dependent components that differed quantitatively and qualitatively among the Malassezia species at the protein level. In the Western blot with the 2-ME extracts, of 54 sera of the patients with AD (54 patients), the patients' IgE antibodies most frequently recognized components showing molecular weights of 43-46 kDa for M. slooffiae, 12-22 kDa for M. sympodialis, 35-40 kDa for M. restricta, 45-50 kDa for M. globosa, and of 67-72 kDa for M. furfur, respectively. In the correlative study, in which the total band intensities generated for each extract in Western blot were compared among the Malassezia species, the intensity for M. globosa was well correlated with that for M. sympodialis (r=0.756). In the Western blot inhibition test, the 2-ME extract of M. globosa partially inhibited the reaction of the antigenic components of other Malassezia species with the patient's IgE antibodies. These results indicated that Malassezia species contained both species-specific and common antigenic components at the IgE antibody level.

L19 ANSWER 13 OF 16 SCISEARCH COPYRIGHT (c) 2008 The Thomson Corporation on STN
ACCESSION NUMBER: 2001:813126 SCISEARCH Full-text
THE GENUINE ARTICLE: 477RD
TITLE: IgG and IgE immune response against the surface

glycoprotein gp200 of Saccharomyces cerevisiae in patients with atopic dermatitis
AUTHOR: Nenoff P (Reprint); Muller B; Sander U; Kunze G; Broker M; Haustein U F
CORPORATE SOURCE: Univ Leipzig, Dept Dermatol, Mycol Lab, Liebigstr 21, D-04103 Leipzig, Germany (Reprint); Univ Leipzig, Dept Dermatol, Mycol Lab, D-04103 Leipzig, Germany; Inst Plant Genet, D-06466 Gatersleben, Germany; Chiron Behring GmbH & Co, D-35006 Marburg, Germany
COUNTRY OF AUTHOR: Germany
SOURCE: MYCOPATHOLOGIA, (2001) Vol. 152, No. 1, pp. 15-21. ISSN: 0301-486X.
PUBLISHER: KLUWER ACADEMIC PUBL, VAN GODEWIJCKSTRAAT 30, 3311 GZ DORDRECHT, NETHERLANDS.
DOCUMENT TYPE: Article; Journal
LANGUAGE: English
REFERENCE COUNT: 30
ENTRY DATE: Entered STN: 19 Oct 2001
Last Updated on STN: 19 Oct 2001

ABSTRACT IS AVAILABLE IN THE ALL AND IALL FORMATS

AB The heat-stable and soluble glycoprotein gp200 (molecular weight 200 kDa) is part of the cell wall of S. cerevisiae. Recently, an association was shown between IgA and IgG against gp200 and inflammation in Crohn's disease. Gp200 is able to induce a proliferation of human lymphocytes in vitro, together with a natural killer cell associated cytotoxicity. Specific IgE against Saccharomyces cerevisiae (baker's or brewer's yeast) may be detected in approximately 73%, against Candida albicans in 68% of those patients suffering from severe atopic dermatitis. The aim of this study was to elucidate the possible role of an anti-gp200 immune response for the pathogenesis of atopic dermatitis by immunoblot analysis.
Anti-gp200 IgE was found in 55% of healthy individuals, in 67% of individuals with atopic predisposition without eczema, in 63% of the patients with mild atopic dermatitis, and in 86% of patients with severe atopic dermatitis, respectively. On the contrary, anti-gp200 IgG could be shown in 55% of healthy individuals, in 89% of individuals with atopic predisposition but without eczema, in 100% of patients with mild atopic dermatitis, and in 79% with severe atopic dermatitis, respectively. No immunoreactivity was found when an extract of Arxula adeninivorans was used as antigen. These results underline the specificity of the immunoblot results with gp200 from Saccharomyces cerevisiae. It can be concluded that occurrence of specific IgE against Saccharomyces cerevisiae cannot be explained by a cross reactivity, e.g., against Candida albicans allergens. Further investigations with the recombinant gp200 will give information on the role of this glycoprotein both in atopic dermatitis and Morbus Crohn.

L19 ANSWER 14 OF 16 MEDLINE on STN DUPLICATE 8
ACCESSION NUMBER: 2001242914 MEDLINE Full-text
DOCUMENT NUMBER: PubMed ID: 11200834
TITLE: IgE antibodies to Malassezia furfur, M. sympodialis and Pityrosporum orbiculare in patients with atopic dermatitis, seborrheic eczema or pityriasis versicolor, and identification of respective allergens.
AUTHOR: Mayser P; Gross A
CORPORATE SOURCE: Department of Dermatology and Andrology, Justus Liebig University, Giessen, Germany.. Peter.Mayser@derma.med.uni-giessen.de
SOURCE: Acta dermato-venereologica, (2000 Sep-Oct) Vol. 80, No.

5, pp. 357-61.
Journal code: 0370310. ISSN: 0001-5555.
PUB. COUNTRY: Norway
DOCUMENT TYPE: (COMPARATIVE STUDY)
Journal; Article; (JOURNAL ARTICLE)
LANGUAGE: English
FILE SEGMENT: Priority Journals
ENTRY MONTH: 200105
ENTRY DATE: Entered STN: 17 May 2001
Last Updated on STN: 17 May 2001
Entered Medline: 10 May 2001

AB Malassezia yeasts may be a trigger factor for atopic dermatitis. Following the recent reclassification of the genus, the presence of specific IgE antibodies was examined in the sera of patients with atopic dermatitis (n = 223), pityriasis versicolor (n = 83), seborrheic eczema (n = 50) and hymenoptera allergy (n = 39) and in controls without skin diseases (n = 50). In addition to using the commercially available radioallergosorbent test (RAST) for Pityrosporum orbiculare couplings were also made against the reference strains for M. furfur and M. sympodialis. To characterize the specificity and molecular weight of corresponding epitopes identical material was used for production of an immunoblot. Despite high total levels of IgE, controls and patients with pityriasis versicolor showed no specific IgE antibodies. Six patients (12%) with seborrheic eczema were positive while 78 patients (35%) with atopic dermatitis had specific IgE antibodies in higher RAST classes that differed between the Malassezia species. The molecular weights of the main antigens of M. sympodialis and M. furfur were determined to be 15, 22, 30, 37, 40, 58, 79, 92, 99 and 124 kDa and 15, 25, 27, 43, 58, 92, 99 and 107 kDa, respectively. Evaluated according to the location of their disease, patients with head and neck lesions most frequently showed Malassezia-specific IgE antibodies. However, there were differences between the Malassezia species tested, the previously used strain P. orbiculare being assignable to the species M. sympodialis.

L19 ANSWER 15 OF 16 EMBASE COPYRIGHT (c) 2008 Elsevier B.V. All rights reserved on STN DUPLICATE 9
ACCESSION NUMBER: 1999127515 EMBASE Full-text
TITLE: Two-dimensional electrophoresis of Malassezia allergens for atopic dermatitis and isolation of Mal f 4 homologs with mitochondrial malate dehydrogenase.
AUTHOR: Onishi, Yoshimi; Kuroda, Masanobu; Sono-Koyama, Eiko; Tunasawa, Susumu; Hashida-Okado, Takashi; Yagihara, Tomoko; Kato, Ikunoshin; Takesako, Kazutoh (correspondence)
CORPORATE SOURCE: Biotechnology Research Laboratories, Takara Shuzo Co. Ltd, 3 4 1 Seta, Otsu, Shiga 520 2193, Japan. takesakok@takara.co.jp
AUTHOR: Yasueda, Hiroshi; Saito, Akemi; Akiyama, Kazuo
CORPORATE SOURCE: Clin. Res. Ctr. Allergy/Rheumatology, National Sagamihara Hospital, Kanagawa, Japan.
AUTHOR: Uchida, Katsuhisa; Yamaguchi, Hideyo
CORPORATE SOURCE: Res. Center for Medical Mycology, Teikyo University, Hachioji, Tokyo, Japan.
SOURCE: European Journal of Biochemistry, (1 Apr 1999) Vol. 261, No. 1, pp. 148-154.
Refs: 31
ISSN: 0014-2956 CODEN: EJBCAI
COUNTRY: United Kingdom
DOCUMENT TYPE: Journal; Article
FILE SEGMENT: 013 Dermatology and Venereology
026 Immunology, Serology and Transplantation

004 Microbiology: Bacteriology, Mycology, Parasitology and Virology
LANGUAGE: English
SUMMARY LANGUAGE: English
ENTRY DATE: Entered STN: 10 May 1999
Last Updated on STN: 10 May 1999

AB The yeast Malassezia furfur is a natural inhabitant of the human skin microflora that induces an allergic reaction in atopic dermatitis. To identify allergens of M. furfur, we separated a crude preparation of M. furfur antigens as discrete spots by 2-D PAGE and detected IgE-binding proteins using sera of atopic dermatitis patients. We identified the known allergens, Mal f 2 and Mal f 3, and determined N-terminal amino acid sequences of six new IgE-binding proteins including Mal f 4. The cDNA and genomic DNA encoding Mal f 4 were cloned and sequenced. The gene was mitochondrial malate dehydrogenase and encoded Mal f 4 composed of 315 amino acids and a signal sequence of 27 amino acids. We purified Mal f 4, which had a molecular mass of 35 kDa from a membrane fraction of a lysate of cultured cells. Thirty of 36 M. furfur-allergic atopic dermatitis patients (83.3%) had elevated serum levels of IgE to purified Mal f 4, indicating that Mal f 4 is a major allergen. There was a significant correlation of the Phadebas RAST unit values of Mal f 4 and the crude antigen, but not between Mal f 4 and the known allergen Mal f 2.

L19 ANSWER 16 OF 16 AGRICOLA Compiled and distributed by the National Agricultural Library of the Department of Agriculture of the United States of America. It contains copyrighted materials. All rights reserved. (2008) on STN

ACCESSION NUMBER: 2000:14535 AGRICOLA Full-text
DOCUMENT NUMBER: IND22023117
TITLE: Detection by ELISA of the humoral immune response in rabbits naturally infected with Trichophyton mentagrophytes.
AUTHOR(S): Zrimsek, P.; Kos, J.; Pinter, L.; Drobnic-Kosorok, M.
CORPORATE SOURCE: University of Ljubljana, Slovenia.
AVAILABILITY: DNAL (SF601.V44)
SOURCE: Veterinary microbiology, Oct 1999. Vol. 70, No. 1/2. p. 77-86
Publisher: Amsterdam, The Netherlands : Elsevier Science B.V.
CODEN: VMICDQ; ISSN: 0378-1135
NOTE: Includes references
PUB. COUNTRY: Netherlands
DOCUMENT TYPE: Article
FILE SEGMENT: Non-U.S. Imprint other than FAO
LANGUAGE: English

AB An indirect enzyme linked immunosorbent assay (ELISA) was developed and its diagnostic potential evaluated for rabbits infected by Trichophyton mentagrophytes. Within-run and between-run coefficient of variance varied from 2.3 to 7.7% and from 5.9 to 8.5%, respectively, indicating satisfactory reproducibility of the ELISA. There was no significant cross-reaction with antigens of Microsporum canis, Malassezia pachydermatis and Aspergillus fumigatus. The level of specific IgG to Trichophyton mentagrophytes was measured in sera of 25 11-week-old and 12 younger infected rabbits. There was no significant difference in the IgG level between 12 5-week-old infected rabbits and controls ($p = 0.38$). The antibody response was higher in 12 7-week-old rabbits compared with controls ($p = 0.001$). The IgG level in 25 11-week-old rabbits differed from the controls very significantly ($p < 0.0001$). Increased specific IgG in 11-week-old rabbits exhibited 96% sensitivity and 94% specificity. Predictive values of a positive and a negative test were 96

and 94%, respectively. Western immunoblotting associated three protein bands (21.5, 31, 44 kDa) with Trichophyton mentagrophytes infection.

=> fil hom

FILE 'HOME' ENTERED AT 12:17:37 ON 17 OCT 2008

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=> d his
     (FILE 'CAPLUS' ENTERED AT 11:37:27 ON 17 OCT 2008)
L1          955 S MALASSEZ? OR FURFUR OR PITYROSPOR? OR (P OR PITYROSPOR?)(
L2           26 S L1 AND (KD OR KDA OR KILOD OR KILODA OR KILODATON)
L3           11 S L1 AND (16 OR 17 OR 18 OR 19 OR 20 OR 21 OR 22 OR 23 OR 2
L4            0 S L1 AND (16000 OR 17000 OR 18000 OR 19000 OR 20000 OR 2100
L5           26 S L2 OR L3

     FILE 'MEDLINE, BIOSIS, EMBASE, SCISEARCH, LIFESCI, PASCAL, BIOTECHNO,
     WPIX, TOXCENTER, DRUGU, AGRICOLA, BIOTECHDS, DISSABS' ENTERED AT
     11:43:56 ON 17 OCT 2008
L6          241 S L2
L7          106 S L3
L8            4 S L4

     FILE 'CAPLUS' ENTERED AT 11:47:42 ON 17 OCT 2008
L9            7 S L5 AND (PY<1998 OR PRY<1998 OR AY<1998 OR PY<1999 OR PRY<

     FILE 'MEDLINE, BIOSIS, EMBASE, SCISEARCH, LIFESCI, PASCAL, BIOTECHNO,
     WPIX, TOXCENTER, DRUGU, AGRICOLA, BIOTECHDS, DISSABS' ENTERED AT
     11:51:04 ON 17 OCT 2008
L10         244 S L6-L8
L11         103 S L10 AND (PY<1998 OR PRY<1998 OR AY<1998 OR PY<1999 OR PRY
L12          36 DUP REM L11 (67 DUPLICATES REMOVED)

     FILE 'CAPLUS' ENTERED AT 12:07:47 ON 17 OCT 2008
L13           0 S L1 AND (ISOELEC? OR (I OR ISO)(W)ELEC?)(S)(PT OR POINT)
L14           8 S L2 AND (MW OR (MOL OR M OR MOLECULAR)(W)(W OR WEIGH? OR W
L15           5 S L14 NOT L9

     FILE 'MEDLINE, BIOSIS, EMBASE, SCISEARCH, LIFESCI, PASCAL, BIOTECHNO,
     WPIX, TOXCENTER, DRUGU, AGRICOLA, BIOTECHDS, DISSABS' ENTERED AT
     12:10:58 ON 17 OCT 2008
L16           1 S L13
L17          92 S L14
L18          40 S (L16 OR L17) NOT L11
L19          16 DUP REM L18 (24 DUPLICATES REMOVED)

     FILE 'HOME' ENTERED AT 12:17:37 ON 17 OCT 2008
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OFFICE OF PETITIONS

In re Application of	:	
Shunpei Yamazaki, et al.	:	
Application No. 11/116,376	:	DECISION GRANTING PETITION
Filed: April 28, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 07977-067004 / US3106D1D1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 11, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 30, 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 2871 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/25/09

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction for Appl. No.: 11116392 Patent No.: 7486754 B2

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You [redacted] Directors/SPE response to 571-270-9990

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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: None of new matter and scope change of claimed invention are found.

/Chieh M. Fan/ AU 2611

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ADE & COMPANY INC.
2157 HENDERSON HIGHWAY
WINNIPEG MB R2G1P-9 CA CANADA

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DEC 0 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Remillard et al.	:	
Application No. 11/116,417	:	DECISION ON PETITION
Filed: April 28, 2005	:	
Attorney Docket No. 80070-5302 ADB	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 7, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a proper and timely manner to the Notification of Non-Compliant Appeal Brief (Notice) mailed October 31, 2008, which set a period for reply of one (1) month or thirty (30) days, whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 1, 2008. A Notice of Abandonment was mailed June 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1)) the reply in the form of an amended Appeal Brief and required fee of $540.00 (previously paid on October 3, 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 the undersigned at (571) 272-7751.

The file is now being forwarded to Technology Center 3671 for processing of the amended Appeal Brief filed with the instant petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

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PATENT MANAGEMENT GROUP
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SUITE 500
ARLINGTON, VA 22201-2909

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JUN 18 2008

OFFICE OF PETITIONS

In re Application of	:	
Laymon Scott Humphries, et. al.	:	
Application No. 11/116,488	:	DECISION ON PETITION
Filed: April 28, 2005	:	
Attorney Docket No. SKY05003	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on October 9, 2007, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed December 27, 2006. A Notice of Abandonment was mailed on August 9, 2007.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Pamela s. Merkadeau 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 in whose behalf she acts.

Additionally, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

The application file is being referred to Technology Center Art Unit 2612 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

cc: Pamela S. Merkadeau
Manatt Phelps & Phillips, LLP
1001 Page Mill Road, Building 2
Palo Alto, CA 94304

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CHARLES J. KULAS
TRELLIS INTELLECTUAL PROPERTY LAW GROUP, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO CA 94303

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AUG 29 2006
OFFICE OF PETITIONS

In re Application of	:	
Boguslaw Orlowski	:	
Application No. 11/116,492	:	DECISION ON PETITION
Filed: April 28, 2005	:	TO WITHDRAW
Attorney Docket No. 010032-000300US	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 13, 2006.

The request is **NOT APPROVED**.

The request is signed by Charles J. Kulas on behalf of himself and all the attorneys/agents associated with Customer No. 37490. However, the request cannot be approved because no reasons for withdrawal have been provided. Consequently, the Office cannot, at this time, determine whether practitioner's request to withdraw is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent request to withdraw as attorney 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.

It is noted that a "Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address" was filed on April 3, 2006. However, the power of attorney is not acceptable, as it appears to be filed on behalf of the assignee but fails to comply with the requirements of 37 CFR 3.73(b). In order for the power of attorney to be acceptable, compliance with 37 CFR 3.73(b) must be satisfied. A form for complying with the provisions of 37 CFR 3.73(b) may be found on the USPTO.gov website (Form No. PTO/SB/96). A courtesy copy of this decision is being mailed to the address noted in the power or attorney filed April 3, 2006.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JOHN W. CARPENTER
155 SANSOME STREET, SUITE 400
SAN FRANCISCO, CA 94104-3614

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TRELLIS INTELLECTUAL PROPERTY LAW GROUP, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

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MAY 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Boguslaw Orlowski	:	
Application No. 11/116,492	:	DECISION ON PETITION
Filed: April 28, 2005	:	TO WITHDRAW
Attorney Docket No. 010032-000300US	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed January 8, 2007.

The request is **APPROVED**.

The request to withdraw as attorney is signed by Charles J. Kulas on behalf of all the attorneys/agents associated with Customer Number 37490. However, a further review of the record indicates that the attorneys associated with Customer Number 37490 do not have power of attorney in this patent application; but, have been employed or otherwise engaged in the proceedings in this patent application. In view of the present request, Attorney Charles J. Kulas and all the attorneys associated with Customer Number 37490 are considered 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 or the assignee of the entire interest under 37 C.F.R. §3.71 at the first copied address below until otherwise properly notified by the applicant.

Applicant is reminded that an assignee must establish its ownership of the patent to the satisfaction of the Director in order to request or take action in this patent application. 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).

Since the power of attorney filed on April 4, 2006 does not include one of the above two options, it is unacceptable and, consequently, **there are no attorneys or agents of record at this time**.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: BOGUSLAW ORLOWSKI
705 SHADOWTREE DRIVE
OCEANSIDE, CA 92054

JOHN W. CARPENTER, ESQ.
405 DAVIS CT., SUITE 707
SAN FRANCISCO, CA 94111

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

Mail Date: 07/23/2010

Applicant	: Heidi Ou	: DECISION ON REQUEST FOR
Patent Number	: 7656856	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/116,493	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **900** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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CHARLOTTE NC 28280-4000

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SEP 18 2006
OFFICE OF PETITIONS

In re Application of	:
Svirklys et al.	:
Application No. 11/116,499	: DECISION ON PETITION
Filed: April 28, 2005	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 045488-291834	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed April 28, 2006, 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 28, 2005, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/565,995 which was filed on April 28, 2004 and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application

after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

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

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

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

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

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

Any questions concerning this matter may be directed to Charlema Grant at (571) 272-3215.

Frances Hicks
Petitions Examiner
Office of Petitions

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DEC 28 2006

OFFICE OF PETITIONS

In re Application of	:
Svirklys et al.	:
Application No. 11/116,499	: DECISION ON PETITION
Filed: April 28, 2005	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 045488-291834	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed September 28, 2006, 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 **GRANTED.**

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

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

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

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

The application is being forwarded to Technology Center AU 1724 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.

Nancy Johnson for
Ira Lazarus
Supervisory 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
11/116,499	04/28/2005	1724	665	045488-291834	4	18	4

CONFIRMATION NO. 3223
CORRECTED FILING RECEIPT
OC000000021484543
OC000000021484543

00826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Date Mailed: 12/05/2006

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)

Fred Svirklys, Ontario, CANADA;
Dennis Shanklin, Gaston, SC;

Power of Attorney: The patent practitioners associated with Customer Number **00826**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/565,995 04/28/2004

Foreign Applications

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 US11/116,499

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Floating wetland structures for use in water remediation

Preliminary Class

210

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).

B/4

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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
11/116,499	04/28/2005	1724	600	045448/291834	4	18	4

CONFIRMATION NO. 3223

FILING RECEIPT

OC000000016162590

OC000000016162590

00826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Date Mailed: 06/01/2005

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)

Fred Svirklys, Residence Not Provided;
Dennis Shanklin, Residence Not Provided;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

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 US11/116,499

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Floating wetland structures for use in water remediation

Preliminary Class

210

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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BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

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SEP 0 4 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Ian D. Parker et al. :
Application No. 11/116,500 :
Filed: April 28, 2005 :
Attorney Docket No. **UA0030USCNT1** :

This is a decision on the petition filed August 13, 2008, to revive the above identified application under 37 CFR 1.137(b)[1].

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

This application became abandoned April 17, 2007, for failure to file a timely response to the Office action in accordance with *Ex parte Quayle*,[2] mailed on February 16, 2007, which set a two (2) month period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed September 12, 2007 on even date with the filing of the instant petition.

The petition fee in the amount of $1540.00 has been charged to deposit account no. 04-1928.

The amendment in response to the Office Action filed August 13, 2008 will be referred to Technology Center 2826 for further processing.
Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

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

[2] 1935 C.D. 11, 453 O.G. 213.

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DAVID W. HIGHET, VP AND CHIEF IP COUNSEL
BECTON, DICKINSON AND COMPANY
1 BECTON DRIVE, MC 110
FRANKLIN LAKES, NJ 07417-1880

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APR 2 5 2006

OFFICE OF PETITIONS

In re Application of Hutton :
Application No. 11/116,511 :
Filing Date: April 28, 2005 :
Attorney Docket No. P-5999 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.181, filed February 27, 2006, to withdraw the holding of abandonment.

The petition is **dismissed.**

Facts:

A Notice to File Missing Parts was mailed on May 31, 2005. The Notice required the submission of an executed oath/declaration along with payment of a surcharge.

Office records fail to indicate receipt of a reply to the Notice.

The application became abandoned as of midnight on July 31, 2005.

A Notice of Abandonment was mailed on February 21, 2006.

The instant petition contends a reply to the Notice was timely filed by facsimile transmission on June 28, 2005.

Discussion:

37 CFR 1.8(b) provides that when correspondence satisfies 37 CFR 1.8(a), but was not received by the Patent and Trademark Office, the correspondence will be considered timely if certain requirements are met. One of the requirements of 37 CFR 1.8(b) is "a statement which attests on a personal knowledge basis, or to the satisfaction of the Commissioner, to the previously timely mailing or transmission."

In general, the Office will require a statement by a party with firsthand knowledge of a previous mailing or transmission under 37 CFR 1.8. Ursula Polignone signed the certificate of mailing. Unless obtaining a statement from her would be difficult (i.e. she no longer works at the law firm), a statement by Polignone should be supplied.

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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DAVID W. HIGHET, VP AND CHIEF IP COUNSEL
BECTON, DICKINSON AND COMPANY
1 BECTON DRIVE, MC 110
FRANKLIN LAKES, NJ 07417-1880

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- JUL 0 3 2006

OFFICE OF PETITIONS

In re Application of Hutton	:	Decision on Petition
Application No. 11/116,511	:	
Filing Date: April 28, 2005	:	
Attorney Docket No. P-5999	:	

This is a decision on the renewed petition under 37 CFR 1.181, filed May 1, 2006, to withdraw the holding of abandonment.

The petition is **granted.**

Facts:

A Notice to File Missing Parts was mailed on May 31, 2005. The Notice required the submission of an executed oath/declaration along with payment of a surcharge.

Office records fail to indicate receipt of a reply to the Notice.

The application became abandoned as of midnight on July 31, 2005.

A Notice of Abandonment was mailed on February 21, 2006.

Petitioner has provided a showing, in compliance with 37 CFR 1.8(b), establishing petitioner timely filed a reply to the Notice to File Missing Parts on June 28, 2005. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The copy of the declaration and the surcharge submitted on February 27, 2006, will be entered.

The Office of Initial Patent Examination will be informed of the instant decision so that it may prepare the application for examination in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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PATENT CAPITAL GROUP – CISCO
6119 MCCOMMAS
DALLAS, TX 75214

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OFFICE OF PETITIONS

In re Application of
Shujin Zhang et al
Application No. 11/116,548
Filed: April 27, 2005
Attorney Docket No. Cisco-11668

ON PETITION

This is a decision on the petition filed March 9, 2009 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 in a timely manner in reply to the Notice of Allowance mailed August 21, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on November 22, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee; (2) the petition fee; (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 Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/116,556	04/28/2005	Arad Rostampour	200403867-1	4000

7590 04/09/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
ELLINI, AFSOON

ART UNIT	PAPER NUMBER
4122	

NOTIFICATION DATE	DELIVERY MODE
04/09/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

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Adjustment date: 04/08/2008  KKING1
05/02/2005 MWOLDGE1 00000029 082025   11116556
02 FC:1111        500.00 CR
04 FC:1201        200.00 CR
05 FC:1202        500.00 CR
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FORM PET651G (Rev. 08/07)

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WK

Mailed: 2-14-06

In re application of	:	
Helmut-Werner Heuer et al.	:	DECISION ON
Serial No. 11/116,567	:	PETITION
Filed: April 28, 2005	:	
For: Copolycarbonates Having Improved Flowability	:	

This is a decision on PETITION TO EXPUNGE UNDER 37 C.F.R. 1.59(b), filed August 29, 2005, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center for consideration.

DECISION

Petitioner requests that the IDS filed July 25, 2005 be expunged and that the documents be appropriately disposed of in accordance with 37 CFR 1.59. Each of the criteria for granting the request has been satisfied, see the MPEP 724.05.

The petition is **GRANTED.**

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

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

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

11/116,567

The image of the document will be removed from the Official file.

Jacqueline M. Stone

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

Aron Preis
Bayer Material Science LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741

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HOLLINGSWORTH & FUNK
8500 Normandale Lake Blvd
SUITE 320
MINNEAPOLIS, MN 55437

Mail Date: 04/21/2010

Applicant	: Kevin John Stalsberg	: DECISION ON REQUEST FOR
Patent Number	: 7574260	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/116,578	: OF WYETH
Filed	: 04/28/2005	:
		:

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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HOLLINGSWORTH & FUNK
8500 Normandale Lake Blvd
SUITE 320
MINNEAPOLIS, MN 55437

Mail Date: 05/18/2010

Applicant : Kevin John Stalsberg
Patent Number : 7574260
Issue Date : 08/11/2009
Application No : 11/116,578
Filed : 04/28/2005

: NOTICE CONCERNING IMPROPER
: DISMISSAL OF THE REQUEST
: FOR RECALCULATION OF
: PATENT TERM ADJUSTMENT
: IN VIEW OF WYETH

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO mistakenly dismissed a small number of requests as ineligible. The dismissals involve requests that were filed on February 9-12, 2010, for patents that were granted on August 11, 2009. Any request that was filed on February 8, 2010 was properly deemed eligible for patent term adjustment (PTA) and was recalculated.

Patents meeting the above criteria were eligible because the USPTO was closed February 8-11, 2010, due to a snowstorm. See Closing of the United States Patent and Trademark Office from Monday February, 8, 2010, through Thursday, February 11, 2010, 1352 *Off. Gaz. Pat. Office* 146 (March 16, 2010). The Office considered each day from Monday, February 8, 2010, through Thursday, February 11, 2010, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 CFR 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any actions that were due from Monday, February, 8, 2010, through Thursday, February 11, 2010, (or the preceding Saturday (February 6, 2010) or Sunday (February 7, 2010)) will be considered timely if the action was taken on the next succeeding business day on which the USPTO was open, which was February 12, 2010.

This notice **VACATES** the previous mailed decision in the patented file that deemed patentee ineligible for the request for recalculation. Patentee's request for recalculation is GRANTED.

The patent term adjustment has been determined to be **50** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate 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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PPG INDUSTRIES, INC.
LAW DEPT. – INTELLECTUAL PROPERTY
ONE PPG PLACE
PITTSBURGH, PA 15272

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JAN 09 2009

In re Application of	:	
Cheng et al.	:	
Application No. 11/116,579	:	ON PETITION
Filed: April 28, 2005	:	
Attorney Docket No. PPG-2038A1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

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

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 12/116,502.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: BLYNN L. SHIDELER
THE BLK LAW GROUP
3500 BROOKTREE ROAD, SUITE 200
WEXFORD, PA 15090

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Luedeka, Neely, & Graham, P.C.
P.O. Box 1871
Knoxville, TN 37901

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OFFICE OF PETITIONS

In re Application of	:	
Valeri V. Golovlev	:	
Application No. 11/116,592	:	DECISION ON PETITION
Filed: April 28, 2005	:	TO WITHDRAW
Attorney Docket No. 59003.C1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 6, 2008.

The request is **APPROVED**.

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

The request was signed by Michael E. Robinson 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 Valeri V. Golovlev, Ph.D at the address indicated below.

There is an outstanding Office action mailed January 22, 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: **Valeri V. Golovlev, Ph.D**
107 Canterbury Road
Oak Ridge, TN 37830

cc: **SCI-TEC, Inc.**
Attn: Mr. Val Golovlev, Ph.D
10425 Cogdill Road, #300
Knoxville, TN 37932

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/116,592	04/28/2005	Valeri V. Golovlev	59003.C1

CONFIRMATION NO. 4702

POWER OF ATTORNEY NOTICE

408
LUEDEKA, NEELY & GRAHAM, P.C.
P O BOX 1871
KNOXVILLE, TN 37901

OC000000030507887

Date Mailed: 06/16/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/06/2008.

- 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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ROBERT KREBS
NIXON PEABODY LLP
200 PAGE MILL ROAD
SUITE 200
PALO ALTO, CA 94306

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OFFICE OF PETITIONS

In re Application of
Annest et al.
Application No. 11/116,600
Filed: April 27, 2005
Attorney Docket No. 026289-001023US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 14, 2005.

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

A review of the file record indicates that the power of attorney to practitioners associated with Thelen Reid & Priest LLP, has been revoked by the assignee of the patent application on October 12, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Alicia Kelley at 571-272-6059.

Carl Friedman
Petitions Examiner
Office of Petitions

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

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SEP 14 2005

In re Application of	:	
Hugh M. Lyman, Jr.	:	
Serial No. 11/116,607	:	DECISION ON PETITION
Filed: April 29, 2005	:	TO MAKE SPECIAL
For: MARKER AND HIGHLIGHER PEN	:	
HOLDER	:	

Applicant's petition, filed August 22, 2005, requests that this application be rendered special for examination in that applicant is over sixty-five (65) years of age.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(IV) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

Richard A. Bertsch, Director
Technology Center 3700

Hugh M. Lyman, Jr.
27639 SE 401st Street
Enumclaw, WA 98022

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OFFICE OF PETITIONS

Charles E. Temko
22 Marion Road
Westport, CT 06880

In re Application of Feuer :
Application No. 11/116,608 : Decision on Petition
Filing Date: April 29, 2005 :
Attorney Docket No. 28,513 :

This is a decision on the petition under 37 CFR 1.137(a), filed November 28, 2008, to revive the above-identified application.

The petition **dismissed**.

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 1.137(a)."

Facts

The Office mailed a final Office action on December 20, 2007. The Office action set a three-month shortened statutory period for reply.

Petitioner filed a reply, in the form of a proposed appeal brief, to the final Office action on February 19, 2008.

A Notice of Appeal and the required fee were filed March 14, 2008.

Petitioner did not file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed March 14, 2008, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed. *See* 37 CFR 41.37(b). As no claim was allowed, the-above-identified application became abandoned on May 15, 2008. *See* MPEP 1215.04.

The Office mailed a Notice of Abandonment on September 23, 2008. The Notice incorrectly stated the application was abandoned because the Office had not received a reply to the December 20, 2007 Office action.

Discussion

A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the reply required to the outstanding Office action or notice, unless previously filed,

(2) the petition fee,

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and

(4) a terminal disclaimer and fee *if* the application was filed on or before June 8, 1995 or *if* the application is a design application.

The instant petition lacks items (1) and (3).

As to item (1), petitioner has not filed an Appeal Brief with the required fee, a Request for Continued Examination, or a continuation application.

The Office notes the examiner has reviewed the reply filed February 19, 2008. The examiner determined the reply did not place the application in condition for allowance. As a courtesy, an *unofficial* Advisory Action prepared by the examiner is attached.

Any future request to revive the application should include an Appeal Brief and the required fee for an Appeal Brief, a Request for Continued Examination, or an indication a continuation application has been filed.

As to item (3), the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 37 CFR 1.137(a).

35 USC 133 states, "Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable." (emphasis added).

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[1] In order for a party to prove unavoidable delay, the Office requires the party demonstrate the party exercised the "care or diligence tha[t] is generally used and observed by prudent and careful men in relation to their most important business."[2] A lack of knowledge of, or failure to

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[1] Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (1982).

[2] In re Mattulath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912). See also Ray v. Lehman, 55 F.3d 606, 34 U.S.P.Q.2d (BNA) 1786 (Fed. Cir. 1995) (citations omitted) ("[I]n determining whether a delay in paying a maintenance fee was unavoidable, one looks to whether the party responsible for payment of the maintenance fee exercised the due care of a reasonably prudent person.")

understand, a PTO rule, the content of the MPEP, or an Official Gazette notice will not constitute unavoidable delay.[3]

In the instant case, petitioner's explanation for the failure to timely file an Appeal Brief consists of the following language:

> The filing of the Appeal Brief was docketed by Counsel for May 10, 2008, Counsel remembered that a copy of the Brief being of record with the Request for Reconsideration, mistakenly did not file a Request for Extension of Time to formally file the Brief in the hope of resolving prosecution without the necessity of prosecuting the Appeal before the Board of Appeals and Interferences, in accordance with present Office practice.

Petitioner has failed to demonstrate the mistake made in not filing the Appeal Brief was an unavoidable mistake. For example, petitioner fails to indicate Counsel, when choosing to delay filing an Appeal Brief, docketed the matter for June 10, 2008, or any date within the extendable time period in order to ensure the deadline for filing the Appeal Brief would be met if matters were not resolved with the examiner.

As a courtesy, the Office notes petitioner may wish to consider the contents of a prior Official Gazette notice issued by the Agency which will often indirectly allow an applicant additional time to file an appeal brief when an applicant believes the matter can likely be resolved informally with the examiner.[4] The Notice states,

> The [Pre-Appeal Brief] request must be filed with the filing of a notice of appeal and before the filing of the appeal brief.... The time period for filing an appeal brief will be reset to be one month from mailing of the decision on the request, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of the decision on the request or the receipt date of the notice of appeal, as applicable. To the extent that any existing USPTO rule is inconsistent with this pilot program, the rule is waived until regulations directed to pre-appeal brief conferences are promulgated, or the pilot program is ended. For example, if a request for a pre-appeal brief conference is filed with a notice of appeal, the time period set in 37 CFR 41.37(a)(1) is waived so that an appeal will not stand dismissed if an appeal brief is not filed within two months of the filing date of a notice of appeal, but is filed within one month of the decision on the request.

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[3] See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D. D.C. 1978) for the proposition that counsel's nonawareness of PTO rules does not constitute "unavoidable" delay); Vincent v. Mossinghoff, 1985 U.S. Dist. LEXIS 23119, 13, 230 U.S.P.Q. (BNA) 621 (D. D.C. 1985) (Plaintiffs, through their counsel's actions, **or their own**, must be held responsible for having noted the MPEP section and Official Gazette notices expressly stating that the certified mailing procedures outlined in 37 CFR 1.8(a) do not apply to continuation applications.) (Emphasis added).

[4] *New Pre-Appeal Brief Conference Program,* 1296 *Off. Gaz. Pat. Office* 67 (July 12, 2005). A copy of the Notice can be found at "http://www.uspto.gov/web/offices/com/sol/og/2005/week28/patbref.htm".

> Applicant's period for filing the appeal brief or other appropriate response ends on the mailing date of a panel decision that indicates all claims are allowed or that prosecution is reopened.

In order for the petition to be granted, petitioner would need to demonstrate the entire delay in the submission of a proper reply, such as an Appeal Brief, was unavoidable. Since a proper reply has still not been filed, it is impossible for the Office to determine if the entire delay in the reply was unavoidable.

For the reasons previously discussed, the showing of record is not sufficient to establish to the satisfaction of the Director that the delay in the filing of the necessary reply was unavoidable within the meaning of 37 CFR 1.137(a).

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition 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, the required petition fee ($810 for a small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

A copy of a blank PDF "fillable" petition under 37 CFR 1.137(b) form can be found at: http://www.uspto.gov/web/forms/sb0064_fill.pdf.

Unless filed by EFS Web, further correspondence with respect to this matter should be addressed as follows:

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attached: Unofficial Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/116,608	Applicant(s) FEUER, KEITH J.	
	Examiner ANDREW W. SUTTON	Art Unit 3765	

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

THE REPLY FILED 19 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

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

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

NOTICE OF APPEAL

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

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

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

REQUEST FOR RECONSIDERATION/OTHER

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

/Gary L. Welch/
Supervisory Patent Examiner, Art Unit 3765

Continuation of 11. does NOT place the application in condition for allowance because: The applicant has failed to overcome the prior rejection mailed 12/20/07. The applicant argues that the device of Benz does not teach a heat sealable material. The examiner disagrees as the material must be heat sealable as the device of Benz. teaches the use of a heat plate 40 for use in sealing the pleats.

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JUN 1 1 2009

OFFICE OF PETITIONS

Charles E. Temko
22 Marion Road
Westport, CT 06880

In re Application of Feuer :
Application No. 11/116,608 : Decision on Petition
Filing Date: April 29, 2005 :
Attorney Docket No. 28,513 :

This is a decision on the petition under 37 CFR 1.137(a), filed June 2, 2009, to revive the instant application.

The petition **dismissed**.

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 1.137(a)."

Facts

The Office mailed a final Office action on December 20, 2007. The Office action set a three-month shortened statutory period for reply.

Petitioner filed a reply, in the form of a proposed appeal brief, to the final Office action on February 19, 2008.

A Notice of Appeal and the required fee were filed March 14, 2008.

Petitioner did not file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed March 14, 2008, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed. *See* 37 CFR 41.37(b). As no claim was allowed, the-above-identified application became abandoned on May 15, 2008. *See* MPEP 1215.04.

The Office mailed a Notice of Abandonment on September 23, 2008. The Notice incorrectly stated the application was abandoned because the Office had not received a reply to the December 20, 2007 Office action.

Discussion

A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the reply required to the outstanding Office action or notice, unless previously filed,

(2) the petition fee,

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and

(4) a terminal disclaimer and fee *if* the application was filed on or before June 8, 1995 or *if* the application is a design application.

The instant petition lacks item (3).

As to item (3), the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 37 CFR 1.137(a).

The petition states, "Counsel filed a Notice of Appeal and Appeal Fee February 19, 2009, with request to take advantage of the present provision of a review prior to the filing date of the Appeal Brief."

The Office notes the Notice of Appeal and Appeal Fee were filed March 14, 2008, not February 19, 2009.

If a request for a Pre-Appeal Brief Conference was filed March 14, 2008, then the period to file appeal brief is the longer of one month from the mailing of a decision on the request or the balance of the two-month time period running from the receipt of the notice of appeal. In this case, a decision on a request for a Pre-Appeal Brief Conference has never been mailed. Therefore, if the request was filed, the Appeal Brief filed May 4, 2009, is timely and the application is not abandoned.

Unfortunately, a review of the papers filed March 14, 2008, fails to indicate the papers included a request for a Pre-Appeal Brief Conference.

Any request for reconsideration should include proof a request for a pre-appeal brief conference was filed March 14, 2008.

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

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

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

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

Charles E. Temko
22 Marion Road
Westport, CT 06880

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OFFICE OF PETITIONS

In re Application of Feuer :
Application No. 11/116,608 :
Filing Date: April 29, 2005 :
Attorney Docket No. 28,513 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed June 22, 2009, to revive the instant application.

The petition **granted**.

The Office mailed a final Office action on December 20, 2007. The Office action set a three-month shortened statutory period for reply. Petitioner filed a reply, in the form of a proposed appeal brief, to the final Office action on February 19, 2008. A Notice of Appeal and the required fee were filed March 14, 2008.

Petitioner did not file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed March 14, 2008, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed. *See* 37 CFR 41.37(b). As no claim was allowed, the-above-identified application became abandoned on May 15, 2008. *See* MPEP 1215.04.

The Office mailed a Notice of Abandonment on September 23, 2008.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner previously filed the required reply in the form of an appeal brief on May 4, 2009. Petitioner has submitted the required petition fee of $810. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 3765 will be informed of the instant decision and the *appeal brief* filed May 4, 2009, will be considered 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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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Mail Date: 07/26/2010

Applicant	: Angelo Vignotto	: DECISION ON REQUEST FOR
Patent Number	: 7628541	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/116,620	: OF WYETH
Filed	: 04/27/2005	:
		:

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

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FEB 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Robert Wenz	:	
Application No. 11/116,656	:	DECISION ON PETITION
Filed: April 27, 2005	:	TO WITHDRAW
Attorney Docket No. 019433-000910US	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 16, 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 Mark D. Barrish on behalf of all attorneys/agents of record.

All attorneys/agents of record have been withdrawn.

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

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.,* copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ROBERT WENZ, PH.D.
FRANKFURTER STRASSE 11
WOLLSTADT, GERMANY D-61206

cc: JEFFREY S. ABEL
LARSON NEWMAN ABEL
POLANSKY & WHITE LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN, TX 78730

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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
11/116,656	04/27/2005	Robert Wenz	019433-000910US

CONFIRMATION NO. 5260

POWER OF ATTORNEY NOTICE

OC000000028457508

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

Date Mailed: 02/25/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/16/2007.

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

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OFFICE OF PETITIONS

In re Application of	:	
Breining et al.	:	DECISION ON PETITION
Application No. 11/116,664	:	TO WITHDRAW
Filed: April 27, 2005	:	FROM RECORD
Attorney Docket No. 021663-000111US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 15, 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 Number 20350 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 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:

ROBINS & PASTERNAK
1731 EMBARCADERO ROAD
SUITE 230
PALO ALTO CA 94303

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OFFICE OF PETITIONS

In re Application of	:	
Breining et al.	:	DECISION ON PETITION
Application No. 11/116,664	:	TO WITHDRAW
Filed: April 27, 2005	:	FROM RECORD
Attorney Docket No. 021663-000111US	:	

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, 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 Dahna S. Pasternak on behalf of all attorneys of record who are associated with Customer No. 20855. All attorneys/agents associated with Customer No. 20855 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named inventor; or (2) the assignee of the entire interest. All future communications from the Office will continue to be directed to the assignee at the first below-listed address until otherwise properly notified by the applicants.

The application became abandoned for failure to timely reply to the Office action mailed December 13, 2007.

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:

BAS MEDICAL, INC.
1660 SOUTH AMPHLETT BLVD., SUITE 200
SAN MATEO, CA 94402-2525

MICHAEL R. WARD
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

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ROBERT KREBS
NIXON PEABODY LLP
200 PAGE MILL ROAD
SUITE 200
PALO ALTO, CA 94306

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MAY 05 2009

OFFICE OF PETITIONS

In re Application of Annest et al. Application No. 11/116,692 Filed: April 27, 2005 Attorney Docket No. 026289-000800US	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 14, 2005.

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

A review of the file record indicates that the power of attorney to practitioners associated with Thelen Reid & Priest LLP, has been revoked by the assignee of the patent application on October 12, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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

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

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APR 30 2008

OFFICE OF PETITIONS

In re Application of
Kevin Von Essen, et al.
Application No. 11/116,696
Filed: April 27, 2005
Atty Docket No.: 09991-136001/461

ON PETITION

This is a decision on the petition, filed April 29, 2008, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 24, 2008, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

It is noted that the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

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

The application is being referred to Technology Center AU 2861 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: BRENDA M. LEDDS BINDER
FISH & RICHARDSON P.C.
500 ARGUELLO STREE, SUITE 500
REDWOOD CITY, CA 94063

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Attn: William J. Davis, Esq.
GAF MATERIALS CORPORATION
Legal Department, Building No. 8
1361 Alps Road
Wayne, NJ 07470

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OFFICE OF PETITIONS

In re Application of Nebesnak et al.	:	
Application No. 11/116,701	:	Decision on Petition
Filing Date: April 28, 2005	:	
Attorney Docket No. FDN-2784/CIP	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 18, 2008, 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 October 1, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on Thursday, January 3, 2008. A Notice of Abandonment was mailed on January 28, 2008.

The instant petition requests revival of the application.

Petitioner has submitted the required petition fee of $1,540. Petitioner has submitted a reply to the Notice of Allowance in the form of payment of the issue fee and publication 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 Data Management 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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PPG INDUSTRIES, INC.
Intellectual Property Department
One PPG Place
Pittsburgh PA 15272

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FEB 24 2009

OFFICE OF PETITIONS

In re Application of :
Barancyk, et al. :
Application No. 11/116,706 :
Filed: April 28, 2005 :
Attorney Docket No. 1820P1 :

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned July 16, 2008 for failure to timely submit a proper appeal brief within the time period set forth in the Pre-Brief Appeal Conference Decision mailed June 6, 2008. This decision precedes Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and required fee, and the submission required by 37 CFR 1.114; (2) the required petition fee; and (3) an adequate statement of unintentional delay. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

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

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

/ALESIA M. BROWN/
Alesia M. Brown
Petitions Attorney
Office of Petitions

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Paper No.

SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE2400
CHICAGO IL 60603-5803

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AUG 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	DECISION ON PETITION
Application No. 11/116,708	:	
Filed: April 28, 2005	:	
Atty Docket No. 37395-400500	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed May 10, 2007.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed August 22, 2005. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective November 23, 2005.

A courtesy Notice of Abandonment was mailed on May 2, 2006. It is noted thereon by the examiner that a telephone message re: abandonment was left on April 21, 2006. To which, no answer was received.

The petition includes the required reply in the form of an amendment, the statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

The above-identified application has been abandoned for an extended period of time. The United States Patent and Trademark

Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the United States Patent and Trademark Office.)

Technology Center AU 2839 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed May 10, 2007.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of	:	
Macaluso, Virgil	:	
Application No. 11/116,710	:	ON PETITION
Filed: April 28, 2005	:	
Attorney Docket No. 36107	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 20, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1761 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/116,723	04/28/2005	Shoupu Chen	89698NAB	6945

7590 06/22/2007
Mark G. Bocchetti
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER
PERKEY, WILLIAM B

ART UNIT	PAPER NUMBER
2851	

MAIL DATE	DELIVERY MODE
06/22/2007	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.

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Mark G. Bocchetti
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

JUN 22 2007

In re Application of:	:	
CHEN, SHOUPU	:	**DECISION GRANTING**
Appl No.: 11/116,723	:	**PETITION**
Filed: April 28, 2005	:	*37 CFR 1.84*
For: METHOD FOR DIAGNOSING DISEASE FROM TONGUE IMAGE	:	

This is a decision is in response to the petition filed April 25, 2005 in the above-identified application. Petition request that color drawings be accepted in accordance with 37 C.F.R. 1.84.

The petition state that color drawings are required to provide full and accurate appreciation of the use of the method in accordance with the invention where pen and ink drawings can only approximate the features of a human tongue, whereas the color drawings are more visually exact, allowing the subtle details to be immediately comprehended and reliably judged.

The petition complies with 37 C.F.R. 1.84 in that it was accompanied by (1) the appropriate fee, (2) at least three sets of color drawings, and (3) the specification in compliance with the requirement set forth in 37C.F.R 1.84 (a)(2) (iii).

The papers filed on April 25, 2005 fulfill the requirements set forth in 37 C.F.R. 1.84 (a)(2) and the petition is **Granted.**

Diane I. Lee
Supervisory Patent Examiner
Art Unit 2851
Technology Center 2800

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GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
53 STATE STREET
EXCHANGE PLACE
BOSTON, MA 02109-2881

Mail Date: 04/20/2010

Applicant	: Sorin Laurentiu Negru	: DECISION ON REQUEST FOR
Patent Number	: 7633463	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/116,724	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1045** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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GEORGE A. HERBSTER
40 BEACH STREET
SUITE 303
MANCHESTER MA 01944

In re Application of	:	
Peterson	:	
Application No. 11/116,738	:	ON PETITION
Filed: 28 April, 2005	:	
Attorney Docket No. P85-002	:	

This is a decision on the petition filed on 6 June, 2005, considered under 37 C.F.R. §1.53, to obtain a filing date of 28 April, 2005, for Fig. 7, as described in the specification.

For the reasons set forth below, the petition is **GRANTED in part** and **DISMISSED in part**.

BACKGROUND

After this application was deposited on 28 April, 2005:

- on 13 May, 2005, the Office mailed a Notice of Omitted Items reflecting the absence of Fig. 7 and 25B, as described in the specification, and indicated that Petitioner's alternatives were to: (a) file a petition if Petitioner contended that the item(s) deemed omitted had been deposited with the application, (b) supply the omitted item(s) and accept as the filing date that of the new deposit, or (c) file no response and accept the application as deemed by the Office to have been filed;

- on 6 June, 2005, Petitioner filed the instant petition (with fee), *inter alia*, a copy of the date-stamped ("0428053") receipt card (see: MPEP §503[1]), a copy of the drawing sheet averred to

[1] MPEP §503 provides in pertinent part:
§503 Application Number and Filing Receipt

* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard

be Fig. 7 submitted with the original 28 April, 2005, deposit, and a request for refund of the petition fee, and Petitioner indicated that the reference to Fig. 25B, as described in the specification was an error and submitted a Preliminary Amendment to delete the reference.

Analysis

A search of the official file reveals that:

- on 28 April, 2005, Petitioner deposited the instant application;
- the date-stamped receipt card evidences the following, in pertinent part:

* * *

> Received Forms PTO/SB/05, PTO/SB/17, Petition Under 37 C.F.R. [§]1.84(a)(2), Form PTO/SB/17p, Color Photographs of FIGS. 5A, 5B, 12, 13 & 21, Specification (38 pages), Drawings (21 sheets), Declaration,

* * *

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

* * *

RETURN POSTCARD

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

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

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

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

Further, Office record reflects 20 drawings (Figs. 1 - 6 and 8 - 25, as described in the specification) in the file before Petitioner filed the instant petition.

Because Petitioner's receipt card adequately itemized the contents of the application on the receipt card, it is concluded that the application, including Fig. 7, as described in the specification, was deposited with the Office on 28 April, 2005, and Fig. 7, as described in the specification, subsequently were misplaced in the Office.

Accordingly, Fig. 7 is entitled to a filing date with the application as filed.

The Notice of Omitted Items mailed on 290 May, 2005, was sent in error and is hereby vacated to the extent that it stated that page/sheet–to wit: Fig. 7, as described in the specification, had been omitted.

CONCLUSION

The petition is **granted in part to the extent that the Notice of 20 May, 2005, is vacated as to Fig. 7, as described in the specification, and said drawing is accorded a filing date of 28 April, 2005** and the petition fee waived and refunded via Treasury check; in all other respects the petition is **dismissed**.

This application is released to OIPE for further processing:

- **with a filing date of 28 April, 2005, for the entire application and in particular for the specification (38 pages: description, claims and abstract), and 21 sheets of drawings, including Fig. 7, as described in the specification, using: 38 pages of specification (description, claims and abstract), and the 20 sheets of drawings (Figs. 1 - 6, 8 - 25) deposited on 28 April. 2005; and**

- **1 sheet of drawings, Fig. 7, as described in the specification, deposited on 6 June, 2005;**

- **with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 28 April, 2005, and reflecting therein that 38 pages of specification (description, claims and abstract) and 21 sheets of drawings were present on filing.**

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND, OH 44114

Mail Date: 04/27/2010

Applicant	: Thomas E. Blake III	: DECISION ON REQUEST FOR
Patent Number	: 7592559	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/116,747	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **291** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 :
Prakash K. Mirchandani et al :
Application No. 11/116,752 :
Filed: April 28, 2005 :
Attorney Docket No. 1684-9001US

ON PETITION

This is a decision on the petition, filed May 14, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 6, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 3672 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 13 2010

OFFICE OF PETITIONS

TRASKBRITT/BHI-ATI
PO BOX 2550
SALT LAKE CITY, UT 84110

In re Application of :
Prakash K. Mirchandani et al :
Application No. 11/116,752 : ON PETITION
Filed: April 28, 2005 :
Attorney Docket No. 1684-9001US

This is a decision on the petition, filed May 11, 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 23, 2010 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 3672 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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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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AMGEN INC.
MAIL STOP 28-2-C
ONE AMGEN CENTER DRIVE
THOUSAND OAKS, CA 91320-1799

COPY MAILED

AUG 0 2 2007

OFFICE OF PETITIONS

In re Application of :
Christopher H. Fotsch et al :
Application No. 11/116,759 : DECISION ON PETITION
Filed: April 27, 2005 :
Attorney Docket No. A-740A :

This is a decision on the petition under 37 CFR 1.137(b), filed November 2, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 2, 2005, requiring the submission of an executed oath or declaration and a $130 surcharge fee for its late filing. The Notice set a period for reply of two (2) months from the mail date of the Notice. The reply to the Notice was due on or before August 2, 2005, or on or before January 2, 2006, with the appropriate extension of time fee. As the reply and extension of time were not timely filed, this application became abandoned on August 3, 2005. A Notice of Abandonment was mailed on September 12, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the items required by the Notice of June 2, 2005, (2) the petition fee of $1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of June 2, 2005 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). As the extension of time fee of $1,590 received on January 25, 2006 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.

As authorized, the $1,500 petition fee has been assessed to petitioner's deposit account.

This application is being referred to the Office of Initial Patent Examination for further processing in accordance with this decision.

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

Frances Hicks
Petitions Examiner
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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In re Patent No. FOTSCH ET AL.	:	
Issue Date: 07/14/2009	:	**DECISION GRANTING**
Appl No.: 11/116,759	:	**PETITION**
Filed: April 27, 2005	:	*37 CFR 1.324*
For: Fotsch et al.	:	
	:	
	:	
	:	

This is a decision on the petition filed 12/02/2008 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/James O. Wilson/
Supervisory Patent Examiner
Art Unit 1624
Technology Center 1600

US Patent Operations/JWB
Dept. 4300, M/S 28-2-C
One Amgen Center Drive
Thousand Oaks
California, CA 91320-1799

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DATE: July 31, 2009
TO: Certificates of Correction Branch
FROM: James O. Wilson
SPE, Art Unit 1624
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 7560460 as specified on the attached Certificate.

/James O. Wilson/, SPE
Art Unit 1624

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent Application No. 11/116,759
Patented: N/A

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Christopher H. FOTCH,
Mark H. NORMAN,
Michael G. KELLY,
Ning XI and
Shimin XU.

/James O. Wilson/
Supervisory Patent Examiner
Art Unit 1624

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent Application No. 11/116,759
Patented: N/A

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Christopher H. FOTCH,
Mark H. NORMAN,
Michael G. KELLY,
Ning XI and
Shimin XU.

/James O. Wilson/
Supervisory Patent Examiner
Art Unit 1624

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DATE: July 6, 2009
TO: Certificates of Correction Branch
FROM: James O. Wilson
SPE, Art Unit 1624
SUBJECT: REQUEST FOR CORRECTION OF INVENTORSHIP

Please issue a Correction of Inventorship in U. S. Letters Patent Application No. 11/116,795 as specified on the attached Certificate.

/James O. Wilson/
SPE Art Unit 1624

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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Bib Data Sheet

CONFIRMATION NO. 6786

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/116,759	04/27/2005 RULE	514	1624	A-740A

APPLICANTS

Christopher H. Fotsch, Thousand Oaks, CA;
Michael G. Kelly, South San Francisco, CA;
Mark H. Norman, Thousand Oaks, CA;
Ning Xi, Thousand Oaks, CA;
Shimin Xu, San Diego, CA;

**** CONTINUING DATA ****************************

This application is a DIV of 10/202,823 07/24/2002 PAT 7,115,607
which claims benefit of 60/307,831 07/25/2001

**** FOREIGN APPLICATIONS **********************

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 06/02/2005

		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed 35 USC 119 (a-d) conditions met Verified and Acknowledged	☐ yes ☐ no ☐ yes ☐ no ☐ Met after Allowance Examiner's Signature Initials	CA	0	9	1

ADDRESS

US Patent Operations/JWB
Dept. 4300, M/S 28-2-C
One Amgen Center Drive
Thousand Oaks
California, CA91320-1799

TITLE

SUBSTITUTED PIPERAZINES AND METHODS OF USE

FILING FEE RECEIVED		
2640	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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OFFICE OF PETITIONS

LAURA G. BARROW
P.O. BOX 215
ESTERO, FL 33928

In re Application of Antonic	:	
Application No. 11/116,769	:	ON APPLICATION FOR
Filed: April 28, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No. CBS-0001	:	

This is in response to the "Petition for Amendment to Patent Term Adjustment" filed October 5, 2009. Applicant requests the determination of patent term adjustment on the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed with the first Notice of Allowance be increased from zero (0) days to eleven (11) days.

The request is **DISMISSED**.

37 C.F.R. § 1.705(b) states, "An application for patent term adjustment under this section must be accompanied by ... [t]he fee set forth in § 1.18(e)."

Neither payment of the fee under 37 C.F.R. § 1.18(e) nor a general authorization to charge any required fees accompanied the instant application for patent term adjustment. Accordingly, the request is dismissed for failure to submit the fee under 37 C.F.R. § 1.18(e).

Applicant is 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 Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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VOLPE AND KOENIG, PC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

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OFFICE OF PETITIONS

In re Patent No. 7,445,002	:	
Issue Date: November 4, 2008	:	
Application No. 11/116,774	:	NOTICE
Filed: April 28, 2005	:	
Attorney Docket No. NPS-PT024.1	:	

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

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

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

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

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

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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SEP 14 2005

HOXIE & TSO LLP
374 MILLBURN AVENUE
SUITE 300 E
MILLBURN NJ 07041

In re Application of
Marie Dolores Fernandez-Forner et al
Serial No.: 11/116,777
Filed: April 28, 2005
Attorney Docket No.: AL-01US/DC

: PETITION TO MAKE SPECIAL

This is in response to the petition filed April 28, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102.

37 CFR 1.102 provides rules for making an application "special" and advancing its prosecution out of turn. 37 CFR 1.102(c) indicates applications relating to applicant's age or health, counterterrorism, environmental quality or conservation of energy may be made "special" without payment of a fee. 37 CFR 1.102(d) indicates that petitions to make special for other reasons, such as manufacture, infringement, HIV/AIDS or cancer, recombinant DNA, biotech applications of small companies, etc. (see M.P.E.P. 708.03), which require a fee.

Applicants state only that this application should be made special on the basis that the application is in condition for allowance except for possible formal matters and/or the filing of a terminal disclaimer. The application has not yet been examined. This reason does not fall within the reasons listed in 37 CFR 1.102(c). Nor does it fall within other reasons listed in M.P.E.P. 708.03.

It is noted that M.P.E.P. 708.01 lists a number of different types of applications which are or may be considered special, such as reexamination proceedings, reissue applications, applications made special by petition, applications potentially interfering with each other, applications in or nearly in condition for allowance or ready for Final rejection, on remand from a tribunal, etc. The guidance given is that examiners should be aware of such applications and give priority consideration to them over other applications. Such does not require a petition to make the application special be submitted by applicants. However, applicants may file a renewed petition complying with the provisions of one (or more) of sections I-XII of M.P.E.P. 708.03 and have special status granted for the application.

The petition is **DISMISSED** as not providing a proper reason for making an application special. Applicants may submit a renewed petition within the guidelines of M.P.E.P. 708.03. Any such renewed petition should be submitted within TWO MONTHS of the mailing date of this decision in order to be timely.

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 to the Office general facsimile number, 571-273-8300.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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SPRINT COMMUNICATIONS COMPANY L.P.
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: Abhijith Halikhedkar	: DECISION ON REQUEST FOR
Patent Number	: 7636424	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/116,778	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **864** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO, CA 94304

Mail Date: 04/21/2010

Applicant	: Bruce Charles Baguley	: DECISION ON REQUEST FOR
Patent Number	: 7585893	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/116,798	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **144** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924

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OFFICE OF PETITIONS

In re Application of	:	
Naugler et al.	:	
Application No. 11/116,799	:	ON PETITION
Filed: April 27, 2005	:	
Attorney Docket No. 05149.0014.NPUS00	:	

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

The petition is **GRANTED**.

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

The instant petition includes a statement signed by the applicant, 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 the undersigned at 571-272-3206.

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

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

Liana Chase
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Dayton J. Deetz
43 Taft Avenue
Mendon MA 01756

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SEP 29 2008

In re Application of	:	
Dayton Joseph Deetz	:	
Application No.: 11/116,819	:	ON PETITION
Filed: April 28, 2005	:	
Attorney Docket No:	:	

This is in response to the petition under 37 CFR 1.137(b) filed September 12, 2008.

The petition under 37 CFR 1.137(b) is **granted**.

On May 25, 2005, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extensions of time were available pursuant to 37 CFR 1.136(a). The Notice required payment of $300.00 for additional independent claim fees. A proper response was not received within the allowable period, and the application became abandoned on July 26, 2005. A Notice of Abandonment was mailed on September 12, 2006.

The amount of $310.00 is noted as being received on September 12, 2008.

The address cited on the petition differs from the address of record. Although a courtesy copy of this decision is being mailed to the address cited on the petition, all future correspondence will be mailed solely to the address cited on the petition until appropriate written instructions to the contrary are receieved.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Dayton J. Deetz
73 Washington Street
Mendon, MA 01756

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

Paper No.

Dayton J. Deetz
43 Taft Avenue
Mendon MA 01756

In re Application of	:	
Dayton Joseph Deetz	:	
Application No. 11/116,820	:	DECISION ON PETITION
Filed: April 28, 2005	:	PURSUANT TO
Title: MAGNETIC PAINT	:	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 12, 2008, on 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 Notice of Missing Parts (notice), mailed June 15, 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 August 16, 2005. A notice of abandonment was mailed on September 12, 2006.

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, the additional claim fees, and 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.[1]

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by OPAP 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 OPAP 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

1 See Rule 1.137(d).

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.

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/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Dayton J. Deetz
73 Washington Street
Mendon MA 01756

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Mail Date: 04/20/2010

Applicant	: Alan D. Gatzke	: DECISION ON REQUEST FOR
Patent Number	: 7623633	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/116,829	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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Alexandria, VA 22313-1450
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Paper No.

COOK ALEX LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO IL 60606

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JUL 09 2010

OFFICE OF PETITIONS

In re Patent No. 7621706	: DECISION ON REQUEST
Early et al.	: FOR
Issue Date: 11/24/2009	: RECONSIDERATION OF
Application No. 11/116839	: PATENT TERM ADJUSTMENT
Filed: 04/28/2005	: and
Atty Docket No.	: NOTICE OF INTENT TO ISSUE
0720-0127	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 22, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by six hundred forty-seven (647) 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 six hundred forty-seven (647) days is **GRANTED**.

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

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **six hundred forty-seven (647)** days.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,621,706 B2

DATED : **November 24, 2009** **DRAFT**

INVENTOR(S) : Early 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 462 days.

Delete the phrase "by 462 days" and insert – by 647 days--

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AUG 1 9 2005

OFFICE OF PETITIONS

PULSE-LINK, INC.
1969 KELLOGG AVENUE
CARLSBAD CA 92008

In re Application of :
Santhoff et al. :
Application No. 11/116,890 : DECISION ON PETITION
Filed: 27 April, 2005 :
Atty Docket No. 00223 :
:

This is in response to the petition under 37 CFR 1.47(a) filed on 29 July, 2005.

The petition is **DISMISSED AS MOOT**.

In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration filed in Application No. 09/802,603, filed on 9 March, 2001, of which the instant filing is a continuation application. Furthermore, a copy of the decision, mailed on 3 May, 2002, granting a petition to accord § 1.47(a) status to prior application No. 09/802,603, has been placed in the file of the present application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status.

As no petition is necessary to accord Rule 1.47(a) status in this application, the petition is dismissed as moot. The petition fee is unnecessary and will be credited to counsel's deposit account, No. 50-3143.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this continuation application.

After this decision is mailed, the application will be referred to Technology Center 2661 for examination in due course.

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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Alexandria, VA 22313-1450
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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

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MAR 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Jean-Philippe Lesot et al	:	
Application No. 11/116,893	:	ON PETITION
Filed: April 28, 2005	:	
Attorney Docket No. TI-38580 (1962-22100)	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 18, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 12, 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 January 16, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

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

The application file is being referred to Technology Center AU 2183 for appropriate action on the concurrently filed amendment.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

MAILED

JAN 27 2010

OFFICE OF PETITIONS

In re Application of :
Jean-Philippe LESOT et al. :
Application No. 11/116,893 :
Filed: April 28, 2005 :
Attorney Docket No. TI-38580 :

ON PETITION

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed June 2, 2009, which set a shortened statutory period for reply of three (3) months. A three (3) months extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on December 3, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Notice of Appeal and fee, and an Appeal Brief and fee; (2) the petition fee of $1620; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of June 2, 2009 is accepted as having been unintentionally delayed.

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

The application file is being referred to Technology Center AU 2443 for appropriate action on the concurrently filed amendment.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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TEXAS INSTRUMENTS INCORPORATED
P. O. BOX 655474, M/S 3999
DALLAS TX 75265

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JAN 29 2010

In re Application of :
LESOT ET AL. :
Application No. 11/116,893 : DECISION ON PETITION
Filed: April 28, 2005 :
Attorney Docket No. TI-38580 :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 2, 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 (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained on November 16, 2009. Accordingly, the date of abandonment of this application is as of midnight on December 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal, the fee for notice of appeal, and Appeal Brief, and the fee for the filing of brief in support of an appeal; (2) the non-small entity petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3),

the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition

Telephone inquiries concerning this decision should be directed to Anthony Knight at (571)-272-3687.

This application is being referred to Technology Center AU 2183 for consideration of the brief on appeal filed December 16, 2009.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN - 3 2005

Ray R. Miller
2318 50th Street, CT. NW
GIG Harbor, WA 9835

In re application of Ray R. Miller Application No. 11/116,898 Filed: April 28, 2005 For: EASY MOUNT TIRE CHAINS	: : : :	**DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)**

This is a decision on the petition submitted on April 28, 2005, under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a declaration signed by Mr. Miller indicating that he is at least 65 years of age.

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

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

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

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

SNM/pav: 06/01/05

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IP GROUP OF DLA PIPER RUDNICK GRAY CARY US LLP
1650 MARKET ST
SUITE 4900
PHILADELPHIA PA 19103

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SEP 12 2005
OFFICE OF PETITIONS

In re Application of	:
Boulogne, et al.	: DECISION GRANTING STATUS
Application No. 11/116,921	: UNDER 37 CFR 1.47(a)
Filed: April 28, 2005	:
Atty. Dkt. No.: BDM-05-1094	:
For: LIPSTICK MECHANISM	:

This decision is in response to the petition under 37 CFR 1.47(a), filed August 11, 2005.

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

Petitioner has shown that inventor Claude Susini 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

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Claude Susini
La Croix Leonard
Lieudit Vers
71240 Sennecey Le Grand
FRANCE

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SEP 12 2005

OFFICE OF PETITIONS

In re Application of :
Boulogne, et al. :
Application No. 11/116,921 : LETTER
Filed: April 28, 2005 :
Atty. Dkt. No.: BDM-05-1094 :
For: LIPSTICK MECHANISM :

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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AMIN, TUROCY & CALVIN, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND OH 44114

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OFFICE OF PETITIONS

In re Application of	:	
Pasumansky et al.	:	
Application No. 11/116924	:	ON PETITION
Filing Date: 04/28/2005	:	
Attorney Docket Number:	:	
MS310686.01/MSFTP815US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 18, 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 March 5, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is June 6, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114 (filed September 4, 2008); (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 2168 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 on September 4, 2008.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DADE BEHRING INC
1717 DEERFIELD RD
PO BOX 778
DEERFIELD IL 60015-0778

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AUG 1 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Chen, et al.	:	
Application No. 11/116,928	:	DECISION ACCORDING STATUS
Filed: April 27, 2005	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. BEH-7455	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 24, 2005.

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

The above-identified application was filed on April 27, 2005, without an executed oath or declaration. Accordingly, on June 1, 2005, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply.

In reply, applicant filed the instant petition on June 24, 2005. Accompanying the petition was a declaration executed by joint inventors Jian Cheng, Holger Keim, Hshiou-ting Liu, Yi Feng Zheng and Yali Yang, but with the signature block for inventor Cathy K. Worley left blank.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventors.

On petition, attorney Theodore Leitereg has explained that inventor Worley was presented with the application papers, but refused to sign the declaration because she is currently employed by the United States Patent and Trademark Office.

35 U.S.C. 4 states in pertinent part that "employees of the Patent and Trademark Office shall be incapable, during the period of their appointments and for one year thereafter, of applying for a patent...."

The petition filed June 24, 2005, has been reviewed and determined to be in compliance with 37 CFR 1.47(a). The declaration filed with the petition has been determined to be in compliance with 37 CFR 1.63. Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

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

Receipt of the $200 petition fee and $130 surcharge for late filing of the declaration is acknowledged.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CATHY K WORLEY
2737 DEVONSHIRE PL NW #521
WASHINGTON DC 20008

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AUG 1 0 2005

OFFICE OF PETITIONS

In re Application of :
Jian Cheng, Holger Keim, Hshiou-ting :
Liu, Yi Feng Zheng, Yali Yang, Cathy :
K. Worley :
Application No. 11/116,928 : LETTER
Filed: April 27, 2005
Title: Compositions and Methods for
Detection of Sirolimus

Dear Ms. Worley:

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

Robert N. Carpenter
Dade Behring Inc.
1717 Deerfield Rd
PO Box 778
Deerfield IL 60015-0778
phone: 847-267-5351

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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GENERAL MOTORS LLC
LEGAL STAFF
MAIL CODE 482-C23-B21
P O BOX 300
DETROIT, MI 48265-3000

Mail Date: 04/21/2010

Applicant	: Charles P. Harris	: DECISION ON REQUEST FOR
Patent Number	: 7645727	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/116,931	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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OFFICE OF PETITIONS

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448

In re Application of	:	
Sam Gendler et al.	:	
Application No. 11/116,933	:	DECISION ON PETITION
Filed: April 27, 2005	:	TO WITHDRAW
Attorney Docket No. 04SD-116523	:	FROM RECORD
	:	

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 21, 2006.

The request is **NOT APPROVED**.

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

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

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

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

Terri Williams for

Denise Pothier
Petitions Examiner
Office of Petitions

cc: **Scott Patrick Barlow Esq.**
ValueClick Inc.
30699 Russell Ranch Road, Suite 250
Westlake Village, CA 91362

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OFFICE OF PETITIONS

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448

In re Application of

Sam Gendler et al.
Application No. 11/116,933
Filed: April 27, 2005
Attorney Docket No. 04SD-116523

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 9, 2006.

The request is **NOT APPROVED**.

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

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

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **SCOTT PATRICK BARLOW ESQ.,**
VALUECLICK INC.
30699 RUSSELL RANCH ROAD, SUITE 250
WESTLAKE VILLAGE, CA 91362

UNITED STATES 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 LUTHER LAW FIRM
12198 E. COLUMBINE DR.
SCOTTSDALE AZ 85259

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AUG 16 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Xueliang Xia :
Application No. 11/116,935 :
Filed: April 28, 2005 :
Attorney Docket No. GENO-001ORD :

This is a decision on the petition under 37 CFR 1.53(e), filed August 8, 2005 (certificate of mailing dated August 2, 2005), requesting that the above-identified application be accorded a filing date of April 28, 2005.

On April 28, 2005, applicant deposited the above-identified application. On June 2, 2005, the Office mailed a Notice of Incomplete Nonprovisional Application, stating, *inter alia*, that the application was deposited without drawings and that the filing date would be the date of receipt of the drawings.

In response, on August 8, 2005 (certificate of mailing dated August 2, 2005), applicant filed, *inter alia*, the present petition and a copy of applicant's date-stamped postcard receipt acknowledging receipt of 4 sheets of drawings on April 28, 2005. Additionally, applicant submitted 4 sheets of drawings with the present petition.

Upon review of the record, the 4 sheets of drawings, deposited on April 28, 2005, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 28, 2005, included 4 sheets of drawings, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including the 4 sheets of drawings, was complete on filing and will be granted a filing date of April 28, 2005.

Accordingly, the petition is granted.

The requirement for drawings set forth in the Notice of Incomplete Nonprovisional Application was sent in error and is hereby vacated. Accordingly, the $400.00 petition fee is unnecessary and will be refunded to applicant's credit card.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of April 28, 2005,** using the 4 sheets of drawings submitted on August 8, 2005, as part of the original disclosure, and to mail a filing receipt.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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JUN 2 5 2007

OFFICE OF PETITIONS

In re Application of	:
Xia, Xueliang	:
Application No. 11/116,935	: DECISION GRANTING PETITION
Filed: April 28, 2005	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. GENO-001ORD	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed May 3, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/650,034, filed February 2, 2005, as set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

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

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional application as required by 37 1.78(a)(5)(iii). Additionally, the instant nonprovisional application was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/650,034, which was filed on February 2, 2005, for which priority is claimed.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR

1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the above-noted, prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Any other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 1635 for appropriate action on the amendment submitted May 3, 2007, including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed provisional Application No. 60/650,034.

Liana Walsh
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/116,935	04/28/2005	1635	550	GENO-001ORD	22	3

CONFIRMATION NO. 4443

CORRECTED FILING RECEIPT

OC000000024476848

51951
THE LUTHER LAW FIRM
12198 E. COLUMBINE DR.
SCOTTSDALE, AZ 85259

Date Mailed: 06/21/2007

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

Applicant(s)

Xueliang Xia, Chandler, AZ;

Power of Attorney: The patent practitioners associated with Customer Number **51951**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/650,034 02/04/2005

Foreign Applications

If Required, Foreign Filing License Granted: 06/02/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/116,935

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method of isolating, labeling and profiling small RNAs

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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Ellen P. Winner
Greenlee, Winner and Sullivan
4875 Pearl East Circle, Suite 200
Boulder CO 80301

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DEC 0 1 2005

OFFICE OF PETITIONS

In re Application of
Lallatin and O'Neill
Application No.: 11/116,937
Filed: April 28, 2005
Attorney Docket No: 69-05
For: **ANT-VIRAL ACTIVITY OF AN ANTI-THYMIDINE KINASE MONOCLONAL ANTIBODY**

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed October 20, 2005.

The petition is **GRANTED**.

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

The above-cited application was filed on April 28, 2005, without a properly executed declaration. On June 28, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Non-Provisional Application requiring a proper declaration and a surcharge for the late filing of the declaration, payment of the filing fee, and replacement drawings. The instant petition was filed on October 20, 2005, with a request for an extension of time within the second month.

Petitioner has shown that inventor Lallatin has constructively refused to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

The "Memorandum of Law under 37 CFR 1.47(b) in Support of Ownership of Patent Application", filed with the instant petition is noted, but was not considered. The instant petition was considered under 37 CFR 1.47(a) because there are two inventors, one of which signed the declaration. Consideration under 37 CFR 1.47(b) is only appropriate when there is a sole inventor that is refusing to join the application or there is more than one inventor and all of the joint inventors are refusing, or unavailable, to join the application. The memorandum will be maintained in the file record.

This application will be directed to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: "Notice of Acceptance of Power of Attorney"
"Notice Regarding Change of Power of Attorney"

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DONALD J LENKSZUS
PO BOX 3064
CAREFREE AZ 85377

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AUG 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Joel M. Dry	:	
Application No. 11/116,962	:	DECISION ON PETITION
Filed: April 27, 2005	:	TO WITHDRAW
Attorney Docket No. OPTOLUM 009	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 19, 008.

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, ***OPTOLUM, INC has expressly terminated the representation***, do not meet any the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **OPTOLUM, INC.**
1515 University Drive
Suite 102
Tempe, AZ 85281

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APR 14 2008

OFFICE OF PETITIONS

DONALD J. LENKSZUS
PO BOX 3064
CAREFREE, AZ 85377

In re Application of
DRY, Joel M.
Application No. 11/116,966
Filed: April 27, 2005
Attorney Docket No. **OPTOLUM 010**

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 19, 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).

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 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, (Optolum, Inc. has expressly terminated the representation), does not meet any the conditions set forth in 37 CFR 10.40.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **OPTOLUM, INC.**
1515 W. UNIVERSITY DR.
SUITE 102
TEMPE, AZ 85281

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OFFICE OF PETITIONS

YI LI
CUSPA TECHNOLOGY LAW ASSOCIATES
11820 SW 107 AVENUE
MIAMI FL 33176

In re Application of	:	
Gregory **COOGLE**	:	
Application No. 11/116,975	:	DECISION ON PETITION
Filed: April 28, 2005	:	TO WITHDRAW
Attorney Docket No. 104.03	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 26, 2006.

The request is **APPROVED**.

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

The request was signed by Yi Li, the sole attorney of record. Yi Li has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the sole named inventor Gregory Coogle at the address indicated below.

There is an outstanding Office action mailed January 5, 2007 that requires a reply from the applicant.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **GREGORY COOGLE**
492 NW 162ND AVENUE
PEMBROKE PINES, FL 33028

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LYNN G. FOSTER
602 East 300 South
Salt Lake City UT 84102

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AUG 16 2006

OFFICE OF PETITIONS

In re Application of	:	
McCORMICK et al	:	
Application No. 11/116,977	:	DECISION ON PETITION
Filed: April 28, 2005	:	TO WITHDRAW
Attorney Docket No. 8706.CD	:	FROM RECORD
	:	

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

All attorneys/agents associated have been withdrawn.

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

All future correspondence will be directed to the first named inventor James P. McCormick at the address indicated below.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: James P. McCormick
HYDRO ENGINEERING
865 West 2600 South
Salt Lake City, UT 84119

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BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
SIX CONCOURSE PARKWAY
SUITE 3100
ATLANTA GA 30328

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OFFICE OF PETITIONS

In re Application of	:	
Roger L. Bandeen	:	DECISION ON PETITION
Application Number: 11/116980	:	
Filing Date: 04/28/2005	:	
Attorney Docket Number:	:	
2171208-000001	:	

This is a decision on the petition, filed on October 24, 2007,[1] under 37 CFR 1.137(f) which is treated as a petition to revive the above-identified nonprovisional application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on April 28, 2006. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

---

[1] It is noted that the application number is miscaptioned as "1/116,980" on the petition. However, as the proper application number is contained on the Electronic Acknowledgement Receipt, and the filing date, docket number, inventor's name, and invention title are correct as listed on the petition form, the petition is considered to be properly filed in the subject application.

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

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

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The present petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded.

A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of March 6, 2008, is enclosed herewith.

The application is being referred to the Office of Patent Publications for further processing.

Any inquiries concerning this decision may be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/116,980	04/28/2005	Roger L. Bandeen	2171208-000001

CONFIRMATION NO. 5922

49840
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
SIX CONCOURSE PARKWAY
SUITE 3100
ATLANTA, GA 30328

NONPUBLICATION RESCISSION LETTER

OC000000026964509

Date Mailed: 11/29/2007

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 03/06/2008.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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United States Patent and Trademark Office
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SYMYX TECHNOLOGIES INC
LEGAL DEPARTMENT
3100 CENTRAL EXPRESS
SANTA CLARA CA 95051

COPY MAILED

AUG 1 0 2005

OFFICE OF PETITIONS

In re Application of
Thomas Boussie et al.
Application No. 11/117,000
Filed: April 28, 2005
Attorney Docket No. 2002-031CIP2

ON PETITION

This is a decision on the petition under 37 CFR 1.10 (c), filed August 3, 2005, to correct the filing date to April 28, 2005, rather than the presently accorded filing date of April 27, 2005.

Petitioner alleges that the application was deposited in Express Mail service on April 28, 2005. In support, petitioner has supplied a copy of Express Mail Label No. EV186782622US (the same Express Mail number found on the transmittal sheet and the accompanying application papers located in the official file). The "date-in" on the Express Mail Label is April 28, 2005.

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

The matter of the filing date is being forwarded to the Office of Initial Patent Examination for correction of the **filing date to April 28, 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

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United States Patent and Trademark Office
P.O. Box 1450
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Paul D. Greeley, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford CT 06901-2682

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FEB 21 2008

Applicant: Stahl et al.
Appl. No.: 11/117,008
Filing Date: April 28, 2005
Title: Dispensing Container Having Improved Torque Response and Closure Sealing
Attorney Docket No.: 1700.201USU
Pub. No.: 2006/0243697 A1
Pub. Date: November 2, 2006

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on January 8, 2007, 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 papers improperly submitted on September 12, 2005 with the wrong application number, which were scanned into the file and published have been closed.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted, and/or **complete copies of the pre-grant 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 or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted

Inquiries relating to this matter may be directed to Mark O. Polutta at (703) 272-7709.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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AUG 14 2005

OFFICE OF PETITIONS

In re Application of
Bernhard Nortmann et al.
Application No. 11/117,010
Filed: April 28, 2005
Attorney Docket No. 11136-148 (PTG1333 PUS)
Title: MULTI-ORIENTATION TABLE FOR A DRILL PRESS

DECISION ON PETITIONS UNDER 37 C.F.R. §§ 1.48(A) AND 1.182

This is a decision on the petitions under 37 C.F.R. §§ 1.48(a) and 1.182, concurrently filed July 5, 2005, to correct inventorship and to change the order of the names of the inventors.

The petition under 37 C.F.R. §1.48(a):

Petitioner has requested that Carlton Russell Lay and Kenneth M. Brazell be added as inventors of the present application. Petitioner has further included a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part, a declaration by the actual inventors, the processing fee, and the written consent of the assignee.

As such, the petition under 37 C.F.R. §1.48(a) is **GRANTED**.

The petition under 37 C.F.R. §1.182:

The petition fee has been received[1] and the order of the names of the inventors has been changed as follows:

Carlton Russell Lay
Kenneth M. Brazell
Bernhard Nortman

1 Petitioner will note that the fee associated with the filing of this petition is not $130, but rather $400. The correct petition fee has been charged to Petitioner's Deposit Account, as authorized in the petition.

Jeanne White
Todd M. Chipner
Huabo Li

A filing receipt reflecting this change is enclosed.

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

Encl. Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MHKKG/Oracle (Sun)
P.O. BOX 398
AUSTIN, TX 78767

Mail Date: 04/20/2010

Applicant	: Thulasiraman Jeyaraman	: DECISION ON REQUEST FOR
Patent Number	: 7574710	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,023	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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OCT 19 2006

OFFICE OF PETITIONS

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

In re Application of	:	
Thomas Eisensteger et al	:	
Application No. 11/117,045	:	DECISION GRANTING PETITION
Filed: April 27, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 235487	:	

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

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of May 27, 2005, is accepted as having been unintentionally delayed.

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

This matter is being referred to the Office of Initial Patent Examination.

Karen Creasy
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/117,053	04/28/2005	2872	500	HFS-0501	1	20	3

CONFIRMATION NO. 6304

CORRECTED FILING RECEIPT

OC000000016275298

25007
LAW OFFICE OF DALE B. HALLING
24 s. WEBER ST., SUITE 311
COLORADO SPRINGS, CO 80903

Date Mailed: 06/14/2005

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

Applicant(s)

Michael Robert Collier, Denver, CO;

Assignment For Published Patent Application

Harmony Fastening Systems, Inc.

Power of Attorney: The patent practitioners associated with Customer Number **25007**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/567,637 05/03/2004

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 US11/117,053

Projected Publication Date: 11/03/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

BEST AVAILABLE COPY

Title

Method of producing reflective design on a substrate and apparatus

Preliminary Class

359

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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SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY, MN 55125

Mail Date: 04/20/2010

Applicant	: Martin T. Gerber	: DECISION ON REQUEST FOR
Patent Number	: 7623923	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,054	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **230** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY, MN 55125

Mail Date: 04/20/2010

Applicant	: Martin T. Gerber	: DECISION ON REQUEST FOR
Patent Number	: 7610093	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,064	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1127** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Meyertons, Hood, Kivlin, Kowert, Goetzel/Symantec
P.O. Box 398
Austin TX 78767-0398

MAILED

APR 19 2010

OFFICE OF PETITIONS

In re Application of:	:	DECISION GRANTING
Aronson et al.	:	PETITIONS UNDER
Application No. 10/117065	:	37 CFR §§ 1.183 and 1.48
Filing or 371(c) Date: 04/04/2002	:	
Attorney Docket Number: 6002-00301	:	

This Decision is in response to the "Petition for Suspension of Rules Under [37] C.F.R. § 1.183, and on the "Request for Correction of Inventorship of Patent Application (37 CFR 1.48(a)(1)," filed December 18, 2009, and Supplemented on December 19, 2009.

The petitions are **granted**.

The above-identified application was filed on April 4, 2002, and included an oath/declaration identifying as inventors Paul Sunil and Kenneth Schneider.

37 CFR 1.48(a) requires that the amendment be accompanied by:

> (1) a request to correct the inventorship that sets forth the desired inventorship change;
> (2) a statement from each person being added and from each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;
> (3) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;
> (4) the fee set forth in 37 CFR 1.17 (i); and
> (5) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

The MPEP further provides that:

> [i]n those situations where an inventor to be added refuses to submit a statement supporting the addition or such party cannot be reached, waiver under 37 CFR 1.183 of the requirement for a statement from that party would be appropriate upon a showing of such refusal or inability to reach the inventor. Every existing assignee of the original named inventors must give its consent to the requested correction. Where there is more than one assignee giving its consent, the extent of that interest (percentage) should be shown. Where no assignment has been

> executed by the inventors, or if deletion of a refusing inventor is requested, waiver will not be granted absent unequivocal support for the correction sought. Petitions under 37 CFR 1.47 are not applicable to the requirement for statements from each originally named inventor. (Emphasis supplied).

MPEP 201.03

Petition under 37 CFR 1.183

Regarding a showing of refusal or inability to reach the inventor, Petitioner has shown that the non-signing inventor, Art Medlar, refuses to join in the application after having been presented with the application. Accordingly, it is concluded that petitioner has demonstrated that this is an extraordinary situation, requiring waiver of the rules.

The petition under 37 CFR 1.48(a)

The present petition includes: (1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added and from each person being deleted as an inventor that the error occurred without deceptive intention on his or her part; (3) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47; (4) the fee set forth in 37 CFR 1.17 (i), and (5) the written consent of the assignee.

Accordingly, the petition is granted. A corrected Filing Receipt identifying the inventorship of the application is enclosed herewith. The application is being referred to Technology Center Art Unit 2451 for continued examination in the normal course of business.

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

Enclosure; 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
10/117,065	04/04/2002	2451	2520	6002-00301	38	7

CONFIRMATION NO. 7799

CORRECTED FILING RECEIPT

86942
Meyertons, Hood, Kivlin, Kowert, Goetzel/Symantec
P.O. Box 398
Austin, TX 78767-0398

OC000000040957443

Date Mailed: 04/05/2010

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

Applicant(s)

Daniel Alex Aronson, Berkeley, CA;
Sunil Paul, San Francisco, CA;
Kirpal Singh Khalsa, Sunnyvale, CA;
Timothy Milan Pozar, San Francisco, CA;
Art Medlar, Berkeley, CA;

Assignment For Published Patent Application

Bright Mail Incorporated

Power of Attorney: The patent practitioners associated with Customer Number 35690

Domestic Priority data as claimed by applicant

This application is a CON of 09/224,378 12/31/1998 PAT 6,654,787

Foreign Applications

If Required, Foreign Filing License Granted: 05/07/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/117,065**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

APPARATUS AND METHOD FOR WEIGHTED AND AGING SPAM FILTERING RULES

Preliminary Class

709

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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Dascenzo Intellectual Property Law, P.C.
522 SW 5th Ave
Suite 925
Portland, OR 97204-2126

Mail Date: 04/21/2010

Applicant	: Thomas G. Herron	: DECISION ON REQUEST FOR
Patent Number	: 7655332	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,078	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1316** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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LAW OFFICES OF ALBERT WAI-KIT CHAN, PLLC
141-07 20TH AVENUE
WORLD PLAZA, SUITE 604
WHITESTONE NY 11357

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OFFICE OF PETITIONS

In re Patent No. 7,514,089

Issue Date: April 7, 2009

Application No. 11/117,085

Filed: April 28, 2005

Attorney Docket No. **871-AZB-US**

ON PETITION

This is a decision on the petition filed June 17, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee data on the front page of the above-identified patent by way of 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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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

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APR 14 2006
OFFICE OF PETITIONS

In re Application of :
Gao, et al. :
Application No. 11/117,093 : ON PETITION
Filed: April 29, 2005 :
Attorney Docket No. CU-4187 :
For: CATALYST COMPONENT FOR OLEFIN POLYMERIZATION AND CATALYST COMPRISING THE SAME

This is a decision on the petition under 37 CFR 1.10(c), filed July 22, 2005 (certificate of mailing date July 19, 2005), requesting that the above-identified application be accorded a filing date of April 28, 2005, rather than the presently accorded filing date of April 29, 2005.

Petitioners contend that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on April 28, 2005. Petitioners have supplied with the present petition a copy of Express Mail Label No. EV617443525US, bearing a "date-in" of "4 29 05". The original application transmittal found in the application file references the Express Mail label number in question. Petitioners have submitted a computer-generated USPS receipt indicating that Express Mail Label No. EV617443525US was mailed on April 28, 2005.

Paragraph (d) of 37 CFR 1.10 states that:

> 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 "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.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "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 petition filed July 22, 2005, (certificate of mailing date July 19, 2005), is accompanied by the corroborating evidence required by the rule. Accordingly, the petition is granted.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **April 28, 2005** and the mailing of a corrected filing receipt.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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BANNER & WITCOFF
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO, IL 60606

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DEC 1 4 2005

OFFICE OF PETITIONS

In re Application of	:	
Donald E. Godshaw et al	:	
Application No. 11/117,100	:	DECISION ON PETITION
Filed: April 28, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 04286.00188	:	37 CFR 1.102(d)
	:	

This is a decision on the petition under 37 CFR §1.102(d), filed November 3, 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 (B). 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 3727 for action in its regular turn.

Denise Pothier
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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TEN SOUTH WACKER DRIVER
SUITE 3000
CHICAGO, IL 60606

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MAR 0 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Donald E. Godshaw	:	
Application No. 11/117,100	:	DECISION ON PETITION
Filed: April 28, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 04286.00188	:	37 CFR 1.102(d)

This is a decision on the renewed petition under 37 CFR §1.102(d), filed December 22, 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 infringingdevice 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 3727 for action on the merits commensurate with this decision.

Amelia Au
Petitions Examiner
Office of Petitions

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

Mail Date: 04/20/2010

Applicant	: Kie Y. Ahn	: DECISION ON REQUEST FOR
Patent Number	: 7662729	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,125	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **747** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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LESAVICH HIGH-TECH LAW GROUP, P.C.
SUITE 325
39 S. LASALLE STREET
CHICAGO IL 60603

MAILED

JUN 01 2010

OFFICE OF PETITIONS

In re Application of	
PETTEGREW, Jay W. et al.	
Application No. 11/117,126	DECISION ON PETITION
Filed: April 27, 2005	TO WITHDRAW
Attorney Docket No. **05,130-A**	FROM RECORD

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, 2010.

The request is **APPROVED**.

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

The request was signed by Stephen Lesavich, the sole attorney of record. Stephen Lesavich has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Jay Pettegrew at the address indicated below.

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

/Tredelle D. Jackson/

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **JAY PETTEGREW**
630 SOUTH LINDEN AVENUE
PITTSBURGH PA 15208

UNITED STATES PATENT AND TRADEMARK OFFICE

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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In re Application of	:	
Gadde et al.	:	
Application No. 11/117,139	:	ON PETITION
Filed: April 27, 2005	:	
Attorney Docket No. OREX.008A	:	

This is a decision on the petition under 37 CFR 1.182, filed August 15, 2007, to change the order of the names of the inventors.

The petition is **GRANTED**.

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

1. Kishore M. GADDE
2. K. Ranga R. KRISHNAN

Telephone inquiries should be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to Technology Center 1600.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/117,139	04/27/2005	1614	615	OREX.008A	22	3

CONFIRMATION NO. 8048

CORRECTED FILING RECEIPT

OC000000025416683

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 08/16/2007

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)

Kishore Gadde, Durham, NC;
Ranga Krishnan, Chapel Hill, NC;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/567,922 05/03/2004

Foreign Applications

If Required, Foreign Filing License Granted: 05/24/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/117,139

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Compositions for affecting weight loss

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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

In re Application of	:	
HIGGINSON, et al.	:	
Application No. 11/117,146	:	DECISION GRANTING PETITION
Filed: April 27, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No.**09991-141001/473**	:	

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

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on March 26, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, the signature of Mr. David L. Feigenbaum appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts in accordance with 37 CFR 1.34(a).

Telephone inquiries should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2861 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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8-25-09 Paper No.: _____

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/117,202 Patent No.: 7449103

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

FOR IFW FILES: Check Drawings

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

Ennis Young
Certificates of Correction Branch
703-756-1542

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: Page Two, US Patent Documents, Entry 23, Change not needed because "208/251 H" is already printed.

Walter D. Griffin
SPE

1797
Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/16/09

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction for Appl. No.: 11117203 Patent No.: 7517446

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

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

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

SPE 1797

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,517,446

APPLICATION NO.: 11/117,203

ISSUE DATE : Apr. 14, 2009

INVENTOR(S) : Prem C. Singh

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:

Column 3
Line 11, change "too larger" to --too large--

Column 5
Line 9, before "containing" delete "a"
Line 33, change "recycled" to --recycle--
Line 43, change "into at least at least one" to --into at least one--

Column 8
Line 57, change "pores of catalyst" to --porest of the catalyst--
Line 60, change "be upgraded" to --can be upgraded--

Column 9
Line 17, change "be large to enter" to --be too large to enter--
Line 57, change "one or fixed beds" to --one or more fixed beds--

Column 15
Line 40, change "fed" to --bed--
Line 61, change "110" to --100--

Column 16
Line 26, change "produce" to --product--

Column 18
Line 19, change "reduce" to --reduces--

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

JOHN M. GUYNN, WORKMAN NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

This collection of information is required by 37 CFT 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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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,517,446

APPLICATION NO.: 11/117,203

ISSUE DATE : Apr. 14, 2009

INVENTOR(S) : Prem C. Singh

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:

Column 20
Line 57, change "1000^3" to --1000^2--

Column 21
Line 36, change "faction" to --fraction--
Line 42, change "430" to --440--
Lines 48, change "faction" to --fraction--

Column 22
Line 62, change "402" to --502--

Column 23
Line 23, "FIG. 8C" to --FIG. 7C--
Line 26, change "712" to --702--
Line 64, change "material As" to --material. As--

Column 24
Line 8, change "fixed bed" to --fixed bed reactors--

Column 25
Line 4, change "upgraded into" to --upgraded feedstock into--
Line 21, change "FIG. 5C" to --FIG. 8C--
Line 50, change "one or fixed" to --one or more fixed--
Line 53, change "FIG. 5D" to --FIG. 8D--

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1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

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PTO/SB/44 (09-07)
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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,517,446

APPLICATION NO.: 11/117,203

ISSUE DATE : Apr. 14, 2009

INVENTOR(S) : Prem C. Singh

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:

Column 26
Lines 2-3, change "one or fixed" to --one or more fixed--

Column 28
Line 16, change "convention" to --conventional--

Column 29
Line 21, change "chart of FIG." to --chart of FIG. 11--

Column 33
Line 15, change "continuous" to --continuously--

Column 38
Claim 33, Line 38, change "formed" to --form--

Column 39
Claim 35, Line 32, change "formed" to --form--

Column 42
Claim 42, Line 5, change "formed" to --form--

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

JOHN M. GUYNN, WORKMAN NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

This collection of information is required by 37 CFT 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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6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK KS 66251-2100

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DEC 1 1 2008

OFFICE OF PETITIONS

In re Application of
Warren B. Cope
Application No. 11/117,205
Filed: April 28, 2005
Attorney Docket No: **SPRI.119281**

ON PETITION

This is a decision on the PETITION TO EXPUNGE PAPERS FROM PATENT FILE UNDER 37 CFR 1.59, filed June 25, 2008.[1]

The petition under 37 C.F.R. § 1.59 is **DISMISSED**.

In response to a non-Final Office Action mailed March 25, 2008, an amendment was filed June 25, 2008. Petitioners argue however that the response had not been finalized and was unintentionally filed.

However, what Petitioner seeks is not an action subject of 37 C.F.R. §1.59.

Petitioner may alternatively submit a supplemental response and amendment to be considered by the Examiner in the place of the document deposited June 25, 2008.

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[1]The regulations at 37 C.F.R. §1.59 provide:
§1.59 Expungement of information or copy of papers in application file.
(a)
(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.
(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 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.
(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; para. (b) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 68 FR 38611, June 30, 2003, effective July 30, 2003; para. (a)(1) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004; para. (b) revised, 69 FR 56481, Sept. 21, 2004, effective Nov. 22, 2004]

It is recommended that Petitioner submit any additional responses to the non-Final Office Action before further processing in due course is taken up.

A fee in the amount of $200 has been charged to deposit account no. 21-0765 for the petition.

This matter is being referred to Technology Center 2618 for further examination in due course including awaiting for any additional responses to the non-Final Office Action mailed March 25, 2008.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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SPRINT COMMUNICATIONS COMPANY L.P.
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: Warren B. Cope	: DECISION ON REQUEST FOR
Patent Number	: 7636578	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,205	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1239** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BAINWOOD HUANG & ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH, MA 01581

Mail Date: 04/21/2010

Applicant	: Keyur Patel	: DECISION ON REQUEST FOR
Patent Number	: 7599313	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,223	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1033** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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THE LAW OFFICES OF BRADLEY J BEREZNAK
800 WEST EL CAMINO REAL
SUITE 180
MOUNTAIN VIEW CA 94040

MAILED

JAN 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Ali Sajassi	:	
Application No. 11/117,249	:	ON PETITION
Filed: April 28, 2005	:	
Attorney Docket No. 01236.P013	:	

This is a decision on the petition filed on November 9, 2009, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed on April 13, 2009. This Office action set a shortened statutory period for reply of three (3) months. No proper reply having been received, the application became abandoned on July 14, 2009. The Office mailed a Notice of Abandonment on October 23, 2009.

With the instant petition, applicant paid the petition fee, submitted the required reply in the form of an RCE, and made the proper statement of unintentional delay.

The matter is being forwarded to Group Art Unit 2476 for consideration of the RCE filed November 9, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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AUG 17 2007

OFFICE OF PETITIONS

In re Application of :
Latter et al. :
Application No. 11/117,253 : LETTER REGARDING PTA
Filed: 28 April, 2005 :
Attorney Docket No. :
0825285-00743 :

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT", filed on 16 May, 2007. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. §154(b) be reviewed for accuracy.

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

On February 28, 2006, 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 one hundred fourteen (114) days. Applicants filed the instant "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT" on 16 May, 2007.

A review of the record reveals that the determination of patent term adjustment was correct. The Office determined a patent term adjustment of one hundred fourteen (114) days based on an adjustment for PTO delay of one hundred fourteen (114) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. §1.703(a)(1).

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is **one hundred fourteen (114) days** (114 days of PTO delay, reduced by no (0) days of Applicant delay). To the extent that applicants are aware of any specific error in the PTA calculation, applicants should so advise the Office.

As 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 referred to the Office of Patent Publications.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/21/2010

Applicant	: Roger K. Lott	: DECISION ON REQUEST FOR
Patent Number	: 7578928	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,262	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **614** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 05/18/2010

Applicant : Roger K. Lott
Patent Number : 7578928
Issue Date : 08/25/2009
Application No : 11/117,262
Filed : 04/28/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **634** 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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Meyertons, Hood, Kivlin, Kowert, Goetzel/Symantec
P.O. Box 398
Austin, TX 78767-0398

Mail Date: 04/20/2010

Applicant	: Ronald S. Karr	: DECISION ON REQUEST FOR
Patent Number	: 7636814	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,268	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **296** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/117,274	04/28/2005	Jun Liu	020732-171.804-1	5638

24239 7590 12/17/2007
MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

EXAMINER
ESTRADA, MICHELLE

ART UNIT	PAPER NUMBER
2823	

MAIL DATE	DELIVERY MODE
12/17/2007	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 20071211

Tristan A Ruierer
Moore & Van Allen PLLC
PO Box 13706
430 Davis Drive, Suite 500
Research Triangle Park, NC 27709

Appl No.: 11/117,274	:	
Jun Liu et al.	:	**DECISION ON PETITION**
Filed: April 28, 2005	:	**UNDER** *37 CFR 1.48(a)*
For: Passivative Chemical Mechanical Polishing Composition for Copper Film Planarization	:	

This is a decision on the applicant's "Petition to Correct And/Or Add to Originally Named Inventors to a Patent" originally filed under 37 CFR 1.48 filed April 28, 2205 and refiled under 37 CFR 1.48(a) on August 25, 2006. The applicant requests that the name of Peter Wrschka be added to the list of inventors as originally filed, namely, Jun Liu, Mackenzie King, Michael Darsillo, Karl E. Boggs, Jeffrey F. Roeder, Thomas H. Baum.

After a careful review of the file and applicant having supplied all of the information and requirements of 37 CFR 1.48(a), the petition is hereby **granted**.

The file which is in Publications and awaiting TC response is being forwarded to Publications for issuance of naming the correct inventors.

Michelle Estrada
Primary Examiner AU 2823
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

Mail Date: 04/21/2010

Applicant	: Jon Serbousek	: DECISION ON REQUEST FOR
Patent Number	: 7615052	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,301	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **213** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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TROXELL LAW OFFICE, PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

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MAR 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Hsin-Chang Liao et al.	:	
Application No. 11/117,360	:	DECISION ON PETITION
Filed: April 29, 2005	:	
Attorney Docket No. BHT-3091-71	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 27, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee, the publication fee and for failure to submit corrected drawings, as required by the Notice of Allowance and Fee(s) Due/ Notice of Allowability, mailed November 8, 2006. Accordingly, the date of abandonment of this application is February 9, 2007. A Notice of Abandonment was mailed on March 12, 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, the publication fee of $300, and corrected drawings (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay. Accordingly, the issue fee, the publication fee and corrected drawings are accepted as being unintentionally delayed.

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

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

Andrea Smith
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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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Toshihide Suzuki	: DECISION ON REQUEST FOR
Patent Number	: 7616042	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,382	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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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OFFICE OF PETITIONS

In re Application of	:	
ITO, Shoko	:	
Application No. 11/117,386	:	DECISION GRANTING PETITION
Filed: April 29, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **02887.0325-00000**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 30, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on June 12, 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 2882 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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SMITH FROHWEIN TEMPEL GREENLEE BLAHA, LLC
Two Ravinia Drive
Suite 700
Atlanta GA 30346

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DEC 08 2008

In re Application of	:	
HADAD, ZION	:	
Application No. 11/117,411	:	DECISION ON PETITION
Filed: 04/29/2005	:	
Attorney Docket No. 18023.1130	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 13, 2008, to revive the above-identified application.

The petition is **GRANTED**.

On June 1, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set a two-month extendable period to reply. In the absence of a timely and complete reply to the Notice to File Missing Parts of Nonprovisional Application, the application became abandoned on August 2, 2005. A Notice of Abandonment was mailed on September 13, 2006.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay. However, 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.

This matter is being referred to the Office of Patent Application Processing for pre-examination processing.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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FEB 1 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Kilthau, et al.	:	
Application No. 11/117,414	:	ON PETITION
Filed: April 29, 2005	:	
Attorney Docket No. 2002P16651WOUS	:	

This is a decision on the petition under 37 CFR 1.181, filed October 31, 2006, requesting that the Office withdraw the holding of abandonment of the above-identified application.

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

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

This application was held abandoned for failure to properly reply within two months to the June 17, 2005 Notice to File Missing Parts of Nonprovisional Application. The Notice required applicants to submit an executed declaration, a late declaration surcharge, and an abstract. On July 18, 2005, applicants filed an executed declaration and surcharge. Unfortunately, the abstract was missing. Accordingly, the Office mailed a Notice of Incomplete Reply that informed applicants that the abstract was missing and stated the period for response remained as what was set in the June 17, 2005 Notice. The Office has no record of receiving a timely filed abstract. Therefore, the application became abandoned on August 18, 2005. A Notice of Abandonment was mailed on September 13, 2006.

Petitioners filed the present petition in response to the September 13, 2006 Notice of Abandonment. Petitioners argue that the application is not abandoned because a proper reply was filed via facsimile transmission on August 12, 2005. In support of this assertion, petitioners have submitted a copy of a preliminary amendment adding an abstract to the application. It is noted that the preliminary amendment contains a certificate of facsimile transmission that states the correspondence was being transmitted on August 12, 2005 to 1 703 308 7751.

Petitioners are reminded that effective December 1, 2003, all patent application related correspondence transmitted by facsimile must be directed to the central facsimile number (571) 273-8300, with a few exceptions. A response to a Missing Parts Notice is not one of the exceptions listed. See MPEP 502.01 Correspondence Transmitted by Facsimile

The Office has no record of receiving the August 12, 2005 correspondence and applicants did not transmit it to the centralized facsimile number. Therefore, the application did become abandoned on August 18, 2005.

Petitioners are strongly encouraged to file a petition to revive under the unintentional delay standard of 37 CFR 1.137(b).

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SIEMENS SCHWEIZ AG
I-47, INTELLECTUAL PROPERTY
ALBISRIEDERSTRASSE 245
ZURICH CH-80-47 CH SWITZERLAND

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APR 26 2007

OFFICE OF PETITIONS

In re Application of :
Kilthau, et al. :
Application No. 11/117,414 : ON PETITION
Filed: April 29, 2005 :
Attorney Docket No. 2002P16651WOUS :

This is a decision on the petition under 37 CFR 1.137(b), filed March 28, 2007, to revive the above-identified application.

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

This application was held abandoned for failure to properly reply within two months to the June 17, 2005 Notice to File Missing Parts of Nonprovisional Application. The Notice required applicants to submit an executed declaration, a late declaration surcharge, and an abstract. On July 18, 2005, applicants filed an executed declaration and surcharge. Unfortunately, the abstract was missing. Accordingly, the Office mailed a Notice of Incomplete Reply that informed applicants that the abstract was missing and stated the period for response remained as what was set in the June 17, 2005 Notice. The Office has no record of receiving a timely filed abstract. Therefore, the application became abandoned on August 18, 2005. A Notice of Abandonment was mailed on September 13, 2006.

Applicants have submitted a proper reply to the June 17, 2005 Notice in the form of an executed declaration, a late declaration surcharge, and an abstract, an acceptable statement of the unintentional nature of the delay in responding to the June 17, 2005 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted

After the mailing of this decision, the application file will be returned to the Office of Initial Patent Examination for further processing.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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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	: Hong Li	: DECISION ON REQUEST FOR
Patent Number	: 7616347	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,426	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1228** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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Paper No.

LOWE HAUPTMAN GILMAN AND
BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300/310
ALEXANDRIA, VA 22314

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JUL 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Yerge et al.	:	DECISION ON PETITION
Application No. 11/117,451	:	
Filed: April 29, 2005	:	
Atty Docket No. 4723-001U	:	

This is a decision on the "PETITION EVIDENCE OF SUBMISSION OF OMITTED ITEMS" filed June 14, 2005. Applicants request that the above-identified application be accorded a filing date of April 29, 2005, with figures 4 and 5B as part of the original application disclosure.

Application papers in the above-identified application were deposited on April 29, 2005. However, on June 8, 2005, the Initial Patent Examination Division mailed applicants a "Notice to File Corrected Application Papers." Applicants were notified inter alia that the application papers had been accorded a filing date; however, figures 4 and 5B described in the specification appeared to have been omitted from the application.

In response, applicants timely filed the instant petition. Applicants contend that eleven (11) figures in accordance with the specification as filed were submitted to the Patent Office at the time of filing of the application. In support thereof, applicants submit a copy of the original date-stamped postcard. The petition also includes a copy of the drawing sheets containing the omitted figures.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received by hand carry in the Office of Initial Patent Examination (OIPE) on April 29, 2005; 2) it specifically identifies the items being filed, including "Formal Drawings (sheets 11)" and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, petitioner has shown that items denoted, including the 11 sheets of drawings (included Figs 4 and 5B), were filed on April 29, 2005.

The application papers already considered received in the Office on April 29, 2005, were reviewed along with the missing figures submitted on petition. These papers together constitute the items described on the postcard receipt as "Formal Drawings (sheets 11)." Petitioner has shown that 11 sheets of drawings, were among the items present in the application on the date of deposit and should be included in the original application papers.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 07-1337, as authorized.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of April 29, 2005, using the application papers received in the Office on that date and figures 4 and 5B, re-supplied on petition filed June 14, 2005;

- Indication in Office records, as appropriate, that 11 sheets of drawings were present in the application on filing;

- To await applicants' further response to the Notice.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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LOWE HAUPTMAN GILMAN AND
BERNER, LLP
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ALEXANDRIA, VA 22314

Lowe, Hauptman, & Berner

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In re Application of :
Yerge et al. : DECISION ON PETITION
Application No. 11/117,451 :
Filed: April 29, 2005 :
Atty Docket No. 4723-001U :

This is a decision on the "PETITION EVIDENCE OF SUBMISSION OF OMITTED ITEMS" filed June 14, 2005. Applicants request that the above-identified application be accorded a filing date of April 29, 2005, with figures 4 and 5B as part of the original application disclosure.

Application papers in the above-identified application were deposited on April 29, 2005. However, on June 8, 2005, the Initial Patent Examination Division mailed applicants a "Notice to File Corrected Application Papers." Applicants were notified inter alia that the application papers had been accorded a filing date; however, figures 4 and 5B described in the specification appeared to have been omitted from the application.

In response, applicants timely filed the instant petition. Applicants contend that eleven (11) figures in accordance with the specification as filed were submitted to the Patent Office at the time of filing of the application. In support thereof, applicants submit a copy of the original date-stamped postcard. The petition also includes a copy of the drawing sheets containing the omitted figures.

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A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received by hand carry in the Office of Initial Patent Examination (OIPE) on April 29, 2005; 2) it specifically identifies the items being filed, including "Formal Drawings (sheets 11)" and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, petitioner has shown that items denoted, including the 11 sheets of drawings (included Figs 4 and 5B), were filed on April 29, 2005.

The application papers already considered received in the Office on April 29, 2005, were reviewed along with the missing figures submitted on petition. These papers together constitute the items described on the postcard receipt as "Formal Drawings (sheets 11)." Petitioner has shown that 11 sheets of drawings, were among the items present in the application on the date of deposit and should be included in the original application papers.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 07-1337, as authorized.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of April 29, 2005, using the application papers received in the Office on that date and figures 4 and 5B, re-supplied on petition filed June 14, 2005;

- Indication in Office records, as appropriate, that 11 sheets of drawings were present in the application on filing;

- To await applicants' further response to the Notice.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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SHUGHART THOMSON & KILROY, PC
120 WEST 12TH STREET
KANSAS CITY MO 64105

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OFFICE OF PETITIONS

In re Application of	:
Sangha	:
Application No. 11/117,502	: DECISION ON PETITION
Filed: April 28, 2005	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. CHO004/113171	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 4, 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.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1743 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.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/117,502	04/28/2005	1743	5180	CHO004/113171	19	69	11

CONFIRMATION NO. 5244

CORRECTED FILING RECEIPT

OC000000021409058

24030
SHUGHART THOMSON & KILROY, PC
120 WEST 12TH STREET
KANSAS CITY, MO 64105

Date Mailed: 11/30/2006

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)

Jangbir S. Sangha, Overland Park, KS;

Power of Attorney: The patent practitioners associated with Customer Number **24030**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/020,257 12/14/2001
and claims benefit of 60/567,081 04/30/2004
and claims benefit of 60/617,100 10/07/2004
and is a CIP of 10/212,447 08/05/2002 PAT 6,840,911

Foreign Applications

If Required, Foreign Filing License Granted: 06/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/117,502

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Evidence collection holder for sample automation

Preliminary Class

422

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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624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

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JAN 30 2008

OFFICE OF PETITIONS

In re Application of Yang :
Application No. 11/117,511 : Decision on Petition
Filing Date: April 29, 2005 :
Attorney Docket No. YANG=57 :

This is a decision on the petition under 37 CFR 1.181, filed December 21, 2007, to withdraw the holding of abandonment.

The petition is **granted.**

A final Office action was mailed April 5, 2007. The final Office action set a shortened statutory period for reply of three (3) months.

The Office did not receive a reply to the final Office action.

A Notice of Abandonment was mailed December 14, 2007.

The application is abandoned as a matter of law unless petitioner can prove:

(1) a reply was timely filed, or
(2) the Office action was vacated within the statutory period for reply.

Petitioner does not allege a reply was timely filed. Therefore, the application is abandoned unless petitioner proves the final Office action was vacated on or before October 5, 2007.

Fortunately, petitioner has not based the petition solely on statements by the examiner. Instead, petitioner has supplied a written document (Interview Summary) the Office mailed four days prior to October 5, 2007.

If the Interview Summary had only stated a new, non-final Office action would be mailed, without stating it would be mailed on or before October 5, 2007, relief might not be appropriate. However, the Interview Summary admits the Final Office action was inadequate. Based on the context of the statement, the Office will interpret the written admission the final Office action is inadequate by the examiner as a written statement vacating the Office action.

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

In the future, petitioner should ensure a reply is filed unless the examiner explicitly and clearly states the Office action is vacated prior to the end of the period for reply.

Technology Center Art Unit 2841 will be informed of the instant decision and the application will be further examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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8000 TOWERS CRESCENT
TYSONS CORNER VA 22182

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MAR 0 5 2007

OFFICE OF PETITIONS

In re Application of :
Higgins :
Application No. 11/117,515 :
Filed: April 29, 2005 :
Attorney Docket No. 58268.00378 :
For: LOW COST COAXIAL CABLE CONNECTION FOR WIRELESS ANTENNAS

ON PETITION

This decision is in response to the petition under 37 CFR 1.47(b), filed April 29, 2005.

The petition is granted.

Petitioner has shown that the non-signing inventor, William B. Higgins, has constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration by Attorney Kevin F. Turner explains that the complete application and a declaration and assignment were successfully mailed to Mr. Higgins along with a request that he execute and return the declaration and assignment. Mr. Higgins did not return executed documents. In addition, petitioner has provided a copy of an executed "Confidentiality and Invention Assignment Agreement" which establishes that Mr. Higgins agreed to assign the invention to Broadcom Corporation. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 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 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

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

After this decision is mailed, the above-identified application will be returned to Publications Division for processing into a patent.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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WILLIAM B. HIGGINS
30622 SILVERADO CANYON RD.
SILVERADO, CA 92676

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MAR 0 5 2007

OFFICE OF PETITIONS

LETTER

In re Application of :
Higgins :
Application No. 11/117,515 :
Filed: April 29, 2005 :
Attorney Docket No. 58268.00378 :
For: LOW COST COAXIAL CABLE
CONNECTION FOR WIRELESS ANTENNAS

Dear Mr. Higgins:

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: SQUIRE, SANDERS & DEMPSEY L.L.P.
14TH FLOOR
8000 TOWERS CRESCENT
TYSONS CORNER VA 22182

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ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

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APR 13 2007

OFFICE OF PETITIONS

In re Application of	:	
John A. Notaras, et al.	:	
Application No. 11/117,524	:	ON PETITION
Filed: April 29, 2005	:	
Attorney Docket No. 026328-00009	:	

This is a decision on the petition, filed September 22, 2006, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to a non-final Office action mailed February 8, 2006. No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 9, 2006.

Petitioner seeks revival solely for obtaining copendency with continuing application No. 11/500,482 filed August 8, 2006, in that the necessary continuity inadvertently was not maintained at that time.

Since this application is being revived for purposes of continuity with application No. 11/500,482, and continuity having been established by this decision reviving the above-captioned application, the above-captioned application is again abandoned in favor of the continuing application.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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1001 AVE. PICO, SUITE C500
SAN CLEMENTE, CA 92673

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OCT 07 2009

OFFICE OF PETITIONS

In re Application of
Alexander Rutman et al
Application No. 11/117,527
Filed: April 29, 2005
Attorney Docket No. 03-1025

DECISION DISMISSING PETITION
UNDER 37 CFR 1.313(a)

This is a decision on the petition filed October 5, 2009, which is being treated as a petition under 37 CFR 1.313(a), 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 July 9, 2009, with the issue fee being due on or before October 9, 2009. 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 Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3635 for appropriate processing of the RCE filed October 5, 2009, and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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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	: 7660792	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,568	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **472** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Birch Stewart Kolasch & Birch
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of	:	
Rudy Susilo	:	
Application No. 11/117,569	:	DECISION ON PETITION
Filed: April 29, 2005	:	TO WITHDRAW
Attorney Docket No. 4606-0103PUS2	:	FROM RECORD
	:	

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 21, 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 Marc S. Weiner on behalf of all attorneys of record. All attorneys/agents have been withdrawn.

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

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

There is no outstanding Office action at this time.

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

for David Bucci
Petitions Examiner
Office of Petitions

cc: Dr. Rudy Susilo
Peterstrasse 14A
50999 Koln, Germany

cc: Amin & Turocy, LLP
Mr. Gregory Turocy
1900 E. 9th Street, 24th Floor
National City Center
Cleveland, OH 44114

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/117,569	04/29/2005	Rudy Susilo	4606-0103PUS2

CONFIRMATION NO. 5128

OC000000019704470

OC000000019704470

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Date Mailed: 07/21/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/21/2005.

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

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

Mail Date: 04/21/2010

Applicant	: Stephen E. Terry	: DECISION ON REQUEST FOR
Patent Number	: 7643419	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,579	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1287** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/2/09 Paper No.: _____

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/175,584 Patent No.: 7,459,450

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

Valerie Jackson
Certificates of Correction Branch
703-308-9390 ext. 114

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: _____

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

James O. Wilson
SPE

1624
Art Unit

PTOL-306 (REV. 7/03)

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NORMAN FRIEDLAND
2855 PGA BOULEVARD
SUITE 200
PALM BEACH GARDENS FL 33410

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APR 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Eddy H. Del Rio, et al.	:	
Application No. 11/117,591	:	DECISION ON PETITION
Filed: April 28, 2005	:	
Attorney Docket No. N1204	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 4, 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 November 10, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed August 8, 2008. Accordingly, the date of abandonment of this application is November 11, 2008. The Notice of Abandonment was mailed December 3, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $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 Terri Williams at (571) 571-272-2991.

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

Chris Bottorff
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924

Mail Date: 04/20/2010

Applicant	: Charles D. Swerdlow	: DECISION ON REQUEST FOR
Patent Number	: 7634316	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,593	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **999** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Wendy K. Buskop
Buskop Law Group, P.C.
1776 Yorktown Street, Suite 550
Houston TX 77056

In re Application of:
Ryan Scott Rodkey, et al.
Application No.: 11/117,594
Filed: April 28, 2005
For: **DIGITAL NOTIFICATION AND RESPONSE SYSTEM**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition, filed May 23, 2005 under 37 C.F.R. §102(d) and M.P.E.P. §708.02(XI): Inventions For Countering Terrorism, to make the above-identified application special.

M.P.E.P. §708.02 (XI), which sets out the prerequisites for a grantable petition for Inventions For Countering Terrorism under 37 C.F.R. § 102(d), states in relevant part:

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

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in M.P.E.P. §708.02(XI). The specification and claims as originally filed provide no indication of an intention to counter terrorism by providing a notification and response system. In fact, the petition includes the statement "If an act of terrorism occurs near or within a business, whether from a small group threatening the employees, friends of employees, family of employees, and emergency groups need to be contacted quickly." Evident from this statement is that the act of terrorism must have first occurred. Further steps would be required to actually offset or nullify terrorism, yet no suggestion of "countering terrorism" is found in the disclosure. As a result, no advancement in the technology of countering terrorism has been persuasively shown.

Accordingly the Petition is **DENIED**.

Any request for reconsideration must be filed within TWO MONTHS of the mailing date of this decision.

It is suggested that applicant review M.P.E.P. §708.02 regarding other grounds available for filing a petition to make special. In particular, note M.P.E.P. §708.02(VIII): Accelerated Examination, which does not place limitations on the subject matter of the application.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications

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BACHMAN & LAPOINTE, P.C. (P&W)
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510-2802

Mail Date: 08/02/2010

Applicant	: Jun Shi	: DECISION ON REQUEST FOR
Patent Number	: 7647779	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/117,599	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **810** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

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OFFICE OF PETITIONS

In re Application of
Guk-Chan Lim
Application No. 11/117,605
Filed: April 29, 2005
Attorney Docket No. 0630-2293PUS1

ON PETITION

This is a decision on the "Petition to Withdraw Holding of Abandonment" filed August 7, 2008 which is treated as a petition under 37 CFR 1.181.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on March 12, 2008 for failure to file a timely response to the Final Office Action mailed December 11, 2007, which set a three (3) month shortened period for reply. A response was filed March 11, 2008, however, by way of Advisory Action mailed April 4, 2008, petitioner was advised that the response did not place the application in condition for allowance. No additional response or extensions of time having been filed, the application became abandoned. Accordingly, a Notice of Abandonment was mailed on August 4, 2008.

Petitioner asserts that a proper response in the form of a Request for Continued Examination (RCE), with a request to use the previously filed amendment as the submission under 37 CFR 1.114, and a one month extension of time was filed via facsimile transmission on April 11, 2008. In support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of facsimile transmission dated April 11, 2008, pursuant to 37 CFR 1.8, and was acknowledged by the U.S. Patent and Trademark Office in an Auto-Reply Facsimile Transmission.

The evidence submitted corroborates a timely response to the Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged. However, the fee for the three month extension of time filed April 14, 2008 has been charged to petitioner's deposit account as authorized.

This matter is being referred to Technology Center 2617 for appropriate action on the RCE and amendment filed April 11, 2008, a copy of which was submitted with the instant petition.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

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OFFICE OF PETITIONS

In re Application of :
Ted E. Dunning et al. :
Application No. 11/117,620 : ON PETITION
Filed: April 28, 2005 :
Attorney Docket No.085804-014106 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 6, 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 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 the issue fee; (2) the petition fee of $1540; 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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Rupinder Bharmi	: DECISION ON REQUEST FOR
Patent Number	: 7590443	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,624	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1115** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

In re Application of	:	
Frank-Uwe Andersen, et al.	:	
Application No. 11/117,630	:	DECISION ON PETITION
Filed: April 26, 2005	:	TO WITHDRAW
Attorney Docket No. 449122080800	:	FROM RECORD
	:	

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

The request is **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 August 28, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: KEVN SPIVAK
BELL, BOYD & LLOYD, LLC
70 WEST MADISON STREET
SUITE 3100
CHICAGO, IL 60602

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/117,630	04/29/2005	Frank-Uwe Andersen	449122080800

CONFIRMATION NO. 5546

OC000000026237344

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 10/11/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/28/2007.

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

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

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Jagtiani + Guttag, LLP
10363-A Democracy Lane
Fairfax, VA 22030

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OFFICE OF PETITIONS

In re Application of	:	
Zachary Gagnon et al.	:	
Application No. 11/117,632	:	DECISION ON PETITION
Filed: April 29, 2005	:	TO WITHDRAW
Attorney Docket No. UNND-0053-CP1	:	FROM RECORD
	:	

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

The request is **DISMISSED AS MOOT**.

A review of the file record indicates that the power of attorney to Steven B. Kelber has been reinstated on/or before the mailing of this decision.

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: Vedder Price, PC
875 15th Street NW
Suite 725
Washington, DC 20005

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POPOVICH, WILES & O'CONNELL, PA
8519 EAGLE POINT BLVD
Suite 180
LAKE ELMO, MN 55042

Mail Date: 04/21/2010

Applicant	: Robert A. MacDonald	: DECISION ON REQUEST FOR
Patent Number	: 7641178	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,638	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1034** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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AAGAARD & BALZAN, LLP
674 COUNTY SQUARE DRIVE
SUITE 105
VENTURA, CA 93003

In re Application of	:	
Jones et al.	:	
Application No. 11/117,658	:	DECISION ON PETITION
Filed: April 28, 2005	:	TO WITHDRAW
Attorney Docket No. OVR/015-04	:	FROM RECORD
	:	

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 24, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to AAGAARD & BALZAN, LLP has been revoked by the assignee of the patent application on October 27, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Denise Pothier
Petitions Examiner
Office of Petitions

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

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YAHOO! INC.
C/O Ostrow Kaufman & Frankl LLP
The Chrysler Building
405 Lexington Avenue, 62nd Floor
NEW YORK, NY 10174

Mail Date: 04/20/2010

Applicant	: Rosie Jones	: DECISION ON REQUEST FOR
Patent Number	: 7577651	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,658	: OF WYETH
Filed	: 04/28/2005	:
		:

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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Michael J. Turgeon
Vedder, Price, Kaufman & Kammholz, P.C.
222 North LaSalle Street
Chicago, IL 60601

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OFFICE OF PETITIONS

In re Application of	:	
William Dubon et al.	:	
Application No. 11/117,679	:	DECISION ON PETITION
Filed: April 28, 2005	:	TO WITHDRAW
Attorney Docket No. 34271.00.0023	:	FROM RECORD

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**.

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.

In view of the file record, the Oath and Declaration filed on April 28, 2005 appointed attorneys by registration numbers not by a customer number. It is further noted that all the attorneys listed in the oath and declaration are not under customer number 23418.

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 to withdraw. If this firm would like to receive future correspondence regarding this application, the proper power of documents must be submitted.

There are no outstanding office actions at this time.

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

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Greenberg Traurig, LLP
250 East Wisconsin Avenue, Suite 1800
Milwaukee, WI 53202

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Michael J. Turgeon
Vedder, Price, Kaufman & Kammholz, P.C.
222 North LaSalle Street
Chicago, IL 60601

In re Application of	:	
William Dubon et al.	:	
Application No. 11/117,679	:	DECISION ON PETITION
Filed: April 28, 2005	:	TO WITHDRAW
Attorney Docket No. 34271.00.0023	:	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 June 6, 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 to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first signing inventor. A courtesy copy of this decision will be mailed to the address noted on the request to withdraw.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: William Dubon
360-23 West Schick Road
Bloomingdale, IL 60108

cc: Ms. Raye Daugherty
c/o Greenberg, Traurig, LLP
250 East Wisconsin Avenue, Suite 1800
Milwaukee, WI 53202

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/117,679	04/28/2005	William Dubon	34271.00.0023

CONFIRMATION NO. 6046

POWER OF ATTORNEY NOTICE

Michael J. Turgeon
Vedder, Price, Kaufman & Kammholz, P.C.
222 North LaSalle Street
Chicago, IL 60601

OC000000030858698

Date Mailed: 07/08/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/06/2008.

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

/kainabinet/

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

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

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OCT 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Frank-Uwe Andersen, et al.	:	
Application No. 11/117,700	:	DECISION ON PETITION
Filed: April 29, 2005	:	TO WITHDRAW
Attorney Docket No. 449122080900	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

The request was signed by Deborah S. Gladstein on behalf of all attorneys of record who are associated with customer No. 25227.

All attorneys/agents associated with the Customer Number 25227 have been withdrawn.

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

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

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

April Wise

April M. Wise
Petitions Examiner
Office of Petitions

cc: FRANK-UWE ANDERSEN
MARIE-ELISABETH-LUDERS-STR. 7
BERLIN 10625 GERMANY

cc: KEVIN R. SPIVAK
BELL, BOYD & LLOYD, LLC
70 WEST MADISON STREET
SUITE 3100
CHICAGO, IL 60602

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/117,700	04/29/2005	Frank-Uwe Andersen	449122080900

CONFIRMATION NO. 5026

POWER OF ATTORNEY NOTICE

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

OC000000026416580

Date Mailed: 10/23/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/25/2007.

- 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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OFFICE OF PETITIONS

FOLEY AND LARDNER LLP
3000 K STREET NW, SUITE 500
WASHINGTON, DC 20007

In re Application of	:	
VELANDER, et al.	:	
Application No. 11/117,705	:	DECISION ON PETITION
Filed: April 29, 2005	:	TO WITHDRAW
Attorney Docket No. 030523-0196	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 1, 2005.

The request is **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 Stephen A. Bent on behalf of all attorneys of record who are associated with customer No. 22428. All attorneys/agents associated with the Customer Number 22428 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: **WILLIAM H. VELANDER**
805 CRESTWOOD DRIVE, SE
BLACKBURG, VA 24060

cc: **COOLEY GODWARD LLP**
ONE FREEDOM SQUARE
RESTON TOWN CENTER
11951 FREEDOM DRIVE
RESTON, VA 20190

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
11/117,705	04/29/2005	William H. Velander	030523-0196

CONFIRMATION NO. 4972

OC000000021406820

FOLEY AND LARDNER LLP
3000 K STREET NW, SUITE 500
WASHINGTON, DC 20007

Date Mailed: 11/29/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/01/2005.

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

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

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JUN 0 8 2009

OFFICE OF PETITIONS

WILLIAM H. VELANDER
1460 WITTSTRUCK ROAD
BENNET NE 68317

In re Patent No. 7,419,948 :
Issued: September 2, 2008 :
Application No. 11/117,705 : PATENT TERM ADJUSTMENT
Filed: April 29, 2005 :
Dkt. No.: 030523-0196 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R § 1.705", filed November 3, 2008. This matter is being properly treated as an application for patent term adjustment pursuant to 37 CFR 1.705(d).

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

The above-identified application matured into U.S. Pat. No. 7,419,948 on September 2, 2008. The patent issued with a PTA 88 days. The request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See, 37 CFR 1.705(d). Patentees request that the adjustment be increased from 88 days to 215 days.

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that pursuant to Wyeth, a PTO delay under 35 U.S.C. 154(b)(1)(A) overlaps with a delay under 35 U.S.C. 154(b)(1)(B) only if the delays occur on the same day. Patentees maintain that the period of adjustment due to the three year delay by the Office, pursuant to 37 CFR 1.703(b), of 127 days and the period of adjustment due to examination delay, pursuant to 37 CFR 1.702(a)(1), of 244 days do not overlap as these periods do not occur on the same day. The 127-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on April 29, 2005, and the patent having been issued on September 2, 2008. Patentees assert that in addition to this 127-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a)(1) of 244 days.

Under 37 CFR 1.703(f), patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR 1.702 reduced by the period of time equal to the period of time during which patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. In other words, patentees are entitled to the period of Office delay reduced by the period of applicant delay. Patentees do not dispute the period of reduction of 156 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 and the period of examination delay, to the extent that these periods of delay are not

overlapping. However, in effect, patentees contend that no portion of the three year delay period overlaps with the period of examination delay. Accordingly, patentees submit that the total period of adjustment for Office delay is 371 days (deemed by applicants to be the sum of the period of three year delay (127 days) and the period of examination delay (244 days), reduced by zero days of overlap). As such, patentees assert entitlement to a patent term adjustment of 215 days (127 days *plus* 244 days *less* zero days of overlap *less* 156 days of applicant delay).

The Office agrees that as of the issuance of the patent on September 2, 2008, the application was pending three years and 126 days after its filing date. The three years delay commences the day after the date that is three years after the date that an application is filed, and ends the date that the patent issues. The Office agrees that certain action was not taken within a specified time frame, and, thus, the entry of a period of adjustment of 244 days is correct. At issue is whether patentees should accrue an additional 126 days of patent term adjustment for the Office taking in excess of three years to issue the patent as well as 244 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 126 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.

---

[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)(2)(A) is the entire period during which the application was pending before the Office, April 29, 2005, to the date the patent issued on September 2, 2008. Prior to the issuance of the patent, 244 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 126 days for Office delay in issuing the patent overlap with the 244 days of Office delay. During that time, the issuance of the patent was delayed by 244 days. The Office did not delay 244 days and then delay an additional 126 days. Accordingly, as the 126 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 244 days attributable to grounds specified in § 1.702(a)(1), entry of both periods is not warranted.

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

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, practitioner's signature of appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that practitioner is authorized to represent the particular party in whose behalf practitioner acts. If practitioner 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 practitioner, the applicant 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 Office acknowledges submission of the required application fee of $200.00. See, 37 CFR 1.18(e). No additional fees are required.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: JAYME HULEATT
Cooley Godward Kronish LLP
777 6th Street, NW. Suite 1100
Washington, DC 20001--242

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WILLIAM H. VELANDER
1460 WITTSTRUCK ROAD
BENNET NE 68317

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APR 12 2010

OFFICE OF PETITIONS

In re Patent No. 7,419,948
Issued: September 2, 2008
Application No. 11/117,705
Filed: April 2, 2005
Dkt. No.: 030523-0196

: DECISION ON APPLICATION FOR
: PATENT TERM ADJUSTMENT and
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION
:

This is a decision on the petition filed on August 10, 2009, which is being treated as a petition under 37 CFR 1.181 requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by 215 days. The petition is deemed timely, having been filed within two months of the mail date of the decision on petition mailed June 8, 2009. See, 37 CFR 1.181(f).

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**.

The "B" delay period is 126 days, not 127 days. This period begins 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). See, 37 CFR 1.703(b). Thus, the period of delay commences April 30, 2008 and ends September 2, 2008. Accordingly, the period of "B" delay is 126 days, not 127 days as calculated by patentee.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136. See, 37 CFR 1.323(a)(4).

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 214 days.

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

/ALESIA M. BROWN/

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,419,948 B2

DATED : **September 2, 2008** **DRAFT**

INVENTOR(S) : Velander, 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 88 days

Delete the phrase "by 88 days" and insert – by 214 days--

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/117,707	04/29/2005	Linda T. Romano	01-003704	4970

33140 7590 01/09/2008
NANOSYS INC.
2625 HANOVER ST.
PALO ALTO, CA 94304

EXAMINER
REAMES, MATTHEW L

ART UNIT	PAPER NUMBER
2891	

MAIL DATE	DELIVERY MODE
01/09/2008	PAPER

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

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

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NANOSYS, INC.
2625 Hanover Street
Palo Alto, CA 94304

In re Application of:
Jian Chen et al.
Application No. 11/117,707
Filed: April 29, 2005
For: SYSTEMS AND METHODS FOR HARVESTING AND INTEGRATING NANOWIRES

DECISION ON PETITION
UNDER 37 CFR § 1.48(b)

This is a decision on the petition, filed on 19 October 2007, under 37 C.F.R. § 1.48(b).

The petition is **GRANTED**.

The application is being forward to Technology Center Support Staff to delete inventors Linda T. ROMANO, Xiangfeng DUAN, Robert S. DUBROW, Stephen A. EMPEDOCLES, Jay L. GOLDMAN, James M. HAMILTON, David L. HEALD, Francesco LEMMI, Chumming NIU, George PONTIS, Vijendra SAHI, Erik C. SCHER and Jeffery A. WHITEFORD in the PALM database and to mail a corrected filing receipt.

B Wm. Baumeister

B. WILLIAM BAUMEISTER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

B. William Baumeister
Supervisory Patent Examiner
Technology Center 2800
Semiconductors and Electronic Circuits and Components
571-272-1722

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Paper No.

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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APR 16 2008

OFFICE OF PETITIONS

In re Application of	:	
Marchese et al.	:	
Application No. 11/117,710	:	LETTER REGARDING
Filed: April 29, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No. 32352-217245	:	

This is in response to the "Request for Recalculation of Patent Term Adjustment," filed February 1, 2008. Pursuant to their duty of good faith and candor to the Office, applicants disclose that the determination of patent term adjustment under 35 U.S.C. 154(b) mailed with the Notice of Allowance may be longer than appropriate.

The request for review of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two **(2)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 19, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 19 days. Applicants point out that there is applicant delay associated with the Amendment, Request for Continued Examination, and Petition for Extension of Time filed on May 17, 2007.

Applicants are correct. The request for continued examination (RCE) and amendment were not filed in response to the Office action mailed January 31, 2007 until May 17, 2007. As such, a period of reduction of 17 days should have been entered pursuant to 37 C.F.R. §1.704(b) for applicants taking in excess of three months to file a response in compliance with §1.113(c) to a final Office action.

In view thereof, the initial determination of the patent term adjustment at the time of the mailing of the notice of allowance is two (2) days.

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks Applicants for their good faith and candor in bringing this to the attention of the Office.

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

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

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Day : Tuesday
Date: 4/15/2008

PALM INTRANET

Time: 14:49:22

PTA Calculations for Application: 11/117710			
Application Filing Date:	04/29/2005	PTO Delay (PTO):	48
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	29
Post-Issue Petitions:	0	Total PTA (days):	2
PTO Delay Adjustment:	-17		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
44	04/15/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		17	
36	11/02/2007	MAIL NOTICE OF ALLOWANCE			
35	11/01/2007	DOCUMENT VERIFICATION			
34	11/01/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
33	10/27/2007	NOTICE OF ALLOWABILITY			
32	10/24/2007	DATE FORWARDED TO EXAMINER			
31	10/19/2007	RESPONSE AFTER NON-FINAL ACTION		29	29
30	10/19/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
29	06/20/2007	MAIL NON-FINAL REJECTION			
28	06/18/2007	NON-FINAL REJECTION			
27	05/17/2007	NEW OR ADDITIONAL DRAWING FILED			
26	05/22/2007	DATE FORWARDED TO EXAMINER			
25	05/17/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
24	05/22/2007	DATE FORWARDED TO EXAMINER			
23	05/17/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
22	05/22/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
21	05/17/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
20	01/31/2007	MAIL FINAL REJECTION (PTOL - 326)			
19	01/29/2007	FINAL REJECTION			
18	11/28/2006	DATE FORWARDED TO EXAMINER			
17	11/16/2006	RESPONSE AFTER NON-FINAL ACTION			
16	08/16/2006	MAIL NON-FINAL REJECTION	48		-1

15	08/14/2006	NON-FINAL REJECTION			
14	04/29/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
13	08/11/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	08/11/2006	CASE DOCKETED TO EXAMINER IN GAU			
11	07/27/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
10	04/29/2005	REFERENCE CAPTURE ON IDS			
9.7	04/29/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	04/29/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	08/05/2005	APPLICATION DISPATCHED FROM OIPE			
7	08/05/2005	APPLICATION IS NOW COMPLETE			
6	07/27/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
5	07/27/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
4	05/27/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	05/24/2005	CLEARED BY OIPE CSR			
2	05/22/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	04/29/2005	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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

Date : July 16, 2007

Patent No. :7,205,596
Inventor(s) : Kiostermann et al.
Issued :April 17, 2007
Title :ADIABATIC ROTATIONAL SWITCHING MEMORY ELEMENT
:INCLUDING A FERROMAGNETIC DECOUPLING LAYER
Docket No. :3001.0223C

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

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

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

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

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

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

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

Angela Green

For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308- 9380 Ext. 123

Edell, Shapiro & Finnan, LLC
1901 Research Blvd., Ste 400
Rockvile, MD 20850

CBN/arg

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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EDELL, SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD, SUITE 400
ROCKVILLE MD 20850

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OCT 3 1 2008

OFFICE OF PETITIONS

In re Patent No. 7,205,596	:	
Application No. 11/117,713	:	
Filed: April 29, 2005	:	ON PETITION
Issued: April 17, 2007	:	
Attorney Docket No. 3001.0223C	:	

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

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD, SUITE 400
MCLEAN VA 22102

In re Application of :

ANDERSEN, et al. :
Application No. 11/117,735 :
Filed: April 29, 2005 :
Attorney Docket No. **449122081000** :

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 17, 2007.

The request is **APPROVED.**

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

The request was signed by Deborah S. Gladstein on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Frank-Uwe Andersen 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: **FRANK-UWE ANDERSEN**
MARIE-ELISABETH-LUDERS-STR. 7
BERLIN, GERMANY 10625

cc: **KEVIN SPIVAK**
BELL BOYD & LLOYD, LLC
70 WEST MADISON STREET, SUITE 3100
CHICAGO, IL 60602-4207

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

Morrison & Foerster, LLP
1650 Tysons Boulevard
Suite 400
Mclean, VA 22102

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JUL 19 2007

OFFICE OF PETITIONS

In re Application of
Stefan Dietrich et al.
Application No. 11/117,736
Filed: April 29, 2005
Attorney Docket No. 543822014500

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 13, 2007.

The request is **APPROVED**.

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

The request was signed by Deborah S. Gladstein on behalf of all attorneys of record who are associated with customer No. 25227. All attorneys/agents associated with the Customer Number 25227 have been withdrawn.

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

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first signing inventor. A courtesy copy of this decision will be mailed to the address noted on the request to withdraw. If the attorneys associated with this firm desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

There are no outstanding office actions at this time.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Stefan Dietrich
Sudetenstrasse 10
Turkenfeld, Germany 82299

cc: Eschweiler & Associates
National City Bank Building
629 Euclid Avenue, Suite 1000
Cleveland, OH 44114

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
11/117,736	04/29/2005	Stefan Dietrich	543822014500

CONFIRMATION NO. 5329

OC000000024895039

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 07/19/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/13/2007.

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

Kimberly Gravinet

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

FORMER ATTORNEY/AGENT COPY

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MOETELLI & ASSOCIATES SARL
ST. LEONHARDSTRASSE 4
ST. GALLEN CH-90-00 CH
SWITZERLAND

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JAN 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Yves Desarzens et al	:	
Application No. 11/117,740	:	ON PETITION
Filed: April 29, 2005	:	
Attorney Docket No. PUS-P001-048-	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 26, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the final rejection mailed February 25, 2008.

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

There were insufficient funds in deposit account no. 50-2621 to charge for the petition and RCE fees.

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

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

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

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MOETTELI & ASSOCIATES SARL
ST. LEONHARDSTRASSE 4
ST. GALLEN CH-90-00 CH SWITZERLAND

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OFFICE OF PETITIONS

In re Application of
Yves Desarzens et al
Application No. 11/117,740
Filed: April 29, 2005
Attorney Docket No. PUS-P001-048-

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final rejection mailed February 25, 2008 and the notice mailed October 7, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 3775 for appropriate action by the Examiner in the normal course of business on the reply received February 5, 2009.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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MAY 22 2007

TECHNOLOGY CENTER 3600

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

In re Application of MORIMOTO ET AL.
Appl. No.: 11/117,743
Filed: April 25, 2005
For: WHEEL-USE BEARING APPARATUS

DECISION ON PETITON FROM RESTRICTION REQUIREMENT
37 CFR 1.144

This is a decision on the petition filed December 5, 2006 for supervisory review of an examiner's restriction requirement under 37 CFR 1.144. Petitioner requests the relief of rejoinder and examination of at least independent claims 4 and 11.

The petition is **Dismissed**.

An Office action was mailed on March 23, 2007 in response to petitioner's amendment filed January 8, 2007. In that Office action, claims 4-8 and 11 were rejoined and examined upon reconsideration. Since petitioner has already received the only relief requested via the Office action of March 23, 2007, the instant petition is deemed moot and dismissed as such.

Telephone inquiries regarding this decision should be directed to S. Joseph Morano, Supervisory Patent Examiner for Art Unit 3617, at (571) 272-6684. Telephone inquiries regarding the status of the claims and other examination related issues should be directed to the examiner of record, Jason Bellinger, at (571) 272-6680.

Petitioner is reminded that a response to the Office action mailed March 23, 2007 is due on June 23, 2007.

Katherine A. Matecki

Katherine A. Matecki, Acting
Director, Technology Center 3600

SJM: 5/15/2007

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Jordan and Hamburg, LLP
122 East 42nd Street
Suite 4000
New York, NY 10168

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OFFICE OF PETITIONS

In re Application of	:	
Shunji Morimoto et al.	:	
Application No. 11/117,743	:	ON PETITION
Filed: April 25, 2005	:	
Attorney Docket No. F-8657	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 25, 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 September 11, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A two month extension of time was obtained. Accordingly, the date of abandonment of this application is February 12, 2008. A Notice of Abandonment was mailed on April 9, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment which places the application in condition for allowance (2) the petition fee of $1540, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 3617 for further processing that is required by the Examiner in the normal course of business.

Carl Friedman
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

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OCT 3 1 2005

OFFICE OF PETITIONS

In re Application of :
Binyamin Pinkas and Michael Freedman :
Application No. 11/117,765 : DECISION ON PETITION
Filed: April 28, 2005 : UNDER 37 C.F.R. §1.47(a)
Attorney Docket Number: 200400085-1 :
Title: SYSTEM AND METHOD FOR :
PRIVATE INFORMATION MATCHING :

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed September 29, 2005.

The above-identified application was filed on April 28, 2005, identifying Binyamin Pinkas and Michael Freedman as joint inventors. The declaration which was submitted on filing was not executed by either inventor. On May 25, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" was mailed, indicating that an executed declaration would be required, along with the surcharge associated with the late filing of the same. The notice set a two-month period for response.

With the present petition, Petitioner has included a portion of the petition fee[2], the surcharge, a declaration which has been executed by the first named inventor, and proof that a copy of the entire application was sent to the non-signing inventor for review, and proof that the non-signing

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.

2 The petition fee will be charged to Petitioner's Deposit Account.

inventor refuses to join in the application.

Therefore, the renewed petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

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

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

Paul Shanoski

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

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Commissioner for Patents
United States Patent and Trademark Office
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Christie, Parker & Hale, LLP
PO Box 7068
Pasadena CA 91109-7068

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OFFICE OF PETITIONS

In re Application of	:	
Kocaman et al.	:	
Application No. 11/117,767	:	ON PETITION
Filed: April 28, 2005	:	
Attorney Docket No. 54499/RRT/B600	:	

This is a decision on the petition under 37 CFR 1.10(c), filed July 18, 2005, requesting that the application be accorded a filing date of April 28, 2005, rather than the presently accorded filing date of April 29, 2005.

Petitioners request the earlier filing date on the basis that the United States Postal Service (USPS) picked up the application on April 28, 2005, for Express Mail Delivery to the United States Patent and Trademark Office (USPTO). Nevertheless, the Filing Receipt issued by the USPTO indicates the filing date as April 29, 2005.

In support of the assertion, the petition is accompanied by a USPS Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post, which indicates that a USPS employee accepted a package bearing Express Mail label No. EV327883395US on April 28, 2005, as evidenced by the USPS employee's signature and the date of pickup. Additionally, petitioners submitted a printout of the USPS Track & Confirm, indicating that a package bearing Express Mail label No. EV327883395US was en route on April 28, 2005, at 5:17 pm, in Pasadena, California, and delivered to Alexandria, VA 22313, on April 29, 2005, at 9:49 a.m. The same Express Mail label number was placed on the original application papers located in the official file.

In view of corroborating evidence submitted by petitioners, the petition is granted.

The Office of Initial Patent Examination is directed to correct the filing date to April 28, 2005, and to mail a corrected filing receipt.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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CHRISTIE PARKER & HALE
PO BOX 7068
PASADENA, CA 91109-7068

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OFFICE OF PETITIONS

In re Application of :
Jun Cao et al :
Application No. 11/117,768 :
Filed: April 28, 2005 :
Attorney Docket No. 54790/RJP/B600 :

ON PETITION

This is a decision on the petition under 37 CFR 1.10, filed July 21, 2005, requesting that the above-identified application be accorded a filing date of April 28, 2005.

Petitioner asserts that the application was deposited in Express Mail service on April 28, 2005, pursuant to the requirements of 37 CFR 1.10 and requests that the application be accorded a filing date of April 28, 2005. A review of the official record discloses that the corrected filing date was already given as shown by its inclusion on the filing receipt mailed August 1, 2005. Therefore, no change in the official filing date is required.

The petition is dismissed as moot. No petition fee is required and none has been charged.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 2817 for examination in due course.

Frances Hicks

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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THE ESTEE LAUDER COS, INC
125 PINELAWN ROAD
MELVILLE, NY 11747

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SEP 2 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Michael Thomas Hayes et al	:	DECISION GRANTING
Application No. 11/117,769	:	PETITION
Filed: April 28, 2005	:	
Attorney Docket No. 03.15US	:	

This is a decision on the petition under 37 CFR 1.10(d), filed May 20, 2005, requesting that the above-identified application be accorded a filing date of April 28, 2005, rather than the presently accorded filing date of April 29, 2005.

Applicants request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on April 28, 2005, pursuant to the requirements of 37 CFR 1.10. In support, applicants provided, *inter alia*, a copy of the Express Mail label, receipt number ER473025327US, but, the "date-in" and the USPS receipt stamp on applicants' "Express Mail" mailing label is not legible. In further support, the petition is accompanied by a copy of the USPS sales receipt which indicates that the same Express Mail number was accepted on April 28, 2005. The aforementioned Express Mail number appears on the original transmittal papers for the subject application.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on April 28, 2005. Accordingly, the instant application is entitled to a filing date of April 28, 2005, and has been so accorded.

The petition is granted. No fee is required and none has been charged.

This matter is being referred to Technology Center AU 1615 for examination in due course.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

Frances Hicks

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

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FISH & RICHARDSON P.C.
1717 MAIN STREET
SUITE 5000
DALLAS, TX 75201

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SEP 2 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Ranga Anbil et al	:	DECISION ON
Application No. 11/117,770	:	PETITION
Filed: April 28, 2005	:	
Attorney Docket No. 16477-007001	:	

This is a decision on the petition under 37 CFR 1.10(c), filed May 20, 2005.

Applicants alleges that the application was deposited in Express Mail service on April 28, 2005 and that, while they did receive a correct date stamp of April 28, 2005 from the USPS, the date-in was left out on the Express Mail label receipt. In support, the petition is accompanied by, *inter alia*, a copy of the Express Mail label, bearing receipt number EV325808865US and a USPS receipt stamp of April 28, 2005. Further, the petition is accompanied by a copy of the USPS Track/Confirm system information showing that the package in question bearing the same Express Mail number found on the utility patent application transmittal accompanying the original application papers located in the official file, was accepted on April 28, 2005.

The petition is dismissed as mootsince this application has already been accorded a filing date of April 28, 2005. Accordingly, no change in the official filing date is required.

No fee is required and none has been charged.

This matter is being referred to Technology Center AU 3623 for examination in due course.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

Frances Hicks

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

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UNITED STATES DEPARTMENT OF COMMERCE
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/23/2010

Applicant	: Kouichi Takimoto	: DECISION ON REQUEST FOR
Patent Number	: RE40961	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,775	: OF WYETH
Filed	: 04/29/2005	:
		:

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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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/21/2010

Applicant	: James K. Guenter	: DECISION ON REQUEST FOR
Patent Number	: 7627015	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,786	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **193** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

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OFFICE OF PETITIONS

In re Application of	:	
Charles M. McCartney	:	
Application No. 11/117,790	:	DECISION ON PETITION
Filed: April 28, 2008	:	TO WITHDRAW
Attorney Docket No. 297912006200	:	FROM RECORD
	:	

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 22, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on June 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 undersigned at 571-272-1642.

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

cc: TODD W. WRIGHT
RUTAN & TUCKER, LLP
611 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626-1931

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OFFICE OF PETITIONS

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

In re Application of	:	
Ulrich KLOSTERMANN et al.	:	
Application No. 11/117,854	:	DECISION ON PETITION
Filed: April 29, 2005	:	
Attorney Docket No. **I433.157.101/13414**	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 24, 2008, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed August 29, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned 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 the corrected formal drawings , (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 Michelle R. Eason at (571) 272-4231.

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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Patent Group
Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 04/21/2010

Applicant	: Jude Jacob Kavalam	: DECISION ON REQUEST FOR
Patent Number	: 7665098	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,869	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1157** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.:20100608

DATE : June 08, 2010

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction on Patent No.: 7,498,568

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

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

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

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

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

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

Comments:

/ROBERT KIM/
Supervisory Patent Examiner.Art Unit 2881

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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS, TN 38132

Mail Date: 04/21/2010

Applicant	: Marc M. Peterman	: DECISION ON REQUEST FOR
Patent Number	: 7655043	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,890	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **339** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

Mail Date: 04/21/2010

Applicant	: Thomas Zurek	: DECISION ON REQUEST FOR
Patent Number	: 7610265	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,895	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **443** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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PATENT SEA
P.O. BOX 1247
SEATTLE WA 98111

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OFFICE OF PETITIONS

In re Application of
Danek et al.
Application No. 11/117,905
Filed: 04/29/2005
Attorney Docket No. 649218023US

: DECISION DISMISSING PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY UNDER 37 C.F.R. § 1.78(a)(3), filed October 8, 2007, 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 concurrently filed amendment.

The petition is **DISMISSED.**

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

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

The petition does not comply with item (1).

In the amendment, Application No. 09/296,040, filed April 21, 1999, improperly claims benefit to Application No. 09/436,455, filed November 8, 1999 and Application No. 09/535,856, filed

March 27, 2000, as these applications were filed subsequent to the filing date of Application No. 09/296,040.

Where an application claims a benefit under 35 U.S.C. 120 of a chain of applications, the application must make a reference to the first (earliest) application and every intermediate application. *See* Sampson v. Ampex Corp., 463 F.2d 1042, 1044-45, 174 USPQ 417, 418-19 (2d Cir. 1972); Sticker Indus. Supply Corp. v. Blaw-Knox Co., 405 F.2d 90, 93, 160 USPQ 177, 179 (7th Cir. 1968); Hovlid v. Asari, 305 F.2d 747, 751, 134 USPQ 162, 165 (9th Cir. 1962). See also MPEP 201.11. In addition, every intermediate application must also make a reference to the first (earliest) application and every application after the first application and before such intermediate application. MPEP 201.06(d).

It appears that petitioners may wish to claim the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications as follows:

> This application is a continuation of Application No. 09/999,851, filed October 25, 2001, now U.S. Patent No. 7,027,869, which is a continuation-in-part of Application No. 09/296,040, filed April 21, 1999, now U.S. Patent No. 6,411,852, and a continuation-in-part of Application No. 09/436,455, filed November 8, 1999, and a continuation-in-part of Application No. 09/535,856, filed March 27, 2000, now U.S. Patent No. 6,634,363, and a continuation-in-part of Application No. 09/349,715, filed July 8, 1999, now U.S. Patent No. 6,488,673, which is a continuation-in-part of Application No. 09/003,750, filed January 7, 1998, now U.S. Patent No. 5,972,026, which is a continuation-in-part of Application No. 08/833,550, filed April 7, 1997, now U.S. Patent No. 6,273,907. Application No. 09/296,040 is also a continuation-in-part of Application No. 09/095,323, filed June 10, 1998.

After reviewing the chain of applications to which petitioners are seeking a claim for priority, it appears that prior-filed Application No. 09/999,851 does not contain a reference to Application No. 08/833,550. Therefore, petitioners must perfect the priority claim as a condition for acceptance of the present petition under 37 CFR 1.78(a)(3). Petitioners must first correct the claim for benefit of priority to Application No. 08/833,550 in Application No. 09/999,851, if petitioners wish to claim priority of the Application No. 08/833,550 in the present application.

In summary, petitioners must: (1) file a renewed petition under 37 CFR 1.78(a)(3) in Application No. 09/999,851, seeking to add a claim for priority under 35 U.S.C. § 120 to nonprovisional Application No. 08/833,550 by way of a Certificate of Correction, and (2) file a renewed petition under 37 CFR 1.78(a)(3) in the present application (No. 11/117,905), accompanied by a copy of the completed Certificate of Correction in Application No. 09/999,851 to demonstrate that petitioners perfected the priority claim.

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

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Any questions 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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OFFICE OF PETITIONS

In re Application of	: DECISION DISMISSING PETITION
Danek et al.	: UNDER 37 CFR 1.78(a)(3)
Application No. 11/117,905	:
Filed: 04/29/2005	:
Attorney Docket No. 649218023US	:

This is a decision on the RENEWED PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY UNDER 37 C.F.R. § 1.78(a)(3), filed March 3, 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 concurrently filed amendment.

The petition is **DISMISSED.**

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

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

The petition does not comply with item (1).

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference prior-filed Application No. 09/095,323. 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).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and a Supplemental Application Data Sheet or an amendment (complying with 37 CFR 1.121, 37 CFR 1.76 and 37 CFR 1.33(b))[1] to correct the above matters are required.

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

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By hand: Customer Service Window
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By fax: (571) 273-8300
ATTN: Office of Petitions

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

[1] The Office notes that 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in an application must be signed by an appropriate party. Therefore, an ADS, supplemental ADS, or a substitute amendment submitted after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

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SEATTLE WA 98111

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APR 16 2008

In re Application of	: DECISION GRANTING PETITION
Danek et al.	: UNDER 37 CFR 1.78(a)(3)
Application No. 11/117,905	:
Filed: 04/29/2005	:
Attorney Docket No. 649218023US	:

This is a decision on the "RESPONSE TO DISMISSAL OF RENEWED PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY UNDER 37 C.F.R. § 1.78(a)(3)," filed April 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 of March 3, 2008.

The petition is **GRANTED.**

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

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

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

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. 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 3735 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Christina Tartera Donnell

Christina Tartera Donnell
Senior 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
11/117,905	04/29/2005	3735	2635	649218023US	16	2

CONFIRMATION NO. 7176

CORRECTED FILING RECEIPT

OC000000029421873

74851
PERKINS COIE LLP
PATENT SEA
P.O. BOX 1247
SEATTLE, WA 98111

Date Mailed: 04/16/2008

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

Applicant(s)

Christopher J. Danek, San Carlos, CA;
Bryan Loomas, Los Gatos, CA;
Thomas Keast, Sunnyvale, CA;
Michael D. Laufer, Menlo Park, CA;

Assignment For Published Patent Application

Asthmatx, Inc., Mountain View, CA

Power of Attorney: The patent practitioners associated with Customer Number 74851

Domestic Priority data as claimed by applicant

This application is a CON of 09/999,851 10/25/2001 PAT 7,027,869
which is a CIP of 09/535,856 03/27/2000 PAT 6,634,363
and is a CIP of 09/296,040 04/21/1999 PAT 6,411,852
which is a CIP of 09/095,323 06/10/1998
This application 11/117,905
is a CIP of 09/436,455 11/08/1999
and is a CIP of 10/232,909 08/30/2002
which is a CON of 09/349,715 07/08/1999 PAT 6,488,673
which is a CIP of 09/260,401 03/01/1999 PAT 6,283,988
which is a CIP of 09/003,750 01/07/1998 PAT 5,972,026
which is a CIP of 08/833,550 04/07/1997 PAT 6,273,907

Foreign Applications

If Required, Foreign Filing License Granted: 05/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/117,905**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Method for treating an asthma attack

Preliminary Class

607

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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MAY 2 0 2008

OFFICE OF PETITIONS

Asthmatx, Inc.
c/o Levine, Bagade, Han, LLP
2483 East Bayshore Road
Suite 100
Palo Alto, CA 94303

In re Application of

Christopher James Danek et al.
Application No. 11/117,905
Filed: April 29, 2005
Attorney Docket No. ASTXNA00501

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 16, 2007.

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

A review of the file record indicates that the power of attorney to Sanjay S. Bagade and all attorneys/agents of record has been revoked by the assignee of the patent application on December 3, 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 Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Perkins Coie, LP
Patent SEA
P.O. Box 1247
Seattle, WA 96111

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UNITED STATES DEPARTMENT OF COMMERCE
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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS, TN 38132

Mail Date: 04/21/2010

Applicant	: Charles A. Dickinson	: DECISION ON REQUEST FOR
Patent Number	: 7572280	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/117,919	: OF WYETH
Filed	: 04/29/2005	:
		:

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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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS, TN 38132

Mail Date: 05/18/2010

Applicant : Charles A. Dickinson
Patent Number : 7572280
Issue Date : 08/11/2009
Application No : 11/117,919
Filed : 04/29/2005

: NOTICE CONCERNING IMPROPER
: DISMISSAL OF THE REQUEST
: FOR RECALCULATION OF
: PATENT TERM ADJUSTMENT
: IN VIEW OF WYETH

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO mistakenly dismissed a small number of requests as ineligible. The dismissals involve requests that were filed on February 9-12, 2010, for patents that were granted on August 11, 2009. Any request that was filed on February 8, 2010 was properly deemed eligible for patent term adjustment (PTA) and was recalculated.

Patents meeting the above criteria were eligible because the USPTO was closed February 8-11, 2010, due to a snowstorm. See Closing of the United States Patent and Trademark Office from Monday February, 8, 2010, through Thursday, February 11, 2010, 1352 *Off. Gaz. Pat. Office* 146 (March 16, 2010). The Office considered each day from Monday, February 8, 2010, through Thursday, February 11, 2010, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 CFR 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any actions that were due from Monday, February, 8, 2010, through Thursday, February 11, 2010, (or the preceding Saturday (February 6, 2010) or Sunday (February 7, 2010)) will be considered timely if the action was taken on the next succeeding business day on which the USPTO was open, which was February 12, 2010.

This notice **VACATES** the previous mailed decision in the patented file that deemed patentee ineligible for the request for recalculation. Patentee's request for recalculation is GRANTED.

The patent term adjustment has been determined to be **286** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** 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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GREENBERG TRAURIG, LLP (SV2)
2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA, CA 90404

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JAN 0 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas J. Lugaresi, et al.	:	
Application No. 11/117,936	:	DECISION ON PETITION
Filed: April 28, 2005	:	TO WITHDRAW
Attorney Docket No. 102062.00003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 10, 2008.

The request is **APPROVED**.

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

The request was signed by John P. Ward on behalf of all attorneys of record who are associated with customer No. 56188All attorneys/agents associated with the Customer Number 56188 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no pending Office actions at the present time.

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

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

cc: THOMAS J. LUGARESI
14299 MULBERRY DRIVE
LOS GATOS, CA 95032

cc: SQUIRE, SANDERS & DEMPSEY, LLP
PATENT DEPARTMENT
ONE MARITIME PLAZA
SUITE 300
SAN FRANCISO, CA 94111-3492

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/117,936	04/28/2005	Thomas J. Lugaresi	102062.00003

CONFIRMATION NO. 9437

POWER OF ATTORNEY NOTICE

30256
SQUIRE, SANDERS & DEMPSEY L.L.P
PATENT DEPARTMENT
ONE MARITIME PLAZA, SUITE 300
SAN FRANCISCO, CA 94111-3492

OC000000033868765

Date Mailed: 12/31/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/10/2008.

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

/amwise/

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

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J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE CA 92618

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SEP 25 2006

OFFICE OF PETITIONS

In re Patent No. 7,053,632	:	
Issue Date: May 30, 2006	:	
Application No. 11/117,938	:	NOTICE
Filed: April 28, 2005	:	
Attorney Docket No. JCLA14441	:	

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

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

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

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

Liana Chase
Petitions Examiner
Office of Petitions

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JJGJr: 11-05

Paper No: __

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

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NOV 18 2005
OFFICE OF PETITIONS

In re Application of	:	
White	:	
Application No. 11/117,941	:	ON PETITION
Filed: 29 April, 2005	:	
Attorney Docket No.: 03581.000005	:	

This is a decision on the petition filed on 10 August, 2005, under 37 C.F.R. §1.182 seeking entry of replacement drawings in advance of pre-grant publication.

The petition under 37 C.F.R. §1.182 is **DISMISSED as moot**.

The entry or non-entry of amendments is a substantive matter exclusively for determination by the Examiner.

CONCLUSION

Accordingly, the request under 37 C.F.R. §1.182 is **dismissed**.

The instant application is being released to OIPE for further processing before being forwarded for substantive examination.

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

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

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FROM DIRECTORS OFFICE

JUL 15 2005

TECHNOLOGY CENTER 3600

Robert M. O'Keefe
O'KEEFE, EGAN & PETERMAN, LLP
Building C, Suite 200
1101 Capital of Texas Highway South
Austin, TX 78746

In re application of Thomas Sowinski Application No. 11/117,954 Filed: April 29, 2005 For: GRAFTING TOOL	: : : : :	**DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)**

This is a decision on the petition submitted on April 29, 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. Sowinski's birth certificate indicating that he is at least 65 years of age.

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

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

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

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(571) 272-6619

RAR/dew: 07/11/05

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/117,961	04/29/2005	Benjamin Fruland	279.865US1	8125

21186 7590 01/06/2010
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER
BEHRINGER, LUTHER G

ART UNIT	PAPER NUMBER
3766	

NOTIFICATION DATE	DELIVERY MODE
01/06/2010	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):

uspto@slwip.com
request@slwip.com

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

In re Application of: FRULAND, BENJAMIN et al Serial No. 11/117,961 Filed: April 29, 2005 Docket: 279.865US1 Title: RADIALLY SEALING SCREW	DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the petition filed July 28, 2009 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed May 28, 2009. This petition is being considered pursuant to 37 CFR § 1.181. No fee is required.

The petition is **Granted.**

In finding petitioner's points of argument persuasive, the requested relief is granted. The finality of the last Office action mailed May 28, 2009 is hereby withdrawn. The Office action mailed on May 28, 2009 has been designated as non-final Office action.

The period to respond to the last Office action of May 28, 2009 remains unchanged. Since the finality is being withdrawn, any amendment responding to the Office action dated May 28, 2009 will be treated as a 37 CFR § 1.111 amendment.

A review of the record also indicates that there was no response to the outstanding Office action filed. The application is technically abandoned as of August 31, 2009 for failure to respond to the Office action of May 28, 2009. In accordance with 37 CFR 1.181(f)[1], the merely filing of a petition will not stay any the time period for reply to any outstanding Office action.

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

Any questions regarding this decision should be directed to Special Program Examiner, Henry Yuen, at 571-272-4856.

PETITION GRANTED

Donald T. Hajec, Director
Technology Center 3700

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Perkins Coie LLP
P.O. Box 1208
Seattle, WA 98111-1208

Mail Date: 05/07/2010

Applicant	: Peter L. Smoot	: DECISION ON REQUEST FOR
Patent Number	: 7640292	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/117,967	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **914** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 4/23/09

TO SPE OF : ART UNIT 2612

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/117994 Patent No.: 7330120 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9D62-B
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-756-1591

Thank You For Your Assistance

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

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

Comments: _____

/Benjamin C. Lee/ — **SPE**

2612 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TOLER & LARSON & ABEL
5000 PLAZA ON THE LAKE SUITE 265
AUSTIN, TX 78746

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NOV 1 7 2005

OFFICE OF PETITIONS

In re Application of	:	
Vishnu K. Khemka et al	:	DECISION DISMISSING
Application No. 11/117,996	:	PETITION
Filed: April 29, 2005	:	
Attorney Docket No. 1280-SC13141ZP	:	

This is a decision on the paper filed June 17, 2005, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of April 29, 2005, with Figures 11 and 12 as part of the original disclosure.

The petition is **DISMISSED**.

The application was filed on April 29, 2005. On May 24, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application (Notice)" stating that the application had been accorded a filing date of April 29, 2005, but that Figures 11 and 12 described in the specification appeared to have been omitted from the filed application.

In response, on June 17, 2005, the petition contends that the allegedly omitted drawings (Figures 11 and 12) were filed with the application papers on April 29, 2005. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing "Sheets of Drawings (8 pgs)." The petition also encloses a copy of the drawings (Figures 11 and 12) purportedly filed on April 29, 2005.

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] Such *prima facie* showing established by a postcard receipt is, of course, rebuttable and findings of fact in each case must be based on a consideration of all of the evidence in the Office file for the application.

A review of the papers filed on April 29, 2005, which are present in the official file, shows that applicants indeed filed 8 sheets of drawings as itemized and listed on the postcard receipt. However, the official file contains Figures 1-10 (4 sheets), Figures 13-14 (2 sheets), and Figures 15-17 (2 sheets). Based on all of the evidence available in the file, it is concluded that Figures 11-12 were omitted from the application filed on April 29, 2005.

---

[1] See MPEP 503

Petitioner's further contention that as the same drawing sheet containing Figures 11 and 12 is found in another application "to which the present application claims priority and incorporates by reference," the filing date should be retained, is noted, but not persuasive.

Initially, as this application fails to state the specific relationship (i.e., continuation, divisional, or continuation-in-part) required by 37 CFR 1.78(a)(2) between this and the other application, no benefit claim has yet been presented that the USPTO can recognize. See MPEP 201.11(III)(A). Should petitioner now wish to properly present a claim for benefit of the prior application by specifying the relationship, then a petition and fee under 37 CFR 1.78(a)(3) are required. Since, on filing, applicant did not present a proper priority claim of the prior application, then the remedial provisions of 37 CFR 1.57 do not apply herein

As to the incorporation by reference, which is effective independently of any proper *vel non* priority claim, petitioner may yet seek by way of an amendment before the examiner, to insert the drawing figures from the other application, if in fact they are present in the other application and would not constitute new matter herein. See MPEP 201.06(c), section (IV). However, the fact remains that the drawings in question were not present in this file on the date the instant application papers were filed. Accordingly, while they may yet be added herein, the records of the USPTO will not show that Figures 11, 12 were among those drawing figures present on filing in this application.

The $400.00 petition fee has been charged to Deposit Account No. 50-2469 as authorized.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to the Office of Initial Patent Examination for further processing with the filing date of April 29, 2005, using the drawings filed on that date.

Brian Hearn
Senior Petitions Examiner
Office of Petitions

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

Mail Date: 04/20/2010

Applicant	: Roland Westrelin	: DECISION ON REQUEST FOR
Patent Number	: 7647436	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,004	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **740** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Chang B. Hong
Suite 200
21 Lafayette St.
Lebanon, NH 03766

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MAY 26 2006

OFFICE OF PETITIONS

In re Application of	:	
Piotr Bobrowicz	:	DECISION ON PETITION
Application No. 11/118,008	:	
Filed: April 29, 2005	:	
Atty Docket No. GFI - 14	:	

This is a decision on the PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(B) filed April 18, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES mailed June 20, 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. No reply having been received, the above-identified application became abandoned on August 21, 2005. A courtesy Notice of Abandonment was mailed on March 15, 2006.

Petitioner has satisfied the requirements of 37 CFR 1.137(b). Petitioner acknowledges that the Notice was received and sets forth the facts and circumstances of the delay in filing a response. The petition includes a response to the Notice, the petition fee, and the required statement of unintentional delay.

The application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing; including processing of the responses submitted on petition filed April 18, 2006.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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LAW OFFICES OF
MORLAND C. FISCHER
2030 MAIN STREET
SUITE 1300
IRVINE, CA 92614

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JUL 23 2007

OFFICE OF PETITIONS

In re Application of

Stanley S. MORRIS III, et al
Application No. 11/118,009
Filed: April 29, 2005
Attorney Docket No. 101615.0008US1

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 7, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Fish & Associates, PC has been revoked by the assignee of the patent application on June 8, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: JOHN PARSA
PACIFIC DIGITAL CORPORATION
C/O DIGITAL SPECTRUM SOLUTIONS, INC.
17811 MITCHELL NORTH
IRVINE, CA 92614

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 4/28/08

TO SPE OF : ART UNIT 2612

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/118021 Patent No: 7298272 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.

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

Comments: _____

/Benjamin C. Lee/ — **SPE**

2612 — **Art Unit**

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ROBERT A. KENT
P.O. BOX 1431
DUNCAN, OK 73536

Mail Date: 04/20/2010

Applicant	: Thomas D. Welton	: DECISION ON REQUEST FOR
Patent Number	: 7621334	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,028	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **798** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OSHA LIANG LLP
1221 MCKINNEY ST
SUITE 2800
HOUSTON TX 77010

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JUL 19 2005

OFFICE OF PETITIONS

In re Application of	:	
Minowa, et al.	:	
Application No. 11/118,029	:	DECISION ON PETITION
Filed: April 29, 2005	:	
Attorney Docket No. 15115/163001	:	

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.182", filed May 31, 2005, to accord the above-identified application a filing date of March 30, 2005, with 14 sheets of drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on April 29, 2005. However, on May 20, 2005, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete NonProvisional Application." Applicants were notified that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, applicants filed the instant petition. Accompanying the petition was a copy of 14 drawing sheets. Applicants maintain that the application as originally filed included 14 pages of drawings from a priority document that was submitted with the instant application.

A review of the application file reveals the presence of a Japanese language priority document containing 14 sheets of drawings.

Given the basis for granting the petition, the $400 petition fee has been refunded to Deposit Account No. 50-0591.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of April 29, 2005, using the application papers received in the Office on that date, including the 14 sheets of drawings included within the certified copy of the priority document filed with the application, and for indication in Office records that 14 sheets of drawings were received on filing.

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

MAILED

MAR 25 2009

OFFICE OF PETITIONS

In re Application of :
Dave Winikoff, et al. :
Application No. 11/118,032 : ON PETITION
Filed: April 29, 2005 :
Attorney Docket No. 2004P21001US :

This is a decision in response to the petition, filed January 21, 2009, 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, March 25, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 26, 2008. A Notice of Abandonment was mailed on October 8, 2008. In response, on January 21, 2009, the present petition was filed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Greg H. Leitich appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay[1].

This application is being referred to Technology Center AU 2618 for appropriate action by the Examiner in the normal course of business on the reply received January 21, 2009.

[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

UNITED STATES PATENT AND TRADEMARK OFFICE

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KIMBERLY-CLARK WORLDWIDE, INC.
Tara Pohlkotte
2300 Winchester Rd.
NEENAH, WI 54956

Mail Date: 04/21/2010

Applicant	: Christopher P. Olson	: DECISION ON REQUEST FOR
Patent Number	: 7632978	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,047	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **404** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Vincent Remy, Cabinet Lhermet La
Bigne & Remy
11, Boulevard de Sebastopol
Paris 75001 FR FRANCE

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JAN 16 2008

OFFICE OF PETITIONS

In re Application of

Ren, et al.

Application No. 11/118,059

Filed: April 29, 2005

Attorney Docket No. 2468-00100

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 17, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to file a proper and timely response to the final Office action mailed January 26, 2007, which set a shortened statutory period for reply of three-months from its mailing date. A response was not receieved within the allowable period and the application became abandoned on April 28, 2007. A Notice of Abandonment was mailed on August 7, 2007.

The Request for Continued Examination filed April 17, 2007, is noted.

The application file 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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TODD N. HATHAWAY
119 N. COMMERCIAL ST. #620
BELLINGHAM WA 98225

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SEP 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Jeff Hechtle et al	:	
Application No. 11/118,061	:	DECISION ON PETITION
Filed: April 29, 2005	:	
Attorney Docket No. P04166	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 20, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to submit formal drawings on or before June 11, 2007 in reply to the Notice of Allowability mailed March 9, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 12, 2007. A Notice of Abandonment was mailed on July 3, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of corrected drawings; (2) the petition fee of $750; and (3) a showing to the satisfaction of the Director that the entire delay was unintentional. Accordingly, the failure to timely reply to the Notice of March 9, 2007 is accepted as being unintentionally delayed.

This application is being referred to Publishing Division for further processing in accordance with this decision accepting the unintentionally delayed submission of corrected drawings.

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

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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AUG 29 2007

OFFICE OF PETITIONS

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

In re Patent No. 7,183,285	:	DECISION ON
Griffin, et al.	:	PATENT TERM ADJUSTMENT
Issue Date: February 27, 2007	:	AND NOTICE OF INTENT
Application No. 11/118,066	:	TO ISSUE
Filed: April 29, 2005	:	CERTIFICATE OF
Attorney Docket No. 26452-702.205	:	CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT AND APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705", filed February 16, 2007. Patentees request that the patent term adjustment indicated on the patent be corrected from ten (10) days to thirty-two (32) days.

The petition is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **thirty-two (32)** days.

On February 27, 2007, the above-identified application matured into U.S. Patent No. 7,183,285. The instant request for reconsideration filed February 6, 2007 was timely filed within two months of the date the patent issued. See § 1.705(d). The Patent issued with a Patent Term Adjustment of ten (10) days. Patentees state that they should not have been assessed applicant delay of twenty-two (22) days for filing a re-submission of a previously filed IDS.

The Office determined a patent term adjustment of ten (10) days based on an adjustment for PTO delay of thirty-two (32) days pursuant to 35 U.S.C. 154(b)(1)(B) and 37 C.F.R. §1.703(b), reduced by twenty-two (22) days days pursuant to 35 U.S.C. 154(b)(2)(C)(iii) and 37 C.F.R. §1.704(c)(10). The adjustment of 22 days is at issue.

A review of the application file reveals that the IDS filed on August 21, 2006, was in fact a copy of an IDS filed on April 18, 2006. Accordingly, it is concluded that no applicant delay should have been assessed.

In view thereof, the correct determination of PTA at the time of issuance is thirty-two (32) days (32 days of PTO delay and 0 days of applicant delay).

Receipt of the $200.00 fee set forth in 37 C.F.R. §1.18(e) is acknowledged.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **thirty-two (32)** days, subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enc: draft certificate of correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,183,285 B2

DATED : February 27, 2007

INVENTOR(S) : Griffin, 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 (10) days

Delete the phrase "by 10 days" and insert – by 32 days—

UNITED STATES PATENT AND TRADEMARK OFFICE

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SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY MN 55125

In re Application of: Kaplan, Paula M., et al. Serial No.: 11/118,076 Filed: Apr. 29, 2005 Docket: 1023-493US01 Title: IMPLANTABLE MEDICAL LEAD WITH AXIALLY ORIENTED COILED WIRE CONDUCTORS	DECISION ON PETITION

This is a decision on the petition filed on Aug. 24, 2007 by which petitioner requests reconsideration and withdrawal of the restriction requirement mailed Jan. 31, 2007 because all claims are directed to one species, Figs 3-6. In particular, there are no claims directed to other disclosed species. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required. The petition fee paid $130.00 will be refunded upon requested.

The petition is **granted**.

Prosecution History:

A review of the record reveals that on Jan. 31, 2007, an election of species requirement was made among three disclosed species, namely, Species I (Figs. 2 and 8), Species II (Figs. 3-6) and Species III (Fig. 7). The examiner did not indicate any presence or absence of generic claims. On Mar. 2, 2007, the applicant elected Species I (Figs. 2 and 8) with traverse and indicated claims 1-35 are readable onto the elected Species of Figs. 2 and 8. The applicant also argued that the Species II should be included with Species I. On May 4, 2007, the examiner issued a first action on the merits on claims 1-4, 12-14, 17-27, 29 and 30 and held claims 5-11, 15, 16, 28 and 31-35 withdrawn from consideration presumably directed to non-elected species. After receipt of the first action of May 4, 2007, the applicant realized the examiner has misinterpreted the claim language directed to the term "coiled wire". In the petition, petitioner also pointed out that the all claims are directed to Species II (figs. 3-6) and no claims are directed to the elected Species I. Petitioner also stated that the election of Species I was based on a mistaken understanding that the examiner's reference to "coiled conductors" in the election of species requirement of Jan. 31, 2007 referred to a conductor including a coiled wire. Petitioner also pointed out that it appears that the reference to a "coiled conductor"' in the election of species requirement of Jan. 31, 2007 is not a reference to a conductor including a coiled wire, but, rather, a conductor that is wrapped around a helical reinforcement or a stylet guide tube. Based on the

examiner's interpretation of a "coiled conductor", petitioner believes the examiner has erroneously construed applicant's claims. As a result, the examiner's search of the claims is misdirected to an improper identification of the invention. In the petition, petitioner also stresses that claims 1-35 do not read on the elected Species I (Figs. 2 and 8) or Species III (Fig. 7). Claims 1-35 are readable on Species II (Figs 3-6) only.

Discussion and Analysis

After a careful review of the application and all claims presented as filed, it appears that the elected claims as filed are indeed directed to the Species of Figs. 3-6 and no claims are directed to other disclosed species I (Figs. 2 and 8). In the election of species requirement mailed on Jan. 31, 2007, the examiner has stated various figures but, apparently, failed to recognize that no claim is directed to the previously elected species I (Figs. 2 and 8). Therefore, the election of species requirement was not compete in accordance with M.P.E.P. §808.01(a)[1]. Since all claims presented are directed to only disclosed species II and III as correctly pointed out in the petition and there are no claims presented directed to the previously elected species I, namely, Figs 2, 7 and 8, then, the election of species must be modified or withdrawn at this time.

Conclusion

In view of the record, the restriction requirement rendered on Jan. 31, 2007 cannot be sustained and the requested relief is granted. The examiner has been directed to modify the election of species requirement as suggested by petitioner and examine claims readable on the corrected species II (Figs 3-6) on the merits. This does not preclude the application of prior art to another disclosed species if such prior art reads on the claimed species. The application is being forwarded to Supervisory Patent Examiner of Art Unit 3766 for the examiner's preparation of an Office action. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Frederick R. Schmidt, Director
Technology Center 3700

[1] Relevant portion of MPEP 808.01(a) states: Election of species should not be required between claimed species that are considered clearly unpatentable (obvious) over each other. In making a requirement for restriction in an application claiming plural species, the examiner should group together species considered clearly unpatentable over each other. Election of species may be required prior to a search on the merits (A) in applications containing claims to a plurality of species with no generic claims, and (B) in applications containing both species claims and generic or Markush claims. In applications where only generic claims are presented, restriction cannot be required unless the generic claims recite >or encompass< such a multiplicity of species that an unduly extensive and burdensome search would be necessary to search the entire scope of the claim. See MPEP § 803.02 >and § 809.02(a)<. If applicant presents species claims to more than one patentably distinct species of the invention after an Office action on only generic claims, with no restriction requirement, the Office may require the applicant to elect a single species for examination. In all applications where a generic claim is found allowable, the application should be treated as indicated in MPEP § 809 and § 821.04(a). See MPEP § 803.02 and § 809.02(a) for guidance regarding how to require restriction between species.

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HARMAN-BRINKS HOFER CHICAGO
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

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AUG 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Tim Haulick, et al.	:	
Application No. 11/118,092	:	DECISION ON PETITION
Filed: April 29, 2005	:	TO WITHDRAW
Attorney Docket No. 11336/994 (P04053US)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 1, 2009.

The request is **APPROVED**.

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

The request was signed by John F. Nethery on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Tim Haulick**
In den Schlosswiesen 14
Blaubeuren, D-89143
Germany

cc: **Robert P. Hart, Esq.**
Harman International Industries, Incorporated
8500 Balboa Blvd.
Northridge, CA 91329

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/118,092	04/29/2005	Tim Haulick	11336/994 (P04053US)

CONFIRMATION NO. 6254

POWER OF ATTORNEY NOTICE

81166
HARMAN - BRINKS HOFER CHICAGO
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

OC000000037366084

Date Mailed: 08/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/01/2009.

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

/tswilliams/

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

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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	: Russell B. Brinkman	: DECISION ON REQUEST FOR
Patent Number	: 7668044	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,103	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1073** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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OFFICE OF PETITIONS

In re Application of Karan et al. :
Application No. 11/118,112 : Decision on Petition
Filing Date: April 29, 2005 :
Attorney Docket No.340088.401USC1 :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment filed January 21, 2009, and the petition under 37 CFR 1.137(a) to revive the application filed January 21, 2009.

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

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

The Office mailed a non-final Office action on April 8, 2008.

The Office did not receive a reply to the non-final Office action. As a result, a Notice of Abandonment was mailed December 10, 2008.

Petitioner requests the holding of abandonment be withdrawn based on non-receipt of the Office action.

The evidence supplied by petitioner is sufficient to demonstrate non-receipt of the April 8, 2008 Office action. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. Petitioner submitted $540 for the fee for the petition under 37 CFR 1.137(a). A fee is not required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the petition fee of $540 has been credited back to petitioner's deposit account.

Petitioner submitted $1,110 for a three-month extension of time. Payment for an extension of time is unnecessary when filing a petition to withdraw the holding of abandonment based on non-receipt of an Office action of when reviving an application pursuant to 37 CFR 1.137. Therefore, the $1,110 has been credited back to petitioner's deposit account.

Since petitioner has proven the April 8, 2008 non-final Office action was never received, payment for an extension of time is unnecessary.

Technology Center Art Unit 1633 will be informed of the instant decision and the application, including the amendment filed January 21, 2009, will be further examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant	: Antonio Sanfilippo	: DECISION ON REQUEST FOR
Patent Number	: 7636730	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,156	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **828** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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ROGITZ & ASSOCIATES
750 B STREET
SUITE 3120
SAN DIEGO, CA 92101

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OFFICE OF PETITIONS

In re Application of	:	
Espeseth et al.	:	
Application No. 11/118,157	:	DECISION ON PETITION
Filed: April 29, 2005	:	
Attorney Docket No. HSJ920050106US1	:	

This is a decision on the petition, filed September 5, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before August 6, 2008, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed May 6, 2008. A Notice of Abandonment was mailed August 29, 2008.

Petitioner asserts that the Notice dated May 6, 2008 was not received.

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

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

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

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

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The petition under 37 CFR 1.137(b), is hereby dismissed as moot.

Petitioner will receive a refund of the $1,540.00 petition fee to be credited to petitioner's deposit account in due course.

This application is being referred to the Technology Center AU 2188 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of May 6, 2008. The period for paying the issue and publication fees and submitting corrected drawings will be reset to expire three (3) months from the date the Notices are re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/24/09

TO SPE OF : ART UNIT 2835 Gandhi, Jayprakash (spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/118164 Patent No.: 7312982

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

[signature]
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

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

- [X] **Approved** /LL-E/ — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

/Jayprakash N Gandhi/
SPE

2835
Art Unit

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Cooley, Godward, Kronish, LLP
Attn: Patent Group
Suite 1100
777 – 6th Street, NW
Washington, DC 20001

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OFFICE OF PETITIONS

In re Application of	:	
Harold B. Rose et al.	:	
Application No. 11/118,166	:	DECISION ON PETITION
Filed: April 29, 2005	:	TO WITHDRAW
Attorney Docket No. FRWL-001/00US 301908-2002	:	FROM RECORD
	:	

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 7, 2007.

The request is **APPROVED**.

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

The request was signed by Wayne O. Stacy on behalf of all attorneys/agents associated with customer number 22903. All attorneys/agents associated with customer number 22903 have been withdrawn.

Applicant is advised that there is no attorney of record.

The correspondence address has been changed to that of the assignee of the application 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: Dr. Harold Rose
8747 Beverly Boulevard
Los Angeles, CA 90048-1803

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/118,166	04/29/2005	Harold B. Rose	FRWL-001/00US 301908-2002

CONFIRMATION NO. 9538

POWER OF ATTORNEY NOTICE

OC000000028344933

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

Date Mailed: 02/15/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/07/2008.

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

/kainabinet/

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

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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/21/2010

Applicant	: Rudolf J. Hofmeister	: DECISION ON REQUEST FOR
Patent Number	: 7561855	: RECALCULATION of PATENT
Issue Date	: 07/14/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,172	: OF WYETH
Filed	: 04/29/2005	:
		:

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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WILDMAN HARROLD ALLEN & DIXON
225 WEST WACKER DRIVE, SUITE 2800
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
Friedman, Michael	:	
Application No. 11/118,232	:	ON PETITION
Filed: April 29, 2005	:	
Attorney Docket No. M0987.005	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 27, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the Oath/Declaration and late surcharge; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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Jones Day (RIM) - 2N
North Point
901 Lakeside Avenue
Cleveland, OH 44114

Mail Date: 04/20/2010

Applicant	: Michael K. Brown	: DECISION ON REQUEST FOR
Patent Number	: 7646872	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,236	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1293** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052-6399

In re Application of	:	
Miguel CASTRO et al.	:	
Application No. 11/118,240	:	DECISION ON PETITION
Filed: April 28, 2005	:	
Attorney Docket No. 309928.02	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 17, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before January 8, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed October 8, 2009. Accordingly, the date of abandonment of this application is January 9, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) petition fee of $1,620; and (3) a proper statement of unintentional delay.

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

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

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Barbara M. Burns
1756 Plymouth Road #276
Ann Arbor MI 48105

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DEC 19 2006
OFFICE OF PETITIONS

In re Application of	:	
Stacy Fifer	:	
Application No. 11/118,241	:	DECISION ON PETITION
Filed: April 29, 2005	:	TO WITHDRAW
Attorney Docket No. FST-100-A	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed November 16, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Barbara M. Burns has been revoked by the applicant of the patent application on December 7, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to April Wise at 571-272-1642.

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
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MICHAEL G. CAMERON
2435 N. CENTRAL EXPRESSWAY, SUITE 600
RICHARDSON, TX 75080

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AUG 1 2 2008

OFFICE OF PETITIONS

In re Application of

BRIDGEFARMER, Donnie R.
Application No. 11/118,294
Filed: April 29, 2005
Attorney Docket No. 127264.00002

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 3, 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 reason set forth in the request "firm closed at address listed in POA" does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

CC: MICHAEL G. CAMERON
2025 SAVANNAH DRIVE
MCKINNEY, TX 75070

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/20/10

Paper No.: _____

TO SPE OF : ART UNIT 2173

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/118301 Patent No.: 7640511B1

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: _____

/Kieu Vu/ SPE, AU 2173

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OFFICE OF PETITIONS

INGRASSIA FISHER & LORENZ, P.C.
7150 E. CAMELBACK, STE. 325
SCOTTSDALE AZ 85251

In re Application of
David Nghiem et al.
Application No. 11/118,306
Filed: April 29, 2005
Attorney Docket No. **009.2040C1(P21507.01)**

DECISION ON PETITION
UNDER § 1.183

This is a decision on the petition, filed January 22, 2008, under 37 CFR 1.47(a), which is being treated under 37 CFR § 1.183 for acceptance of a supplemental declaration without the inclusion of the signatures of all inventors as required by §§ 37 CFR 1.67 and 1.63.[1]

The petition is **GRANTED**.

All of the joint inventors, signed the original declaration for patent filed in this application, pursuant to § 1.63(d), However, the oath or declaration filed April 29, 2005 did not include the "duty of disclosure" language and per the Notice of Allowability mailed November 26, 2007, a substitute declaration was required. In response thereof, the supplemental oath/declaration is signed by all joint inventors except joint inventor David Nghiem.

Petitioners assert that copies of the application materials including the supplemental declaration were forwarded to and delivered to Mr. Nghiem's last known email address as evidenced by Mr. Nghiem's response to the email and express refusal to execute the supplemental oath or declaration and his failure to return an executed copy of same.

The supplemental declaration has been reviewed and found in compliance with §§ 1.67 and 1.63. In view of the foregoing, it is concluded that waiver of the requirement that the supplemental declaration be signed by joint inventor Nghiem is appropriate.

Petitioners are advised however that the fee for a petition under 37 CFR 1.183 is set at $400.00 not $200.00 as is submitted with the petition. Therein, petitioner's deposit account no. 50-2091 has been charged in the amount of $400.00.

---

[1]Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration or to provide all information is a waiver of 37 CFR 1.67 and 1.63. See MPEP 603.

This matter is being referred to the Publishing Division to await payment of the issue fee.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 04/21/2010

Applicant	: Steven P. Dodge	: DECISION ON REQUEST FOR
Patent Number	: 7623121	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,376	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **804** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FOLEY AND LARDNER LLP
3000 K STREET NW
SUITE 500
WASHINGTON, DC 20007

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OFFICE OF PETITIONS

In re Application of	:	
Andrew D. Murdin, et al.	:	
Application No. 11/118,381	:	DECISION ON PETITION
Filed: May 2, 2005	:	TO WITHDRAW
Attorney Docket No. 77813-12D /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 & 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: SMART & BIGGAR
P.O. BOX 2999, STATION D
900-55 METCALFE STREET
OTTAWA ON K1P5Y-6 CA CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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SMART & BIGGAR
P.O. BOX 2999, STATION D
900-55 METCALFE STREET
OTTAWA, ON K1P 5Y6
CANADA

Mail Date: 04/20/2010

Applicant	: Andrew D. Murdin	: DECISION ON REQUEST FOR
Patent Number	: 7595058	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,381	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: 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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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

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OFFICE OF PETITIONS

In re Application of
Hiroharu Tanaka
Application No. 11/118,392
Filed: May 2, 2005
Attorney Docket No 044239-0090

: DECISION GRANTING PETITION

This is a decision on the petition filed July 25, 2005, in response to the "Notice to File Corrected Application Papers" mailed May 23, 20065, which is treated under 37 CFR 1.182.

The instant application was filed May 2, 2005 and a filing date was accorded. However, the Notice indicated that Figure 22 described in the specification appeared to have been omitted.

Petitioner asserts that Figure 22 was among the papers filed on May 2, 2005, and submits, *inter alia*, a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, inter alia, that the application included 19 sheets of drawings and bears a United States Patent and Trademark Office date-stamp of May 2, 2005. However, only eighteen (18) sheets of drawing figures is of record and while the postcard did not specifically itemize the number of Figures, it is obvious that Figure 22 was on sheet 19 of 19. Additionally, the postcard receipt lacks any notation of non-receipt of any item listed. In view thereof, the petition is **GRANTED.**

Given the basis for granting the petition, no petition fee is due and none has been charged

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on May 2, 2005 and Figure 22 submitted on petition July 25, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Mitsuru Takahashi	:	
Application No. 11/118,409	:	DECISION GRANTING PETITION
Filed: May 2, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 271662US2	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 7, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 9, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2852 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE, MD 20705-5131

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OFFICE OF PETITIONS

In re Application of
Thomas E. Cleveland, et al.
Application No. 11/118,431
Filed: April 29, 2005
Attorney Docket No. 0168.01

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10(c) filed June 2, 2005, requesting that the above-identified application be accorded a filing date of April 29, 2005, instead of the presently accorded date of May 2, 2005.

Petitioner alleges that the application was deposited in "Express Mail" service with the United States Postal Service (USPS), on April 29, 2005. In support, petitioners provide, *inter alia*, a copy of the Express Mail label, No. ER 997226928 US showing a "date-in" of "4 29 05." The same Express Mail tracking number appears on the transmittal letter found in the file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on April 29, 2005.

The petition is **GRANTED**. No petition fee has been charged to counsel's deposit account, nor is one due.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **April 29, 2005** and for issuance of a corrected filing receipt.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of	:	
Thomas E. Cleveland, et al.	:	
Application No. 11/118,431	:	ON PETITION
Filed: April 29, 2005	:	
Attorney Docket No. 0168.01	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 28, 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 November 19, 2007. A Notice of Abandonment was subsequently mailed on May 29, 2008. In response, on August 28, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 1655 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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EchoStar Technologies, L.L.C.
Legal Department
9601 SOUTH MERIDIAN BOULEVARD
ENGLEWOOD, CO 80112

Mail Date: 04/21/2010

Applicant	: William M. Beals	: DECISION ON REQUEST FOR
Patent Number	: 7626641	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,461	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1251** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

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OFFICE OF PETITIONS

In re Application of	:	
Wei et al.	:	DECISION ON PETITION
Application No. 11/118,469	:	TO WITHDRAW
Filed: April 29, 2005	:	FROM RECORD
Attorney Docket No. 013631.00084	:	

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 29, 2005.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to practitioners associated with Antonelli, Terry, Stout & Kraus, LLP, has been revoked by the assignee of the patent application on July 20, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: SUTHERLAND II
SUTHERLAND, ASBILL & BRENNAN, LLC
999 PEACHTREE STREET
ATLANTA, GA 30309

UNITED STATES PATENT AND TRADEMARK OFFICE

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

Mail Date: 04/26/2010

Applicant	: Kiyotaka Awatsu	: DECISION ON REQUEST FOR
Patent Number	: 7610492	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/118,493	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1040** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

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In re Application of :
Rodgers, et al. :
Application No. 11/118,507 : ON PETITION
Filed: April 28, 2005 :
Attorney Docket No. DDI-5086USDIV2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 6, 2008, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned June 25, 2008 for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 24, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two month extension of time under 37 CFR 1.136(a) was obtained. This decision precedes Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of a Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114; (2) the required petition fee; and (3) a proper statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

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.

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: MAYUMI MAEDA
Johnson & Johnson
1000 Gibraltar Drive
Milpitas, CA 95035

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

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Mail Date: 04/20/2010

Applicant	: James Iain Rodgers	: DECISION ON REQUEST FOR
Patent Number	: 7588670	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,507	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **266** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS, TN 38132

Mail Date: 04/21/2010

Applicant	: Bryan S. Wilcox	: DECISION ON REQUEST FOR
Patent Number	: 7618424	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,513	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **503** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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RYNDAK & SURI
30 NORTH LASALLE STREET
SUITE 2630
CHICAGO IL 60602

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OCT 2 5 2005

OFFICE OF PETITIONS

In re Application of :
Bethuy et al. :
Application No. 11/118,535 :
Filed: April 29, 2005 :
Attorney Docket No. 40300-10711 :

ON PETITION

This is in response to the petition under 37 CFR 1.47(a), filed September 19, 2005. Applicants obtained an extension of time for response within the second month. Therefore, the petition is filed timely.

The petition is **dismissed**.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Applicants lack item (1) as set forth above.

As to item (1), it unclear from the present petition if applicants presented William J. Black, the non-signing inventor, a complete copy of the application papers, including the specification, claims, and drawings. Unless applicants presented the non-signing inventor with a complete copy of the application papers, including the specification, claims and drawings, he could not attest that he "reviewed and understand[s] the application papers," and therefore, could not sign the declaration that he was given. Accordingly, applicants failed to show or provide proof that the non-signing inventor refused to sign the declaration. See MPEP 409.03(d).

Furthermore, it does not appear that applicants submitted a statement of the facts by a person who presented the specification, claims, drawings, and declaration to the non-signing inventor and had firsthand knowledge of the facts concerning the refusal to join in the filing of the application. Rather, the Declaration of Facts of Vangelis Economou suggests that he had knowledge of efforts of other individuals, such as Pepsi Co. employees and his co-counsel, who contacted Mr. Back, and to whom he stated his refusal to sign the documents. Mr. Economou did not set forth an instance when he contacted Mr. Black, presented him with the application papers, and received a refusal from him to join the application.

To show that the inventor refused to join in the application, applicants must show that a complete copy of the application papers, including the specification, claims, drawings, and the declaration, were presented to the non-signing inventor, personally or through his designated representative, and that he did not respond to the request that he sign the declaration. The circumstances of any refusal to join in the filing of the application **must be made by all persons with firsthand knowledge of the event.**

The petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Christina Tartera Donnell, Senior Petitions Attorney**:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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SUITE 2630
CHICAGO IL 60602

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DEC 28 2005

OFFICE OF PETITIONS

In re Application of:	:	
Bethuy et al.	:	DECISION NOTING JOINDER OF
Application No. 11/118,535	:	INVENTOR AND PETITION
Filed: April 29, 2005	:	UNDER 37 CFR 1.47(a) MOOT
Attorney Docket No. 40300-10711	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed on December 20, 2005.

In view of the joinder of the inventors, further consideration under 37 CFR 1.47(a) is not necessary. Accordingly, the petition is dismissed as involving a moot issue. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application does not need to be returned to the Office of Petitions for further consideration under 37 CFR 1.47(a).

This matter is being referred to Technology Center Art Unit 3754.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BANNER & WITCOFF, LTD.
and ATTORNEYS FOR CLIENT NO. 006943
10 SOUTH WACKER DR.
SUITE 3000
CHICAGO IL 60606

9/23/09

In re Application of: BETHUY, TIMOTHY W. et al Serial No.: 11/118,535 Filed: April 29, 2005 Docket: 006943.01488 Title: BEVERAGE DISPENSING SYSTEM WITH A HEAD CAPABLE OF DISPENSING PLURAL DIFFERENT BEVERAGES	DECISION ON PETITION TO WITHDRAW OF HOLDING OF FINALITY

This is a decision on the petition filed on September 9, 2009 to withdraw the finality of the Office action of May 11, 2009. This decision is being considered pursuant to 37 CFR 1.181. No fee is required under this section.

The petition is **DISMISSED AS UNTIMELY**.

The relevant record shows that:

1. On February 12, 2008, the examiner issued a non-final Office action rejecting all elected claims 1-7, 18-25 and 34-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Neumann (3,853,244) and Mesenbring et al. (5,566,863).

2. In response to the non-final Office action, on June 11, 2008 the applicant filed an amendment to at least claims 1 and 18 by adding a limitation regarding a "selectively detachable dispensing head". In addition, the applicant argues that Neumann and Mesenbring patents do not show such added feature, namely, "a selectively releasable dispensing head". Therefore, the claims are no anticipated by the prior art references.

3. In response to the applicant's amendment, on May 11, 2009, the examiner issued a final Office action, again rejecting claims 1-7, 18-25 and 34-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Neumann (3,853,244) and Mesenbring et al. (5,566,863). In the final rejection,

the examiner responded to the applicant's added feature regarding "a selectively releasable dispensing head" by directing to the applicant's attention to the specifics of the Neumann and Mesenbring patents. In particular, the examiner stated that Neumann patent does disclose "a dispensing head 86 and 84 a dispensing head 86 and 84 which is threadably attached to the base 10, 12 as shown in figures 2-4 and is thereby selectively releasable from the base as claimed by unthreading the connections". The examiner also indicated that the Mesenbring patent discloses "removable dispensing heads 11 which are modules that are slidalble into and out of the cabinets 80 and are thereby selectively releasable as claimed, a plurality of at least three fluid streams with individually activated valves at 43". In addition, the examiner mistakenly entered a form paragraph rejection under the second Paragraph of the 35 USC 112. The examiner did not mention any claims nor did he provide any substance of the rejection. This appears to be a typographical error. The applicant does not have to answer this blank rejection.

4. On August 7, 2009, the applicant filed a Rule 116 amendment with no amendment to the claims except additional arguments regarding examiner's failure to establish a prima facie rejection. The applicant argued that the examiner failed to clearly articulate the rejection. The applicant also argued that the final rejection failed to address the specific features recited in the claims. The examiner has not addressed each and every claim in the application, e.g. claims 19-25 and 34-40. In essence, the applicant disagreed with the examiner's rejection of the claims in which is an appealable matter.

5. In response to the applicant's Rule 116 amendment, the examiner issued an advisory action on August 14, 2009 informing the applicant that the Rule 116 amendment will be entered for appeal purpose.

6. On September 9, 2009, the present petition to withdraw finality of the last Office action of May 11, 2009 was filed.

Applicable Rules or Statutes

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.

Review of the record shows that the instant petition was filed more than three after the mailing date of the final Office action of May 11, 2009. Pursuant to 37 CFR 1.181(f), the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the relief requested will not be granted. Petitioner is entitled to request reconsideration of this decision provided that the request for reconsideration is filed within two months of the date of this decision.

The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3754 awaiting the applicant's filing of Notice of Appeals. Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY

Robert Olszewski, Director
Technology Center 3700

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BANNER & WITCOFF , LTD
ATTORNEYS FOR CLIENT NUMBER 007412
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 04/27/2010

Applicant	: Labeeb K. Ismail	: DECISION ON REQUEST FOR
Patent Number	: 7610586	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/118,537	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **341** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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
450112-05509

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No.: 7,412,269

Issue Date: August 12, 2008

Inventors: Kap Soung LEE et al.

745 Fifth Avenue
New York, NY 10151

CERTIFICATE OF ELECTRONIC FILING

Date of Transmission: August 28, 2008

I hereby certify that this correspondence is being transmitted via Electronic Filing Services on the date indicated above.

Maria Lapitan
(Typed or printed name of person signing transmittal)

(Signature of person signing transmittal)

OK TO ENTER: /MD/

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. §1.322

Mail Stop Patent Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On reviewing the above-identified patent, an error of omission has been noted in the printing thereof. The error fails to refer to Applicants' claim to foreign priority and is attributed to the Office (37 C.F.R. §1.322), as evidenced by the enclosed copy of the updated filing receipt. Please correct the error as follows:

Please correct this section of the patent to read as follows:

--(30) **Foreign Application Priority Data:**

April 30, 2004 (Malaysia) 20041643.--

00576011

Duplicate copies of PTO Form 1050 are enclosed.

Since the error is attributed solely to the Office, it is believed that no fee is due. However, if a fee is required, the Commissioner is authorized to charge such fee to Deposit Account No. 50-0320.

An early notice that this Request has been granted is earnestly requested.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: William S. Frommer

William S. Frommer
Reg. No. 25,506
Tel. (212) 588-0800

Enclosure

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,412,269

APPLICATION NO. : 11/118,545

ISSUE DATE : August 12, 2008

INVENTORS : Kap Soung LEE 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:

--(30) **Foreign Application Priority Data**

April 30, 2004 (Malaysia) 20041643.--

MAILING ADDRESS OF SENDER (Please do not use customer number below):
William S. Frommer, Esq.
Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, New York 10151

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/25/08

TO SPE OF : ART UNIT 2618

SUBJECT : Request for Certificate of Correction for Appl. No.: 11118545 Patent No.: 7412269 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ Approved — All changes apply.
- ☐ Approved in Part — Specify below which changes do not apply.
- ☐ Denied — State the reasons for denial below.

Comments: The Certificate of Correction is OK to be entered.

/Matthew Anderson/
SPE Matthew Anderson Art Unit 2618

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

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SEP 2 4 2007

OFFICE OF PETITIONS

In re Patent No. 7,148,681	:	
Issue Date: December 12, 2006	:	
Application No. 11/118,547	:	NOTICE
Filed: April 29, 2005	:	
Attorney Docket No. 63428-091	:	

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, all future fees in this file must be paid at the large entity rate, absent further notification from a proper party of a change in status. ***See 37 CFR 1.27(c)(2).***

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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ADELI & TOLLEN, LLP
11940 San Vicente Blvd., Suite 100
LOS ANGELES, CA 90049

Mail Date: 04/21/2010

Applicant	: Hyeonkuk Jeong	: DECISION ON REQUEST FOR
Patent Number	: 7653250	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,554	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **691** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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ADELI & TOLLEN, LLP
11940 San Vicente Blvd., Suite 100
LOS ANGELES, CA 90049

Mail Date: 05/18/2010

Applicant	: Hyeonkuk Jeong	: NOTICE CONCERNING IMPROPER
Patent Number	: 7653250	: CALCULATION OF PATENT TERM
Issue Date	: 01/26/2010	: ADJUSTMENT BASED UPON USPTO
Application No	: 11/118,554	: IMPROPERLY MEASURING REDUCTION
Filed	: 04/28/2005	: 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 **739** 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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SAP/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 07/26/2010

Applicant	: Friederike Benjes	: DECISION ON REQUEST FOR
Patent Number	: 7669181	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/118,560	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1130** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MYERS BIGEL SIBLEY & SAJOVEC, P.A.
P.O. BOX 37428
RALEIGH, NC 27627

Mail Date: 04/21/2010

Applicant	: Adam William Saxler	: DECISION ON REQUEST FOR
Patent Number	: 7615774	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,575	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **708** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

KENNEDY COVINGTON LOBDELL & HICKMAN, LLP
214 N. TRYON STREET
HEARST TOWER, 47TH FLOOR
CHARLOTTE, NC 28202

In re Application of :
Jay Scott Greenbaum :
Application No. 11/118,580 : ON PETITION
Filed: April 29, 2005 :
Attorney Docket No. 20077.00007 :

This is a decision on the petition under 37 CFR 1.313, filed November 2, 2007, requesting withdrawal of the above-identified application from issue to permit consideration of petition under 37 CFR 1.137(b) to revive the 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 under 37 CFR 1.137(b) is **GRANTED**. Accordingly, the petition under 37 CFR 1.313 is **DISMISSED AS MOOT**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on May 1, 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 petition is found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of February 14, 2008 accompanies this decision on petition.

A Notice of Allowability and a Notice of Allowance and Fee(s) Due were mailed in this case on August 24, 2007. 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. In view of the rescinding of the nonpublication request, the $300 publication fee is due. Accordingly, a Notice of Publication Fee Due has been included with this decision. **Petitioner should note that payment of the publication fee must be filed within the period set forth in the Notice mailed August 24, 2007 to avoid abandonment of the application.**

This application is being forwarded to Publishing Division to await a reply to the Notice of Allowance and Fees(s) Due and the above-mentioned Notice of Publication Fee Due.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENTS:

(1) Notice Regarding Rescission of Nonpublication Request
(2) Notice Of Publication Fee Due

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/118,580	04/29/2005	Jay Scott Greenbaum	20077.00007.

CONFIRMATION NO. 8912

21878
KENNEDY COVINGTON LOBDELL & HICKMAN, LLP
214 N. TRYON STREET
HEARST TOWER, 47TH FLOOR
CHARLOTTE, NC 28202

NONPUBLICATION RESCISSION LETTER

OC000000026686636

Date Mailed: 11/09/2007

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 02/14/2008.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/118580	April 29, 2005	Jay Scott Greenbaum	20077.00007

DATE MAILED: November 9, 2007

KENNEDY COVINGTON LOBDELL & HICKMAN, LLP
214 N. TRYON STREET
HEARST TOWER, 47TH FLOOR
CHARLOTTE, NC 28202

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 (571) 273-2885.

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 (571) 272-4200 or by e-mail to pgpub@uspto.gov.

A copy of this notice should be returned with any reply.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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BACHMAN & LAPOINTE, P.C. (P&W)
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510-2802

Mail Date: 04/21/2010

Applicant	: Andreas Sadil	: DECISION ON REQUEST FOR
Patent Number	: 7581382	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,584	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1041** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BACHMAN & LAPOINTE, P.C. (P&W)
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510-2802

Mail Date: 05/18/2010

Applicant : Andreas Sadil
Patent Number : 7581382
Issue Date : 09/01/2009
Application No : 11/118,584
Filed : 04/28/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **1130** 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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SIEMENS CORPORATION
INTELLECTUAL PROPERTY
DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

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DEC 04 2008

In re Application of

James T. McNally

Application No. 11/118,598

Filed: April 28, 2005

Attorney Docket No. 2005P01393 US01

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed June 12, 2008.

The petition is **dismissed**.

This application was held abandoned May 9, 2008, after no reply was received to the Notice to of Allowance and Issue Fee Due mailed February 8, 2008. The notice set forth a statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on May 9, 2008. A Notice of Abandonment was mailed June 2, 2008. The instant petition was filed on June 12, 2008. Petitioner maintains that the notice of February 8, 2008, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has not made the evidentiary showing specified above. Petitioner has not provide a copy of the master docket for the firm for the three month period for reply set forth in Notice of Allowance and Issue Fee Due. If a master docket does not exists, petitioner is required to state this in the renewed petition and provide any other corroborative evidence that petitioner may have to substantiate the claim that the Notice of Allowance and Issue Fee Due was not received.

Alternatively, petitioner may revive the application 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, the required petition fee ($1,620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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APR 26 2010

OFFICE OF PETITIONS

In re Application of

James T. McNally

Application No. 11/118,598

Filed: April 28, 2005

Attorney Docket No. 2005P01393 US01

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed January 8, 2009.

The petition is **dismissed**.

This application was held abandoned May 9, 2008, after no reply was received to the Notice to of Allowance and Issue Fee Due mailed February 8, 2008. The notice set forth a statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on May 9, 2008. A Notice of Abandonment was mailed June 2, 2008. The instant petition was filed on June 12, 2008. Petitioner maintains that the notice of February 8, 2008, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> **Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.**

> **A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. <u>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*</u> and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**

Petitioner has again not met the evidentiary showing specified above in that petitioner has not provide a copy of the master docket for the firm for the three month period for reply set forth in Notice of Allowance and Issue Fee Due. Petitioner has only provided a docket record for the subject application. This, in and of itself, does not satisfy the evidentiary standard set forth above. While petitioner has described the docketing system employed by Siemens, petitioner has not expressly indicated that a master docket for Siemens of the kind set forth above does not exists. If, in fact, a master docket does not exist, petitioner is required to so state this in the renewed petition. If petitioner is asserting that the master docket does not exists, petitioner is not required to submit the snapshot of the docket record for the instant application again, nor is petitioner required to submit the statements establishing that the docketing system is sufficiently reliable. Petitioner need only indicate that the docketing system employed by Siemens cannot be generated in such a way so as to label it a "master docket" of <u>all</u> the replies docketed for the firm.

Alternatively, petitioner may revive the application 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, the required petition fee ($1,620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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PATTON BOGGS LLP
2550 M Street, N.W.
Washington DC 20037

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APR 13 2007

OFFICE OF PETITIONS

In re Application of :
Ellison :
Application No. 11/118,601 : ON PETITION
Filed: February 23, 2004 :
Attorney Docket No. 10282.172N1US :
For: APPARATUS AND METHOD FOR
ANCHORING A DENTAL APPLIANCE

This is a decision on the petition, filed February 21, 2007, 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 June 15, 2006 non-final Office action. No response being received and no extensions of time being obtained, this application became abandoned on September 16, 2006. A Notice of Abandonment was mailed on January 22, 2007.

Applicant has submitted an amendment in reply to the June 15, 2006 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the June 15, 2006 non-final Office action, and the petition fee.

The petition is **GRANTED**.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $1,020.00 extension of time submitted with the petition on February 21, 2007 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be refunded to petitioner's credit card.

After the mailing of this decision the application will be forwarded to Technology Center AU 3732 for consideration of the amendment filed on February 21, 2007.

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

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REED SMITH LLP
P.O. BOX 488
PITTSBURGH, PA 15230-0488

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OFFICE OF PETITIONS

In re Application of	:	
STOOF, Ronald M.	:	
Application No. 11/118,607	:	DECISION ON PETITION
Filed: May 02, 2005	:	TO WITHDRAW
Attorney Docket No. **04-251-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 March 29, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to REED SMITH LLP has been revoked by the applicant 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 Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **FLOYD B. CAROTHERS**
CAROTHERS AND CAROTHERS
445 FORT PITT BOULEVARD, SUITE 500
PITTSBURGH PA 15219

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201 E. FIFTH STREET
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OFFICE OF PETITIONS

In re Application of

YATES, Herbert D. Jr.
Application No. 11/118,640
Filed: April 29, 2005
Attorney Docket No. **0103078-0515987**

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 25, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Kevin Sprecher on behalf of all attorneys of record who are associated with customer No. 26874. All attorneys/agents associated with the Customer Number 26874 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **HERBERT D. YATES, JR.**
4795 STONE LAKE DRIVE
MAINEVILL OH 45039

cc: **MR. JEFF GULLEY**
7701 SERVICE CENTER DRIVE
WEST CHESTER OH 45069-2440

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Medtronic
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
Memphis, TN 38132

Mail Date: 04/21/2010

Applicant	: Alan Rezach	: DECISION ON REQUEST FOR
Patent Number	: 7578822	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,641	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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Global Patent Department
Post Office Box 1027
St. Louis, MO 63006

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OFFICE OF PETITIONS

In re Application of	:	
Hiroki Koike et al.	:	
Application No. 11/118,646	:	DECISION ON PETITION
Filed: April 29, 2005	:	
Attorney Docket No. PC32242A	:	

This is a decision on the petitions under the unintentional provisions of 37 CFR 1.137(b), filed December 21, 2007 and supplemented on August 2, 2008, to revive the above-identified application.

The petition to revive filed on December 21, 2007 was not proper in that it was not signed. The petition filed on August 2, 2008 was signed.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed May 31, 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 July 1, 2007. A Notice of Abandonment was mailed on December 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 election, (2) the petition fee of $1,540, and (3) a proper statement of unintentional delay.

The petition fee of $1540 was charged for both petitions that were filed. The fee charged on August 2, 2008 is not necessary and will be refunded to petitioner's deposit account.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $2230 extension of time fee submitted with the petition on December 21, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1625 for appropriate action by the Examiner in the normal course of business on the reply received December 21, 2007.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: Philip B. Polster, II
575 Maryville Centre Drive Mail Code 5S
Saint Louis, MO 63141

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KRIEG DEVAULT LLP
ONE INDIANA SQUARE, SUITE 2800
INDIANAPOLIS IN 46204-2709

12/12/08

In re Application of: TAYLOR, HAROLD Serial No. 11/118,648 Filed: Apr. 29, 2005 Docket: MSDI-42/P21760.00 Title: DEVICE FOR INTERCONNECTING COMPONENTS IN SPINAL INSTRUMENTATION	DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the petition filed Dec. 9, 2008 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed Nov. 26, 2008.

The petition is granted.

It is noted that the record does show that in the amendment filed on Jul. 21, 2008, the applicant did not amend at least the claim 6. There was no change in scope of at least claim 6. Therefore, the rejections of at least claim 6 under 35 U.S.C. 102(b) as being anticipated by Haider (U.S. Patent 5,782,833) were not necessitated by the amendment filed on Jul. 21, 2008. As such, the finality of the Office actions issued on Nov. 26, 2008 is premature and thus the finality of the action is hereby withdrawn.

As such, the finality of the Office action issued on Nov. 26, 2008 is premature and thus the finality of the action is hereby withdrawn. The Office action mailed on Nov. 26, 2008 will be designated as non-final Office action. The period to respond to the Office action of Nov. 26, 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 3727 for consideration of the amendment filed on Nov. 10, 2008. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Donald T. Hajec, Director
Technology Center 3700

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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS, TN 38132

Mail Date: 04/21/2010

Applicant	: Harold Taylor	: DECISION ON REQUEST FOR
Patent Number	: 7585314	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,648	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **252** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

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FEB 20 2007

OFFICE OF PETITIONS

In re Application of :
Schumacher et al. :
Application No. 11/118,654 :
Filed: April 29, 2005 :
Title: Interface Module with On-Board Power-Consumption Monitoring :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a) to revive the application filed on January 1, 2007. This petition is properly treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181

The petition to withdraw the holding of abandonment is **GRANTED**.

The petition to revive under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

This application was held abandoned July 14, 2006 for failure to timely reply to the non-final Office Action mailed on April 13, 2006. The non-final Office Action set a three (3) month extendable time period for reply. A Notice of Abandonment was mailed November 21, 2006.

Petitioner asserts that a reply to the non-final Office Action was timely submitted on June 15, 2006. As evidence, petitioner has submitted a copy of the reply which contains a certificate of mailing dated June 15, 2006 pursuant to 37 CFR 1.8. Petitioner has also provided a copy of the amendment.

The response submitted June 15, 2006 has not been located in the Office, however, in view of the evidence submitted, the response is deemed timely.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

The application file is being forwarded to the Technology Center 2100 for further processing of the amendment.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 05/03/2010

Applicant	: Richard P. Jernigan IV	: DECISION ON REQUEST FOR
Patent Number	: 7617370	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/118,681	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

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OFFICE OF PETITIONS

In re Application of	:	
Darrell L. Ward	:	
Application No. 11/118,682	:	DECISION ON PETITION
Filed: April 29, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 069958.0103	:	37 CFR 1.102(d)

This is a decision on the petition under 37 CFR §1.102(d), filed January 10, 2006, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (c) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquires concerning either the examination or statusof the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3715 for action on the merits commensurate with this decision.

Amelia Au
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	: Ram Dular Singh	: DECISION ON REQUEST FOR
Patent Number	: 7657703	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,697	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1166** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 05/18/2010

Applicant : Ram Dular Singh
Patent Number : 7657703
Issue Date : 02/02/2010
Application No : 11/118,697
Filed : 04/28/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **1221** 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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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 05/19/2010

Applicant	: Friederike Benjes	: DECISION ON REQUEST FOR
Patent Number	: 7634771	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/118,700	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1118** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Friederike Benjes	: DECISION ON REQUEST FOR
Patent Number	: 7587705	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,739	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1032** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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
2101 L STREET, N.W.
SUITE 1000
WASHINGTON DC 20037

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OCT 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Christopher S. Conner	:	
Application No. 11/118,767	:	DECISION ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No. 27717.010300UT	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 2, 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 February 6, 2007. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on May 7, 2007. A Notice of Abandonment was mailed August 24, 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 $410.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $525.00, three- month extension of time fee submitted with the petition on September 2, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

Petitioner believes the abandonment was result of USPTO error and requests a waiver of the petition fee. The relief requested in this petition cannot be granted because 35 U.S.C. 41(a)(7) provides that a petition for the revival of an unintentionally abandoned application must be accompanied by a petition fee of $770.00, unless the petition is filed under 35 U.S. C 133 or 151 on the basis of unavoidable delay. Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived. Petitioner states that the post card reminder mailed February 15, 2007 by the USPTO was never received. However, the reminder is a courtesy. Failure to receive the reminder does not warrant the withdrawal of the holding of abandonment. Petitioner has not provided any evidence to support error on the part of the USPTO.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to Technology Center AU 3735 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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CST

9-8-06

In re application of Krister Hannson et al Serial No. 11/118,780 Filed: May 2, 2005 For: PROCESS FOR THE MANUFACTURING OF SURFACE ELEMENTS WITH A STRUCTURED TOP SURFACE	:	DECISION ON PETITION

This is a decision on the PETITION REQUESTING COMMISSIONER TO EXERCISE SUPERVISORY AUTHORITY, filed June 5, 2006. Petitioner requests that the Director of Technology Center 1700 reassign the above-identified application to a different examiner due to the numerous procedural, legal and factual errors in the Office Action of February 10, 2006.

The file history of Application No. 11/118,780 has been reviewed. While the petitioner requests that the present application be reassigned in view of the numerous procedural, legal and factual errors of the Office action of February 10, 2006, it is noted that the issues raises by the petitioner do not demonstrate any unfair bias or prejudice towards the applicants. See *In re Ovshinsky*, 24 USPQ2d 1241.

Petitioner is reminded that the remedy for improper rejections is appeal to the Board of Patent Appeals and Interferences (37 CFR 41.31) and the appeal for other improper examiner actions is petition (37 CFR 1.181(a)). These are adequate remedies to address petitioner's concerns of Examiner Dicus's actions during the examination of the present application.

The petition is **DENIED**.

The response to the office action submitted June 5, 2006 will be forwarded to the examiner for prompt consideration.

JMStone

Jacqueline M. Stone
Director, Technology Center 1700
High Polymer Chemistry, Plastics,
Stock Materials and Compositions

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BRISTOL-MYERS SQUIBB COMPANY - MEAD JOHNSON
2400 WEST LLOYD EXPRESSWAY
PATENT DEPARTMENT
EVANSVILLE IN 47721

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JUN 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert J. McMahon, et al.	:	
Application No. 11/118,790	:	DECISION ON PETITION
Filed: April 29, 2005	:	
Attorney Docket No. 19400/09302 (MJ-E.014)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply to the Notice of Non-Compliant Amendment, mailed July 1, 2008, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 2, 2008. The Notice of Abandonment was mailed February 25, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

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 revocation of attorney filed March 26, 2009 was not accepted because the statement under 37 CFR 3.73(b) is incorrect. The company Mead Johnson Nutrition Company only have 50% ownership, not 100%.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571)272-2991.

This application is being referred to Technology Center AU 1656 for appropriate action by the Examiner in the normal course of business on the reply received

Chris Bottorff
Petitions Examiner
Office of Petitions

cc: **WADDEY & PATTERSON, P.C.**
1600 DIVISION STREET, SUITE 500
NASHVILLE, TN 37203

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert J. McMahon et al.
Serial No:	11/118,790
Filed:	April 29, 2005
For:	Method Of Improving Learning And Memory In Mammals
Examiner:	Jae W. Lee
Group No.	1656
Attorney's Docket No.	MJE00014NP
Customer No.	23456

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VIA ELECTRONIC TRANSMISSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Commissioner is authorized to charge Deposit Account No. 23-0035 for the fee of $1620 under 37 C.F.R. §1.17(m) due as Petition Fee for the Petition for Revival Of An Application For Patent Abandoned Unintentionally Under 37 C.F.R. §1.137(b), filed herewith.

The Commissioner is also authorized to charge any additional fee due, or credit any overpayment to Deposit Account No. 23-0035.

06/01/2009 CKHLUK 00000003 230035 11118790
01 FC:1453 1620.00 DA

Respectfully submitted,

James R. Cartiglia
Registration No. 30,738
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456
ATTORNEY FOR APPLICANT

James R. Cartiglia
Waddey & Patterson
Roundabout Plaza
1600 Division Street, Suite 500
Nashville, TN 37203
(615) 242-2400

PAGE 5/15 * RCVD AT 3/20/2009 3:16:56 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/9 * DNIS:2738300 * CSID:6152422221 * DURATION (mm-ss):01-54

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JUN - 2 2005

GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
53 STATE PLACE
BOSTON MA 02109-2881

In re Application of:	:
Zhou et al.	:
Serial No.: 11/118,808	: PETITION TO MAKE SPECIAL
Filed: April 29, 2005	:
Attorney Docket No.: RIB-021C1	:

This is in response to applicants' petition filed April 29, 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

Marianne C. Seidel
Special Program Examiner
Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/6/07

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction on Patent No.: 7148219

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Valerie Jackson

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 114

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [X] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments:

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

SPE

1624
Art Unit

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United States Patent and Trademark Office
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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS, TN 38132

Mail Date: 04/21/2010

Applicant	: Eric Steven Heinz	: DECISION ON REQUEST FOR
Patent Number	: 7578823	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,817	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **318** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

MYERS WOLIN, LLC
100 HEADQUARTERS PLAZA
North Tower, 6th Floor
MORRISTOWN NJ 07960-6834

In re Application of Klaus Woltmann et al. Application No. 11/118,820 Filed: April 29, 2005 Attorney Docket Number: JWIL 1 Title: PET TOY WITH VENT OPENING	:	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 2, 2008, on 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 within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed November 30, 2007, which set a shortened statutory period for reply of three months. An after-final amendment was received on January 30, 2008, and an advisory action was mailed on February 14, 2008. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on March 1, 2008. A notice of abandonment was mailed on August 22, 2008.

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, both a notice of appeal and the associated fee, and 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.[1]

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 notice of appeal that was received on September 2, 2008 can be processed.

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.**

The Notice of Appeal filed on September 2, 2008, has been entered and made of record. Accordingly, **the two-month period for filing the Appeal Brief, accompanied by the fee required by law, runs from the mailing date of this decision.**

---

1 See Rule 1.137(d).

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Hugh Edward Montgomery

Application No. 11118824

Filed: April 29,2005

Attorney Docket No. GJE-43D2

: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 20-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 inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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APR 21 2009

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PHARMACEUTICAL PATENT ATTORNEYS, LLC
55 MADISON AVENUE
4TH FLOOR
MORRISTOWN NJ 07960-7397

In re Application of :
Montgomery et al.
Serial No.: 11/118,824
Filed: April 29, 2005
Attorney Docket No.: **Ark**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed April 15, 2009, to expunge information from the above identified application.

Petitioner requests that the Amendment filed on April 1, 2009 be expunged from the record because the amendment contains certain factual representation which may be misinterpreted by the examiner, and which may thus mislead the examiner. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for this document have been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/118,824	04/29/2005	Hugh Edward Montgomery	Ark	1422

22925 7590 01/25/2010
PHARMACEUTICAL PATENT ATTORNEYS, LLC
55 MADISON AVENUE
4TH FLOOR
MORRISTOWN, NJ 07960-7397

EXAMINER
HUI, SAN MING R

ART UNIT	PAPER NUMBER
1628	

NOTIFICATION DATE	DELIVERY MODE
01/25/2010	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):

docket@LicensingLaw.net
administration@LicensingLaw.net

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JAN 2 5 2010

Mark Pohl
PHARMACEUTICAL PATENT ATTORNEYS, LLC
55 MADISON AVENUE
4TH FLOOR
MORRISTOWN NJ 07960-7397

In re Application of	:
Montgomery et al.	:
Serial No.: 11/118,824	:DECISION ON PETITION
Filed: 29 April 2005	:
Attorney Docket No.: Ark	:

This letter is in response to the Petition filed under 37 C.F.R. 1.181 filed on 23 December 2009 requesting supervisory review of the examiner's refusal to examine the claims presented and withdrawal of the restriction requirement mailed on October 3, 2007.

BACKGROUND

This application was filed under 35 U.S.C. 111(a) and as such is subject to US restriction practice.

On 8 April 2008, the examiner mailed an Office action on the merits, in which the single pending claim was rejected under 35 USC 112, first paragraph for lack of enablement and under 35 USC 102(b) as being anticipated by Kubler. The Office action addressed the merits of Claim 1, as it was amended on 7 January 2008, which is set forth below.

> 1 (currently amended). A method for the treatment or prevention of stroke or its recurrence, wherein said method comprises administering, to a patient in need of such treatment or prevention, an inhibitor of the ~~rennin-angiotensin~~ renin-angiotensin system, wherein the inhibitor is ramipril.

On 8 July 2008, applicants responded to the Office action by providing remarks and the following amendment to claim 1.

1 (currently amended). A method for the treatment or prevention of stroke or its recurrence, wherein said method comprises administering, to a patient in need of such treatment or prevention, an inhibitor of the ~~rennin-angiotensin~~ renin-angiotensin system, wherein the inhibitor is ramipril.

On 20 August 2008, applicant's petition to make special under 37 CFR 1.102(c)(1) was granted.

On 15 April 2009, applicants filed a petition to expunge under 37 CFR 1.59(b), along with amendments that added new claims 15 and 16 and amended claim 1, as follows.[1]

1. (Currently amended) A method for the treatment or prevention of stroke or its recurrence, wherein said method comprises administering, to a patient in need of such treatment or prevention, an inhibitor of the rennin-angiotensin system.

15. (Newly presented) The method of claim 1, wherein said administering comprises parenteral administration.

16. (Newly presented) The method of claim 15, wherein said parenteral administration comprises injection.

On 21 April 2009, the petition to expunge was granted.

On 4 May 2009, the examiner and applicant conducted a telephonic interview, which was documented in an interview summary mailed 18 May 2009.

On 19 May 2009, applicants filed a response containing new claims 17-24 and the following amendment to claim 1.

1. (Currently amended) A method for the treatment or prevention of stroke or its recurrence, wherein said method comprises administering, to a patient diagnosed as in need of such treatment or prevention, an inhibitor of the rennin-angiotensin system, said inhibitor having a ClogP of greater than about 1.

[1] Because this amendment did not present and strike through the phrase "wherein the inhibitor is ramipril", the amendment was non-compliant with 37 CFR 1.121 for not tracking the claims as currently pending.

This amendment was marked as untimely in PALM and appears to have crossed in the mail with the next action. No clear record was set forth by the Office as to whether this amendment to claim 1 has been entered or not. Moreover, if the amendment had been entered, the amendment the Office should have then renumbered the 4 different versions of claim 23 under 37 CFR 1.126.

On 21 May 2009, the examiner used form paragraph 8.02 to require an election of a single species of rennin-angiotensin system inhibitors. Claims 1, 15 and 16 were identified as generic. The restriction requirement was silent as to which claim set was under consideration. Given the Office's standard amendment entry and action mailing processing times, it is unlikely that a paper filed 19 May 2009 would have been available for an examiner's consideration prior to mailing of action on 21 May 2009.

On 10 July 2009, the examiner and applicant held a telephonic interview. In the summary mailed 16 July 2009, the examiner wrote that applicant should respond to the outstanding election in writing, in turn, the examiner will consider issue another restriction requirement.

On 10 July 2009, applicant filed a response to the restriction requirement, along with an amendment to the claims. Applicant elected the compound of claim 18, ramipril, with traverse. The amendment set forth a clean copy of claim 1 as it had been amended on 19 May 2009.

> 1. (Previously amended) A method for the treatment or prevention of stroke or its recurrence, wherein said method comprises administering, to a patient diagnosed as in need of such treatment or prevention, an inhibitor of the rennin-angiotensin system, said inhibitor having a ClogP of greater than about 1.

On 12 November 2009, the applicant and examiner conducted a telephonic interview, which was summarized in the Office action mailed 23 November 2009.

On 23 November 2009, the examiner considered the traversal and made the restriction requirement final. The examiner appeared to justify the restriction in part because "applicant has amended the claims from one claim to 16 claims, as a restriction requirement was sent out as a courtesy. This is problematic on two parts. First, claims 2-14 were cancelled not pending, so at most applicant amended their claims from 1 pending claim to 3 pending claims. Second, the number of pending claims is not a factor as to whether a restriction can or cannot be required. The examiner noted the presence of four different versions of clam 23, however these were not then correctly renumbered under rule 1.126. Claims 19-21 were withdrawn as being directed to a non-elected species. Newly submitted claims 22-24 were then withdrawn as being directed to an invention which was independent or distinct from the invention originally claimed. Claim 22 is set forth below:

22. (Previously presented) The method as claimed in claim 6, wherein the inhibitor of the rennin-angiotensin system comprises at least one AT_1 angiotensin receptor antagonist.

It is noted that claim 22 depended upon cancelled claim 6, which is turned depended upon examined claim 1.

6. (Canceled) The method as claimed in claim 1, wherein the inhibitor of the renninangiotensin system is an angiotensin receptor antagonist.

The rejection under 35 USC 102(b) was withdrawn. Claims 1 and 15-18 were examined "to the extent that they read upon the elected specie and the invention." Claims 1 and 15-18 were rejected under 35 USC 112, first paragraph for lack of enablement. Claims 1 and 15-18 were rejected under 35 USC 102(b) as being anticipated by Danckwardt or Ball. The Office action was made FINAL.

On 21 December 2009, applicants filed a Rule 1.132 declaration.

On 23 December 2009, applicants filed a Notice of Appeal, an amendment after final and this petition which is under consideration.

On 24 December 2009, applicants filed an Appeal Brief.

On 7 January 2010, Applicants filed an amendment after final.

On 7 January 2010 and 14 January 2010, QAS Julie Burke contacted applicants by phone to invite them to file a new amendment of all pending claims in order to resolve the various discrepancies arising from the several claim amendments.

On 7 January 2010 and then on 14 January 2010, applicant filed an amendment after final which cancelled claim 1 and placed the subject matter of claim 1 in newly added claims. The 14 January 2010 amendment helped remove ambiguity concerning claim format.

DISCUSSION

The petition and file history have been carefully considered.

Before turning to the merits of the petition, several problems have arisen with regard to the claim amendments, as follows:

It is noted that the amendment to claim 1 filed on 15 April 2008 inadvertently tracked claim 1 as pending on 29 April 2005. The Office regrets the error of not having noticed this until recently.

It is noted that the Office further failed to correct the improperly numbered claims 23 under 37 CFR 1.126 and failed to inform applicant as to whether the amendment filed on 19 May 2009 had been entered or not.

The prosecution history is further complicated by the fact that the amendment filed 19 May 2009 appears to have "crossed in the mail" with the restriction requirement mailed 21 May 2009.

Because of these mis-communications, Applicants were invited to submit a clean copy of the claims for consideration. This amendment dated 14 January 2010 has been entered and will be used for discussion purposes below.

Extent of examination required for generic linking claims:

Applicants are correct that the examiner cannot refuse to examine generic claim 1. On the top of page 4 of the Final office action, the examiner stated that "the claims would be examined to the extent that they read upon the elected specie and invention." This statement is not improper. The examiner cannot use restriction or election of species practice, per se, to limit the scope of a generic or linking claim. In this instance, Claims 1, 15, 16 and 17 were all generic claims which encompass the elected species of claim 18. MPEP 809 provides the following guidance, with emphasis added, for the examination of linking claims which the examiner is obligated to follow.

> "Linking claims and the inventions they link together are usually either all directed to products or all directed to processes (i.e., a product claim linking properly divisible product inventions, or a process claim linking properly divisible process inventions). The most common types of linking claims which, if allowable, act to prevent restriction between inventions that can otherwise be shown to be divisible, are
>
> (A) genus claims linking species claims; and
> (B) subcombination claims linking plural combinations.
>
> Where an application includes claims to distinct inventions as well as linking claims, restriction can nevertheless be required. *The linking claims must be examined with, and thus are considered part of, the invention elected. When all claims directed to the elected invention are allowable, should any linking claim be allowable, the restriction requirement between the linked inventions must be withdrawn.* Any claim(s) directed to the nonelected invention(s), previously withdrawn from consideration, which depends from or requires all the limitations of the allowable linking claim must be rejoined and will be fully examined for patentability. *Where the requirement for restriction in an application is predicated upon the nonallowability of generic or other type of linking claims, applicant is entitled to retain in the application claims to the nonelected invention or inventions.* Where such withdrawn claims have been canceled by applicant pursuant to

the restriction requirement, upon the allowance of the linking claim(s), the examiner must notify applicant that any canceled, nonelected claim(s) which depends from or requires all the limitations of the allowable linking claim may be reinstated by submitting the claim(s) in an amendment. Upon entry of the amendment, the amended claim(s) will be fully examined for patentability. See MPEP § 821.04 for additional information regarding rejoinder."

Restriction following an Office action on the merits

The petition raises concerns about a restriction requirement following an Office action on the merits. MPEP 811 provides guidance on the time for making a restriction requirement.

> 37 CFR 1.142(a), second sentence, indicates that a restriction requirement "will normally be made before any action upon the merits; however, it may be made at any time before final action." This means the examiner should make a proper requirement as early as possible in the prosecution, in the first action if possible, otherwise, as soon as the need for a proper requirement develops. Before making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required.

In this instance, it would be inappropriate to make or maintain a restriction requirement between the claim originally examined and the claims as pending. However, as discussed in the next section, a provisional election of species may be appropriate.

Propriety of the Provisional Election of Species Requirement mailed 21 May 2009

Applicants petition the restriction requirement set forth after the first Office action on the merits. The requirement dated 21 May 2009 has been considered carefully. In that action, the examiner has not required applicant to elect an invention from grouped claims. Instead, applicants were only required to provisionally elect a species for examination purposes, as permitted under 37 CFR 1.146. The requirement stated that upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Claim 1 as examined in the first Office action on the merits was limited to a single species inhibitor.

> 1 (currently amended). A method for the treatment or prevention of stroke or its recurrence, wherein said method comprises administering, to a patient in need of such treatment or prevention, an inhibitor of the ~~rennin-angiotensin~~ renin-angiotensin system, wherein the inhibitor is ramipril.

When applicant removed the limitation "wherein the inhibitor is ramipril" from claim 1 on 14 April 2009 applicant presented a claim which was generic to the elected species of ramipril.

1. (Currently amended) A method for the treatment or prevention of stroke or its recurrence, wherein said method comprises administering, to a patient in need of such treatment or prevention, an inhibitor of the rennin-angiotensin system.

A review of the specification shows many species of inhibitors of the renninangiotensin system. For example, see first full paragraph on page 9.

> **Many inhibitors of the renin-angiotensin system are licensed or under investigation for use in humans in the United Kingdom and are compounds whose use is preferred in the practice of the invention. They include the ACE-inhibitors Quinapril, Captopril, Lisinopril, Perindopril, Trandolapril, Enalapril, Moexipril, Fosinopril, Ramipril, Cilazapril, Imidapril, Spirapril, Temocapril, Benazepril, Alacepril, Ceronapril, Cilazapril, Delapril, Enalaprilat and Moveltipril. Suitable angiotensin II-inhibitors include Losartan, Valsartan, Irbesartan, Candesartan, Eprosartan, Tasosartan and Telmisartan.**

MPEP 808.01(a) states that if "applicant presents species claims to more than one patentably distinct species of the invention after an Office action on only generic claims, with no restriction requirement, the Office may require the applicant to elect a single species for examination."

Applicants petition that the species are not independent and distinct and that the species would not be burdensome to examine together. This is not persuasive. A review of the examiner's search records for this file indicates a search of the originally claimed species ramipril. There is no indication in this file that the examiner has searched any of the other non-elected species. In this instance, and in the absent an allowable generic claim, it would be burdensome to examine both the elected and non-elected species. Moreover, the species of inhibitors are patentably distinct one from another in view of their mutually exclusive characteristics. For these reasons, the provisional requirement to elect a single species for examination purposes is appropriate.

Treatment of dependent claims 22-24 in the Final Office Action

Applicants petition the refusal to examine claim 1 and a number of dependent claims in the final Office action. This argument is persuasive. Following the amendment filed 10 July 2009, the examiner withdrew claims 22-24 as being drawn to a non-elected invention which was independent, distinct from examined claims 1, 15 and 16. This was improper because the subject matter of Claim 22 is not independent or distinct from the subject matter of already-examined Claim 1.

Claim 22 is directed to a method of using a subgenus of renninangiotensin system inhibitors which are ATi receptor antagonists. Claim 1 is generically drawn to a method of using any

renninangiotensin system inhibitors. As such, claims 1 and 22 are related as genus and subgenus. A subgenus is not patentably distinct from a genus which encompasses it.

MPEP 821.03, last paragraph cautions that the withdraw of claims as being directed to non-elected inventions "is not applicable where applicant presents claims that could not have been restricted from the claims drawn to other elected invention had they been presented earlier."

In this instance, because claim 22 could not have been restricted away from claim 1, its withdrawal by original presentation as being directed to a non-elected invention was improper.

DECISION

The petition is **GRANTED-IN-PART** for the reasons set forth above.

The amendment filed 19 May 2009 has been entered into the file as a supplemental amendment.

The amendment filed on 14 January 2010 has been entered.

The second version of Claim 46 presented on 14 January 2010 has been renumbered as claim 47 under 37 CFR 1.126. Claims 47-55 have been renumbered under 37 CFR 1.126 as claims 48-56, respectively. It is recommended that renumbered claim 48 be corrected by applicants to depend upon renumbered claim 47.

Upon consultation with the Supervisory Patent Examiner Fetteroff, it has been determined that concurrent with the mailing of this petition, the final Office action will be vacated.

The statement that "the claims would be examined to the extent that they read upon the elected specie and invention" has been withdrawn. The generic, linking claims will be according to the practices set forth in MPEP 809. Species encompassed by an allowable generic or linking claim will be considered for rejoinder in accordance with MPEP 821.04(a).

The restriction requirement made between examined Claims 1, 15 and 16 and newly added Claims 22-24 set forth in the Final rejection mailed 23 November 2009 is hereby withdrawn.

The provisional election of species requirement set forth on 21 May 2009 has been maintained, pending allowability of the generic claim.

Relying now upon the renumbered claims as amended on 14 January 2010,

Claims 42 and 43 are generic to the elected species of ramipril and encompass the species recited in dependent claims 44-46.
Claim 45 is limited to the elected species of ramipril.
Claims 44, 46-55 and 56 do not encompass the elected species of ramipril.
Claim 47 is generic to angiotensin receptor antagonists which are claimed in dependent claims 49-53.

The application will be forwarded to the examiner for consideration of the claims filed 14 January 2010 and for preparation of an Office action consistent with this decision, following the guidance in MPEP 809 with respect to examination practice for generic linking claims and MPEP 821.04(a) with respect to rejoinder practice.

Any request for reconsideration of this decision must be filed within TWO (2) MONTHS of the mail date of this decision.

Should there be any questions about this decision, please contact Quality Assurance Specialist Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0512 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Remy Yucel
Director, Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/118,825	04/29/2005	John M. Hall	200500821-1	1419

7590 04/03/2009
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
DHINGRA, PAWANDEEP

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
04/03/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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Adjustment Date: 04/02/2009  BPOWELL
05/04/2005 EHAILE1  00000041 082025   11118825
02 FC:1111        500.00 CR
04 FC:1202        600.00 CR
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Adjustment date: 04/02/2009  BPOWELL
05/04/2005 EHAILE1  00000041 082025   11118825
02 FC:1111        500.00 CR
04 FC:1202        600.00 CR
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FORM PET651G (Rev. 08/07)

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HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

Mail Date: 04/21/2010

Applicant	: Ian Shankland	: DECISION ON REQUEST FOR
Patent Number	: 7629306	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,833	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **774** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/118,855	04/29/2005	1636	1270	A01508-US		21	4

CONFIRMATION NO. 7460

CORRECTED FILING RECEIPT

OC000000017284733

Camille Jolly-Tornetta
RheoGene, Inc.
2650 Eisenhower Avenue
Norristown, PA 19403

Date Mailed: 10/20/2005

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)

Subba Reddy Palli, Lexington, KY;
Mohan Basavaraju Kumar, Toronto, CANADA;

Power of Attorney:

Camille Jolly-Tornetta--48592

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/567,294 04/30/2004
and claims benefit of 60/609,424 09/13/2004

Foreign Applications

If Required, Foreign Filing License Granted: 06/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/118,855

Projected Publication Date: 12/01/2005

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Mutant receptors and their use in a nuclear receptor-based inducible gene expression system

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

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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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STERNE, KESSLER, GOLDSTEIN & FOX, PLLC
1100 NEW YORK AVENUE, NW
WASHINGTON, DC 20005

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Subba Reddy Palli, et al.	:	
Application No. 11/118,855	:	DECISION GRANTING PETITION
Filed: April 29, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. A9539	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 27, 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 April 28, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2185 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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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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DEC 10 2007

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Patrea Pabst
PABST PATENT GROUP, LLP
400 COLONY SQUARE, SUITE 1200
1201 PEACHTREE ST
ATLANTA, GEORGIA 30361

In re Application of	:
DREFUS, DAVID H.	:
Serial No.: 11/118,875	:Decision on Petition
Filed : April 29, 2005	:
Attorney Docket No.: YU1485	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on April 9, 2007 requesting withdrawal of the restriction requirement. The delay in acting upon this petition is regretted.

BACKGROUND

On October 6, 2006, the examiner mailed a restriction requirement in which the original claims 1-12 were divided into 2 groups. Part of this restriction requirement required election of a specific sequence for examination.

On December 6, 2006, Applicants elected Group I (Claims 1-7) and IL-4 receptor alpha chain with traverse. Claims 1-7 were readable on the elected invention.

On February 8, 2007 the examiner considered the traversal, made the restriction requirement final and mailed to applicants a non-final Office action, in which Group I (Claims 1-7) and IL-4 receptor alpha chain were searched and examined on the merits.

On April 9, 2007, applicants filed this petition to request that the Office withdraw the restriction requirement.

On August 8, 2007, applicants filed a response to the non-final action.

DISCUSSION

The petition and file history have been carefully considered.

A) Patentably Distinct Inventions

MPEP 803 states:

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § 806.06, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(j)); and

(B) There would be a serious burden on the examiner if restriction is not required (see MPEP § 803.02, § 808, and § 808.02).

Examiners must provide reasons and/or examples to support conclusions, but need not cite documents to support the restriction requirement in most cases.

The petition argues that the Examiner failed to show how the claimed external guide sequences of Group I can be used in a materially different process. The Examiner provided that the sequences could be used as probes for Northern blotting, as probes for hybridization assays, in situ hybridization, arrays or PCR.

The petition argues that the size of a probe *generally* used for Northern blotting is about 400-600 nucleotides with at least a *vast majority* (if not all) of the nucleotides being complementary to the RNA to be detected on the blot (page 2 of Petition filed April 9, 2007). The petition then cites Sambrook and Russell and states that the instant EGS compositions are shorter with relatively few complementary sequences and form secondary and tertiary structures

This argument has been reviewed but is not persuasive because the instant specification, page 45, clearly teaches "Stability and quantitative tissue distribution of retained EGS are assessed by sequence analysis of EGS recovered from tissues using PCR with primers specific for the 5' and 3' termini of EGS and <u>Northern blotting using EGS sequences</u>. Evidence of integration of EGS into the host genome will be detected if present using PCR of genomic DNA with one primer specific for EGS and a second for host repetitive sequences and southern blotting of whole chromosomes separated by pulsed field electrophoresis and <u>probed with labeled EGS</u>". The specification teaches analysis of tissues by using EGS for Northern blotting. Thus, the petitions arguments that the EGS could not be used as probes for Northern blotting is in direct conflict with the teachings of page 45. Given the specification teaches that the EGS sequences can be labeled and used as a probe, this argument is unpersuasive.

The petition also states that the claimed EGS compositions can not be used for in situ hybridization, arrays or PCR (see page 4 of the Petition filed April 9, 2007) because the EGS would require denaturing. This argument has been reviewed but is not persuasive. Claim 1 of Group I is drawn to a product, namely a composition comprising an external guide sequence in a pharmaceutically acceptable carrier wherein the external guide sequence binds to a target RNA induced in a host in response to a respiratory pathogen and guides Rnase P to cleave the target RNA, thereby degrading the target RNA." The intended use of the external guide sequence is not a limitation of the instant product. Whether the product is in its native state or in a denatured state is not a limitation of the instant claim. Thus, the external guide sequence may be used in its

denatured state to serve as a probe for in situ hybridization, an array capture probe or as a PCR primer. The external guide sequence, of SEQ ID NO: 100, for example is a probe of 59 base pairs in length. This oligonucleotide may be used for any of the recited purposes under particular conditions.

Therefore, the examiner has met the burden of establishing that the external guide sequence of Group I, Claim 1, for example may be used in a materially different method including Northern blotting, probing, array capture probes, PCR primers which are all distinct from treating an inflammatory disease by administering an effective amount of a nuclease resistant external guide sequence.

The petitions' arguments regarding the examiners analysis of the method of Claim 8-12 can be practiced with a materially different product has not been reached because the products may be used in a materially different method.

B) Consideration of Linking Claims

The MPEP provides that

> "Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104 **Claims that require all the limitations of an allowable linking claim** will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.
>
> Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

MPEP 809 provides direction for linking claims. MPEP 809 specifically states "[l]inking claims and the inventions they link together are usually either all directed to products or all directed to processes (i.e., a product claim linking properly divisible product inventions, or a process claim linking properly divisible process inventions)."

The restriction requirement identifies Claim 1 as a linking Claim for the inventions of Claim 4. It is noted that Claims 2-3, 5-7 and newly added Claims 13-21 also appear to be linking claims.

The examiner states that Claim 1 link the inventions of Claim and indicates that upon indication of allowability of the linking claim(s), the restriction requirement shall be withdrawn. In the

non-final rejection, page 5, the Examiner clearly indicates that the full scope of Claim 1 was examined. In the event that the generic Claims 2-3, 5-7, 13-21 were to become allowable, further examination beyond the elected sequence of IL-4 receptor alpha chain would be performed.

Therefore, at this time, the further search of Claim 4 is unnecessary because Claim 1 is not in condition for allowance.

C) "Unity of Invention" and the Harnisch Test

The petition asserts that the division of single claims into multiple inventions is improper and that the species of Claim 4 comprises a proper Markush Group.

As indicated in MPEP 803.02, the Office must show that the inventions lack unity of invention, which requires the Office to establish that either there is a lack of common utility or a lack of a substantial structural structure essential to that common utility. Without these two requirements for unity of invention, i.e., common utility and substantial structural feature essential to that utility, there is nothing preventing an applicant from lumping into a single method of producing light claim inventions as diverse as a flashlight, a carbon arc spotlight and a laser--all because they have the common utility of producing light. Clearly, a substantial structural feature in combination with a common utility are essential in defining any meaningful unity of invention. In the instant application claim 4, for example, lacks both a substantial structural feature and a common utility.

Applicants argue that there is a substantial chemical structural feature among the external guide sequences which inhibits expression of IL-4 receptor alpha chain, RAG-1, Adenosine-1 Receptor, IL-13, CD40, for example.

A proper Markush group may include members which share a common property which is mainly responsible for their function in the claimed relationship, and it is clear from their very nature or from the prior art that all of them possess this property. It is not clear from the alignment of eternal guide sequence that inhibit expression of a target mRNA for IL-4 receptor alpha chain and an external guide sequence for RAG-1, what property there is, if any, that they share which is mainly responsible for their function in the claimed relationship.

Applicants argue that the EGS sequences share a common utility as they function to inhibit the expression of target mRNAs involved and inflammatory diseases.

The petition further argues that the EGS compositions share many common structural features which are disclosed as being essential to this utility including sequences which are complementary to the target RNA and which form secondary and tertiary structures similar to portions of a tRNA molecule. The petition asserts that the target may be as few as 7-11 nucleotides.

This argument has been fully considered but is not deemed persuasive. The fact that the oligonucleotides function to inhibit the expression of target mRNAs involved and inflammatory diseases is not a common function for each of the oligonucleotides. As discussed above, an

external guide sequence that inhibits expression of a target mRNA for IL-4 receptor alpha chain and an external guide sequence for RAG-1 do not appear to share the same function. The external guide sequence that inhibits expression of a target mRNA for IL-4 receptor alpha chain would not inhibit expression of a target mRNA for RAG-1. Alternatively the external guide sequence that inhibits expression of a target mRNA for RAG-1 does not appear to function to inhibit expression of a target mRNA for IL-4 receptor alpha chain. The functionality (the hybridization to a complementary sequence) and specificity are provided by the sequence order of the four bases forming said backbone (ACTG). This is the property primarily responsible for their function in the claimed process of inhibiting expression of a target mRNA. The external guide sequences that target RAG-1 and target IL-4 receptor alpha chain cannot be substituted one for the other to obtain the same effect.

As pointed out above the external guide sequences share complementary sequences with the target nucleic acid and there is no apparent substantial structural feature, which is clear from their very nature or the prior art that is mainly responsible for their function in the claimed relationship in the sequences around which all of the targets are grouped.

For these reasons, the arguments about a common utility are not persuasive. Consequently, the proper application of In re Weber does not resolve the instant lack of unity--having a property in common mainly responsible for the function in the claimed relationship.

In the event that the generic claims, which do not specifically require any target mRNA sequences to which the external guide sequence binds, currently Claims 1-3, 5-7, 13-21, become allowable, rejoinder of non-elected species would be appropriate.

DECISION

The petition is **DENIED** for the reasons set forth above.

The application will be forwarded to the examiner for further action consistent with this decision and for consideration of the papers filed August 8, 2007.

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.

Christopher Low

Christopher Low
(Acting) Director, Technology Center 1600
jb/jg

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OFFICE OF PETITIONS

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:
Truckai, et al.	: DECISION ON PETITION
Application No. 11/118,881	:
Filed: April 29, 2005	:
Docket No.: 021447-000501US	:

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 7, 2006

The petition is hereby **GRANTED**.

This application became abandoned for failure to timely submit a proper reply to the Notice of Allowance (Notice) mailed May 17, 2006. Notice of Abandonment was mailed October 12, 2006.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4)any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice is accepted as having been unintentionally delayed.

This application will be forwarded to the Office of Patent Publication for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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BELL BOYD & LLOYD LLC
PO BOX 1135
CHICAGO IL 60690-1135

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OFFICE OF PETITIONS

In re Application of	:	
Regan, et al.	:	
Application No. 11/118,891	:	DECISION GRANTING
Filed: April 28, 2005	:	PETITION
Attorney Docket No. 115430-51	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed April 14, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to submit a fully executed oath or declaration in response to the Notice to File Missing Parts, mailed May 25, 2005. This Notice set an extendable period for reply of two (2) months for applicants to submit an oath or declaration, together with the surcharge for its late filing. On December 27, 2005, applicants filed a declaration executed by one of the joint inventors, together with the surcharge for its late filing, made timely by obtaining a five month extension of time and including a timely Certificate of Mailing. However, on January 5, 2006, the Office mailed a Notice of Incomplete Reply, stating that the period for reply would continue to run from the mailing date of the Notice to File Missing Parts. Accordingly, the application became abandoned on December 26, 2005. The mailing of this decision precedes the mailing of a Notice of Abandonment.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted an executed declaration.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
11/118,915	04/29/2005	1614	1870	11592-021-999	15	24	3

CONFIRMATION NO. 8069

CORRECTED FILING RECEIPT

OC000000017539496

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

Date Mailed: 11/29/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Chi-Tang Ho, East Brunswick, NJ;
Naisheng Bai, Highland Park, NJ;
Zigang Dong, Rochester, MN;
Ann M. Bode, Cannon Falls, MN;
Slavik Dushenkov, Fort Lee, NJ;

Power of Attorney: The patent practitioners associated with Customer Number **20583**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/567,340 04/30/2004

Foreign Applications

If Required, Foreign Filing License Granted: 10/24/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/118,915

Projected Publication Date: 03/09/2006

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Bioactive compounds and methods of uses 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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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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OFFICE OF PETITIONS

In re Application of :
Deem et al. :
Application No. 11/118,917 :
Filed: April 29, 2005 :
Attorney Docket No. 11580-003-999 :

ON PETITION

This is a decision on the petition under 37 CFR 1.10, filed on July 14, 2005, requesting that the USPTO accord the above-identified application a filing date of April 29, 2005, rather than the presently accorded filing date of April 26, 2005.

Applicants assert they deposited the above-identified application with the USPS using "Express Mail Post Office to Addressee" on April 29, 2005. In support of the assertion, the petition is accompanied by a United States Postal Service Track & Confirm receipt, indicating that the USPS accepted a package, bearing Express Mail label No. EV452778002US, on April 29, 2005, at 8:37 pm, in New York, New York 10017. Applicants placed the same Express Mail label number on the original application papers located in the official file.

Accordingly, the petition is **granted**. The application will be accorded a filing date of April 29, 2005.

The Office of Initial Patent Examination is directed to correct the filing date of the above-identified application to April 29, 2005, and to mail a corrected filing receipt.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Coffey et al.
Application No. 11/118925
Filing or 371(c) Date: 04/29/2005
Attorney Docket No. 2005B047

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the renewed "Petition to Accept an Unintentionally Delayed Claim for Priority Under 35 U.S.C. §120," filed November 3, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of priority to the prior-filed applications set forth in the concurrently filed amendment.

The petition is **dismissed**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item **(1)**

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a

proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Applicant files the present petition to claim priority of the present application, as a continuation-in-part of application no. 11/333,421, filed January 17, 2006. However, application no. 11/333,421, filed January 17, 2006, was filed AFTER the present application, and as such, continuity does not exist between the present application and application no. 11/333,421. The amendment is therefore unacceptable as drafted.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), which states the relationship of the prior-filed application to this application, are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Director for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Derek Woods at (571) 272-3232.

Anthony Knight
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Coffey et al.	:	
Application No. 11/118925	:	DECISION ON PETITION
Filing or 371(c) Date: 04/29/2005	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 2005B047	:	

This is a decision on the renewed "Petition to Accept an Unintentionally Delayed Claim for Priority Under 35 U.S.C. §120," filed November 17, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of priority to the prior-filed applications set forth in the concurrently filed amendment.

The petition is **granted**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional 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(s) as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application(s) claiming the benefit of the prior-filed provisional application(s) must have been filed within twelve months of the filing date of the prior-filed provisional application(s).

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed applications under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Derek 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 referred to Technology Center Art Unit 1796 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/118,925	04/29/2005	1796	4080	2005B047	70	4

CONFIRMATION NO. 8073

CORRECTED FILING RECEIPT

23455
EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

OC000000033210062

Date Mailed: 11/20/2008

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)

James N. Coffey, League City, TX;
Wen Li, Houston, TX;
Bruce R. Lundmark, Waller, TX;
Bryan R. Chapman, Annandale, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 23455

Domestic Priority data as claimed by applicant

This application is a CIP of 10/640,435 08/12/2003
which claims benefit of 60/402,665 08/12/2002

Foreign Applications

UNITED STATES OF AMERICA PCT/US03/24667 08/04/2003

If Required, Foreign Filing License Granted: 05/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/118,925**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method to make an article comprising polymer concentrate

Preliminary Class

523

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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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EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

COPY MAILED

SEP 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
James N. COFFEY, et al.	:	
Application No. 11/118,925	:	DECISION GRANTING PETITION
Filed: April 29, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **200B047**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 28, 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 August 6, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.134, the signature of Mr. Abraham Hershkovitz 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. Hershkovitz desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to petitioner herein. However, until otherwise instructed, all future correspondence regarding this application will be directed solely to the above-noted correspondence of record.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1796 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the amendment filed August 6, 2009.

Monica A. Graves
Petitions Examiner, Office of Petitions

Cc: **ABRAHAM HERSHKOVITZ**
HERSHKOVITZ & ASSOCIATES
2845 DUKE STREET
ALEXANDRIA, VA 22314

---

[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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EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

Mail Date: 05/10/2010

Applicant	: James N. Coffey	: DECISION ON REQUEST FOR
Patent Number	: 7662885	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/118,925	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **917** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/118,933	04/29/2005	2161	1400	260-032	5	15	5

CONFIRMATION NO. 1861

CORRECTED FILING RECEIPT

OC000000016854202

44185
LOTUS AND RATIONAL SOFTWARE
STEUBING MCGUINNESS
125 NAGOG PARK
ACTON, MA 01720

Date Mailed: 08/24/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

David A. Brooks, Providence, RI;
Niklas Heidloff, Salzkotten, GERMANY;
Hong Dai, Westford, MA;
Craig R. Wolpert, Holliston, MA;
Igor L. Belakovskiy, Cambridge, MA;

Power of Attorney:

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Steven Meyers–29330
Steven Soucar–32440
Stephen Keohane–34360
Holmes Anderson–37272
David Dagg–37809
Mary Steubing–37946
Lindsay McGuinness–38549
Eric Damon–41695
C. Steven Kurlowecz–46846

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/24/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/118,933

Projected Publication Date: 11/02/2006

Non-Publication Request: No

Early Publication Request: No

Title

Sharing of full text index entries across application boundaries

Preliminary Class

707

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the 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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SUITE 1000
RESTON, VA 20191

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JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
Rosenfeld, et al. :
Application No. 11/118,950 :
Filed: April 29, 2005 :
Attorney Docket No. **2483-006** :

ON PETITION

This is a decision on the "Petition under 37 CFR 1.78(a)(2)", filed November 3, 2005, which will be treated as a petition under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional application set forth in an amendment to the first page of the specification filed with instant petition. The petition will also be treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority of the prior-filed provisional application set forth in the amendment filed concurrently with the instant petition.[1]

The petition under 37 CFR 1.78(a)(3) is **GRANTED**.

The petition under 37 CFR 1.78(a)(6) is also **GRANTED**.

TREATMENT UNDER 37 CFR 1.78(a)(3)

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on, or after, November 29, 2000. Further, the petition is appropriate only after the

[1] It is noted that the petition only references non-provisional application 10/654,668, but the amendment to the first page of the specification filed with the petition includes a benefit claim to the non-provisional application 10/654,668 and to provisional application 60/141,520. It is further noted that no benefit claim to provisional application 60/141,520 was found on the first page of the specification as originally filed or in an Application Data Sheet. The petition is, therefore, properly treated under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6).

expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

1. the reference required by 35 U.S.C § 120 and 37 CFR § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

2. the surcharge set forth in § 1.17(t), and

3. a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed application is submitted after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior filed application, found in the amendment to the first page of the specification, was submitted during the pendency of the instant nonprovisional application for which the claim for benefit of priority is sought. See 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

TREATMENT UNDER 37 CFR 1.78(a)(6)

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on, or after, November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

1. the reference required by 35 USC 119(e) and paragraph (a)(5) of this section to the prior-filed provisional application, unless previously submitted.

2. the surcharge set forth in 1.17(t), and

3. a statement that the entire delay between the date the claim was due under paragraph (a)(5)(ii) of this section and the date the claim was filed was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior filed application, found in the amendment to the first page of the specification, was submitted during the pendency of the instant nonprovisional application for which the claim for benefit of priority is sought. See 35 U.S.C. § 119(e). Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for benefit of priority under 35 U.S.C. § 119(e) to the prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) should not be construed as meaning the instant

application is entitled to the benefit of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) and 35 U.S.C.§ 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application and provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

This matter is being referred to Technology Center 3600, Art Unit 3626 for further processing, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C.§ § 120 and 119(e) to the prior-filed nonprovisional and provisional applications.

Charles Pearson
Director
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	TOT CLMS	IND CLMS
11/118,950	04/29/2005	3626	1265	2483-006	28	2

CONFIRMATION NO. 1819

CORRECTED FILING RECEIPT

OC000000024512213

22208
ROBERTS, MARDULA & WERTHEIM, LLC
11800 SUNRISE VALLEY DRIVE
SUITE 1000
RESTON, VA 20191

Date Mailed: 06/25/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Brian A. Rosenfeld, Baltimore, MD;
Michael Breslow, Lutherville, MD;

Power of Attorney:

John Abokhair--30537
Jon Roberts--31293
Kevin Pontius--37512
Christopher Kilner--45381
Nahied Usman--47148
Elliott Light--51948

Domestic Priority data as claimed by applicant

This application is a CIP of 10/654,668 09/04/2003
and is a CIP of 10/946,548 09/21/2004
which is a CIP of 09/443,072 11/18/1999 PAT 6,804,656
which claims benefit of 60/141,520 06/23/1999

Foreign Applications

If Required, Foreign Filing License Granted: 05/24/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/118,950

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

System and method for accounting and billing patients in a hospital environment

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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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
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Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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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.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/20/2010

Applicant	: Joseph D. Trentacosta	: DECISION ON REQUEST FOR
Patent Number	: 7597855	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,961	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1070** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

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Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Medtronic
Attn: Noreen C. Johnson, IP Legal Department
2600 Sofamor Danek Drive
Memphis, TN 38132

Mail Date: 04/21/2010

Applicant	: Bernard A. Rawlins	: DECISION ON REQUEST FOR
Patent Number	: 7585312	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/118,995	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **697** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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XILINX, INC
ATTN: LEGAL DEPARTMENT
2100 LOGIC DR
SAN JOSE, CA 95124

Mail Date: 05/10/2010

Applicant	: Christopher H. Dick	: DECISION ON REQUEST FOR
Patent Number	: 7627046	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/119,004	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **812** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH, PA 15222-2613

Mail Date: 04/21/2010

Applicant	: Shubhendu Das	: DECISION ON REQUEST FOR
Patent Number	: 7647423	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,008	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **712** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Patent Issued : November 25, 2008
Date Mailed : November 24, 2009
Serial No. : 11/119009
Patent No. :7,455,527 B2
Inventor(s) :Ronald A. Nordin et al.
Title :POWERED PATCH PANEL

Re: Request for Certificate of Correction

Respecting the alleged error(s) noted in your request reference 20020014514 is listed; however, the inventor name should be "Shimizu et al." and not "Saito et al."

In view of the foregoing your request in this matter is hereby denied.

Further consideration will be given upon receipt of a Request for Reconsideration, which should be directed to Decisions and Certificate of Correction Branch. Requests for Reconsideration should be accompanied by additional support (e.g. copy of amendments, post card receipts. PTOL 1449 or 892, etc.), containing requested data or changes) and/or brief statements of facts, as requested

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions and Certificate
Of Correction Branch
(571) 272-0423
FAX 571-270-9942

Panduit Corp.
Legal Department, TP-12
17301 S. Ridgeland Avenue
Tinley Park, IL 60477

MD/mt

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IP GROUP OF DLA PIPER RUDNICK
GRAY CARY US LLP
1650 MARKET ST
SUITE 4900
PHILADELPHIA, PA 19103

MAILED
FROM DIRECTORS OFFICE

FEB 24 2006

TECHNOLOGY CENTER 3600

In re Application of:
Michael Arnouse
Serial No. 11/119,049
Filed: April 29, 2005
For: APPARATUS, SYSTEM AND METHOD FOR AIRCRAFT SECURITY AND ANTI-HIJACKING INTERVENTION

DECISION ON PETITION TO MAKE SPECIAL (COUNTER TERRORISM)

This is a decision on the petition filed April 29, 2005 under 37 CFR 1.102 (d) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section XI: Inventions for Countering Terrorism.

The requirement for granting special status under this section is a statement explaining how the invention contributes to countering terrorism. A fee is no longer required for this petition.

Petitioner states that the invention relates to a security mechanism for identifying individuals, so as to restrict aircraft access and operation to only those authorized, such as to persons authorized to board or fly a given aircraft. The petitioner also states that the invention relates to methods of limiting access to aircraft, authenticating individuals requesting access to aircraft and categorizing individuals who are given access to aircraft.

These statements adequately explain how the invention contributes to countering terrorism. The requirement for special status under MPEP § 708.02 XI has been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

Petitioner may submit a request for refund of the $130.00 petition fee paid. A fee is no longer required for this petition.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(571) 272-6619

RAR/bkg 12/15/05

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HARNESS, DICKEY & PIERCE, PC
P O BOX 828
BLOOMFIELD HILLS, MI 48303

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FEB 01 2007

OFFICE OF PETITIONS

In re Application of	:	
Ingo Harms et al	:	
Application No. 11/119,058	:	DECISION GRANTING PETITION
Filed: April 29, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 8470G-00036	:	

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 for failure to timely pay the issue and publication fees on or before March 14, 2006, as required by the Notice of Allowance and Fee(s) Due mailed December 14, 2005. A Notice of Abandonment was mailed on April 27, 2006.

The petition is accompanied by a request for continued examination (RCE) under 37 CFR 1.114 and an information disclosure statement.

Petitioner is advised that, 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. *See* MPEP 711.03(c)(II)(A)(1). Therefore, the filing of an RCE is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1). In view of the authorization appearing in the transmittal letter submitted with the petition to charge any additional fees due, the $1,400 issue fee will be charged to petitioner's deposit account. The issue fee is not refundable. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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[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.*

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 of $1,400, (2) the $1,500 petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

In view of the filing of the RCE, this application is withdrawn from issue for consideration by the Examiner of the Information Disclosure Statement submitted with the petition.

This application is being referred to Technology Center AU 3683 for processing of the RCE and for appropriate consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
(571) 272-3218

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JUN 10 2008

OFFICE OF PETITIONS

In re Application of	:
Li et al.	:
Application No. 11/119072	: DECISION ON PETITION
Filed: 04/29/2005	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 2005B046	:

This is a decision on the "PETITION UNDER 37 CFR 1.78 § (a)(3) TO CORRECT AN UNINTENTIONALLY DELAYED DOMESTIC PRIORITY CLAIM," filed on February 28, 2008, which is treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further,

the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Senior Petitions 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 1796 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/119,072	04/29/2005	1796	8180	2005B046	152	4

CONFIRMATION NO. 1008

CORRECTED FILING RECEIPT

23455
EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

OC000000030344227

Date Mailed: 06/10/2008

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)

Wen Li, Houston, TX;
Mun Fu Tse, Seabrook, TX;
Srivatsan Srinivas Iyer, Pearland, TX;
Bryan Robert Chapman, Annandale, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 23455

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/637,429 12/17/2004
and claims benefit of 60/655,612 02/22/2005
and claims benefit of 60/655,310 02/22/2005
and is a CIP of 10/640,435 08/12/2003
which claims benefit of 60/402,665 08/12/2002

Foreign Applications

If Required, Foreign Filing License Granted: 05/25/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/119,072**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Plasticized polyolefin compositions

Preliminary Class

525

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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BAYTOWN, TX 77522-2149

Mail Date: 05/10/2010

Applicant	: Wen Li	: DECISION ON REQUEST FOR
Patent Number	: 7629416	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/119,072	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **442** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SCHWEGMAN, LUNDBERG & WOESSNER/SAP
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant	: Dirk Marwinski	: DECISION ON REQUEST FOR
Patent Number	: 7581066	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,084	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **959** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Pierce Atwood
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Portsmouth, NH 03801

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OFFICE OF PETITIONS

In re Application of	:	
Damian et al.	:	
Application No. 11/119,087	:	DECISION
Filed: June 27, 2005	:	ON PETITION
Attorney Docket No.:	:	
FTCD-2001US01	:	

This is a decision on the Petition Under 37 CFR 1.182, filed June 27, 2005, requesting the above-identified application be accorded as the filing date, the date that Figures 16 and 17, filed with the instant petition, are filed.

Applicant files the instant Petition and Figures 16 and 17, and requests the above-identified application be accorded as the filing date, the date that Figures 16 and 17, filed with the instant petition, is filed.

Accordingly, the petition is **granted**.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to June 27, 2005, including Figures 16 and 17 filed on June 27, 2005, and for the mailing of a corrected filing receipt.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111

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JAN 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Samuel Messinger	:	
Application No. 11/119,091	:	DECISION ON PETITION
Filed: April 29, 2005	:	TO WITHDRAW
Attorney Docket No. 29474-002 CON	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 11, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Ingrid A. Beattie on behalf of all attorneys of record who are associated with customer No. 30623.

All attorneys/agents associated with the Customer Number 30623 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: MR. SAMUEL MESSINGER
PO BOX 402861
MIAMI BEACH, FL 33140

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
11/119,091	04/29/2005	Samuel Messinger	29474-002 CON

CONFIRMATION NO. 8487

POWER OF ATTORNEY NOTICE

30623
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

OC000000027683550

Date Mailed: 01/14/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/11/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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KING & SPALDING LLP
P.O. BOX 889
BELMONT, CA 94002-0889

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NOV 25 2008

In re Application of	:	
Tsao et al.	:	
Application No. 11/119,098	:	ON PETITION
Filed: April 29, 2005	:	
Attorney Docket No. 58600-8213.US00	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(1).

It is noted that an amendment was included with the petition filed on November 4, 2008. However, the amendment is considered non-responsive since the amendment does not place the application in condition for allowance. See the attached Advisory Action. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). *See* MPEP 711.03(c)(II)(A)(2).

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 Alicia Kelley at (571) 272-6059.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/119,098	Applicant(s) TSAO ET AL.	
	Examiner SHERIDAN SWOPE	Art Unit 1652	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1,4,5 and 10*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

/SHERIDAN SWOPE/
Primary Examiner, Art Unit 1652

Continuation of 13. Other:

The claims, as amended would overcome the rejections of Claims 1, 4, and 10 under 35 USC 112, first paragraph; enablement and written descripiton.

However, the claims as amended would not over come the rejection of Claims 1, 4, 5, and 10 under 35 USC 102(b) as being anticipated by Chen et al, 2001, as evidenced by Brown et al, 2003. In addition the claims as amended would not overcome the rejection of Claims 1, 4, 5, and 10 under 35 USC 103(a) as being unpatentable over Chen et al, 2001 in view of Rabkin et al, 1998, as evidenced by Brown et al, 2003. Applicants' arguments fail to address what is most relevant to the recited invention, that Chen et al teaches that perfusion of intact rat heart with the peptide of SEQ ID NO: 3 inhibits deltaPKC (Fig 2C).

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SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC
INTELLECTUAL PROPERTY DEPT. - A700
5005 E. MCDOWELL ROAD, P.O.BOX 62890
PHOENIX, AZ 85082

Mail Date: 04/20/2010

Applicant	: Gordon M. Grivna	: DECISION ON REQUEST FOR
Patent Number	: 7638385	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,106	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1008** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

Mail Date: 04/20/2010

Applicant	: Brian Bobby	: DECISION ON REQUEST FOR
Patent Number	: 7575285	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,108	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **631** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SNELL & WILMER LLP
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

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OFFICE OF PETITIONS

In re Application of	:
Masayoslhi Shinohara et al	:
Application No. 11/119,123	: DECISION GRANTING PETITION
Filed: April 29, 2005	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 42479-7917	:

This is a decision on the petition, filed May 23, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 1, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2855 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\may9\119123.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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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 05/04/2010

Applicant	: Peter F. Corbett	: DECISION ON REQUEST FOR
Patent Number	: 7657537	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/119,166	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **454** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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AKERMAN SENTERFITT
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WEST PALM BEACH FL 33402-3188

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OFFICE OF PETITIONS

In re Patent No. 7207983	:	
Issue Date: 04/24/2007	:	
Application No. 11/119174	:	NOTICE
Filed: 04/29/2005	:	
Attorney Docket No. 5853-596	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on 15 August, 2007 (certificate of transmission dated 10 August, 2007).

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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JOHN H. THOMAS, PC
536 GRANITE AVENUE
RICHMOND, VA 23226

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JUL 23 2009

OFFICE OF PETITIONS

In re Application of	:	
John Robert Bohannon, Jr., et al.	:	
Application No. 11/119,205	:	DECISION GRANTING PETITION
Filed: April 29, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. HAMBRE 173	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 22, 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 29, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3725 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment with drawing.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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John H. Thomas, P.C.
536 Granite Avenue
Richmond, VA 23226

Mail Date: 04/21/2010

Applicant	: John Robert Bohannon JR.	: DECISION ON REQUEST FOR
Patent Number	: 7591438	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,205	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

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JAN 15 2010

NOTICE

In re Application of
Kung-Tien Liu, et al.
Application No. 11/119,215
Patent No. 7,638,338
Filed: April 29, 2005
Attorney Docket No. U 015749-1

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

JOSEPH KOORKIN ANDONIAN
5137 RIDGEBROOK DRIVE
PORTAGE MI 49002

In re Application of :
Diehl : DECISION ON PETITION
Application No. 11/119,226 :
Filed: April 29, 2005 :
Atty. Dkt. No.: AWD-AP1 :

This is a decision on the petition under 37 CFR 1.137(a), filed March 4, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is not a final agency decision.

This application became abandoned February 6, 2008 for failure to timely reply to the Notice of Allowance and Issue Fee Due (Notice) mailed November 5, 2007. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed February 29, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The petition fails to satisfy requirement (3). Petitioner has failed to present 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.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable." See, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

Petitioner states "the delay to pay the fees on time was unavoidable due to the failure of applicant to receive mail dated November 7, 2007, addressed and mailed to his home by his attorney of record notifying him of the allowance and the due date of the fees."

The arguments advanced have been carefully considered, but are not persuasive. Petitioner has not provided any documentary evidence of the facts alleged. Further, petitioner does not contend non-receipt of the Notice. Instead, the petition alleges that practitioner sent mail to the inventor and that the inventor allegedly did not receive the mail. The petition does not disclose the contents of the mail allegedly sent, but not received by applicant.

Petitioner would seem to attribute the failure to timely reply to the Notice to miscommunication between practitioner and the applicant.

The Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962). Specifically, applicant's delay caused by mistakes or negligence of a voluntarily chosen representative

does not constitute unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Douglas v. Manbeck, 21 USPQ2d (BNA)(1697)(E.D. PA Nov. 7, 1991).

A failure in communication between practitioner and applicant is not deemed unavoidable within the meaning of 37 CFR 1.137(a).

Any renewed petition must be accompanied by evidence which establishes that the entire delay, from the time a reply to the Notice was due until the filing of a grantable petition, was unavoidable.

ALTERNATE VENUE

Petitioner is urged to consider filing a petition stating that the entire delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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APR 14 2008

OFFICE OF PETITIONS

JOSEPH KOORKIN ANDONIAN
5137 RIDGEBROOK DRIVE
PORTAGE MI 49002

In re Application of :
Diehl : DECISION ON PETITION
Application No. 11/119,226 :
Filed: April 29, 2005 :
Atty. Dkt. No.: AWD-AP1 :

This is a decision on the renewed petition under 37 CFR 1.137(a), filed March 24, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is not a final agency decision.

This application became abandoned February 6, 2008 for failure to timely reply to the Notice of Allowance and Issue Fee Due (Notice) mailed November 5, 2007. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed February 29, 2008. A petition under 37 CFR 1.137(a) was filed March 4, 2008 and dismissed March 24, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The petition fails to satisfy requirement (3). Petitioner has failed to present 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.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable." See, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

Petitioner continues to attribute the failure to timely remit the issue fee to "the failure of applicant to receive a letter dated November 7, 2007, mailed to him at his home of record by his attorney of record notifying him of the allowance dated November 5, 2007, and the due date of February 5, 2008. The failure of applicant to receive the letter dated November 7, 2007, was not discovered until February 26, 2008. When applicant indicated to his attorney at that time that he wished to take action to revive the application, an informal petition together with the necessary petition and issue fees was mailed to the Patent Office by first class mail on February 29, 2008 and received by the Patent Office on March 4, 2008."

The arguments advanced have been carefully considered, but are not persuasive. Petitioner attributes the failure to timely reply to the Notice to miscommunication between practitioner and applicant. As previously indicated, the Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962). Specifically, applicant's delay caused by mistakes or negligence of a voluntarily chosen representative does not constitute unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d

1130 (N.D. Ind. 1987); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Douglas v. Manbeck, 21 USPQ2d (BNA)(1697)(E.D. PA Nov. 7, 1991).

A failure in communication between practitioner and applicant is not deemed unavoidable within the meaning of 37 CFR 1.137(a).

Any renewed petition must be accompanied by evidence which establishes that the entire delay, from the time a reply to the Notice was due until the filing of a grantable petition, was unavoidable.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the entire delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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JUN 20 2008

JOSEPH KOORKIN ANDONIAN
5137 RIDGEBROOK DRIVE
PORTAGE MI 49002

In re Application of	:
Diehl	: DECISION ON PETITION
Application No. 11/119,226	:
Filed: April 29, 2005	:
Atty. Dkt. No.: AWD-AP1	:

This is a decision on the petition renewed under 37 CFR 1.137(b), filed April 14, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned February 6, 2008 for failure to timely reply to the Notice of Allowance and Issue Fee Due (Notice) mailed November 5, 2007. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed February 29, 2008.

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) the required statement of unintentional delay.

This application is being directed to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/119,237	04/29/2005	Teddy Christian Johnson	200315530-1	1025

7590 04/21/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2132	

NOTIFICATION DATE	DELIVERY MODE
04/21/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 04/21/2008 DTERRY
05/04/2005 JBALINAN 00000009 082025 11119237
04 FC:1111 300.00 CR
05 FC:1202 250.00 CR

FORM PET651G (Rev. 08/07)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE 2/19/09

Paper No.: —

TO SPE OF : ART UNIT 2892

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/119258 Patent No.: 7385271 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ Approved — All changes apply.
- ☐ Approved in Part — Specify below which changes **do not** apply.
- ☐ Denied — State the reasons for denial below.

Comments: _____

SPE

2892
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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Dan De La Rose, Esq.
Suite 27H
345 E 80th St.
New York NY 10021

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DEC 2 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Randall Cornfield	:	
Application No. 11/119,282	:	DECISION ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No. **P-0083US**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 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 September 4, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 4, 2009. Accordingly, the date of abandonment of this application is June 5, 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) 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.

JoAnne Burke
Petitions Examiner
Office of Petitions

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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

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OCT 24 2008

OFFICE OF PETITIONS

In re Patent No. 7,364,177	:	
Application No. 11/119,284	:	
Filed: April 29, 2005	:	ON PETITION
Issued: April 29, 2008	:	
Attorney Docket No. 4452-690	:	

This is a decision on the petition filed October 7, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

The $130.00 processing fee required by 37 CFR 3.81, along with the $100.00 Certificate of Correction fee, will be charged to petitioner's deposit account as authorized.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Liana Walsh
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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Joseph R. Baker, APC
Gavrilovich, Dodd & Lindsey, LLP
4660 La Jolla Village Drive, Suite 750
San Diego, CA 92122

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DEC 22 2009

OFFICE OF PETITIONS

In re Application of
Xavier Lauth, et. al.
Application No. 11/119,293
Filed: April 28, 2005
Attorney Docket No. 00039-002001

DECISION ON PETITION 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 October 16, 2009.

The request is **NOT APPROVED**.

The request cannot be approved because James J. Mullen III and the attorneys/agents of record have not provided a correspondence address for the intervening assignee[1] or first named inventor. Therefore, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Additionally, the Office improperly accepted the Revocation of Power of Attorney and Change of Correspondence Address filed on October 16, 2009. It should be noted that the title of the individual signing the Statement under 37 CFR 3.73(b) on behalf of the assignee is missing. Therefore, the title of Mark E. Westerman must be supplied. Otherwise, the Power of Attorney filed October 16, 2009 will be vacated.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: James J. Mullen III
Morrison & Foerster, LLP
12531 High Bluff Drive, Suite 100
San Diego, CA 92130-2040

[1] 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).

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Christopher M. Goff (27839)
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105

Mail Date: 07/08/2010

Applicant	: Patrick J. Mitchell	: DECISION ON REQUEST FOR
Patent Number	: 7668727	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/119,296	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **979** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 7,452,057	:
Essen et al.	:
Issue Date: November 18, 2008	: DECISION ON REQUEST FOR
Application No. 11/119,308	: RECONSIDERATION OF
Filed: April 28, 2005	: PATENT TERM ADJUSTMENT
Atty Docket No. 09991-143001/479	:

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed January 13, 2009. Patentees request that the determination of patent term adjustment for the above-identified patent be corrected from four hundred fifty-six (456) days to six hundred sixty (660) 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 456 days.

The above-identified application was filed on April 28, 2005. On November 18, 2008, the above-identified application matured into U.S. Patent No. 7,452,057 with a revised patent term adjustment of 456 days. The Office determined that the 204 days of Office delay, pursuant to 35 U.S.C. 154(b)(1)(B)[1] and 37 CFR

[1] Pursuant to 35 U.S.C. 154(b)(1)(B), 37 CFR 1.702(b) provides, in pertinent part, that:

Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under

1.702(b), overlap with the 456 days of Office delay,[2] pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1).[3] As such, the Office allowed entry of only the period of adjustment of 456 days. No additional days of patent term adjustment were entered at issuance under the three-year pendency provision. Given the zero days of applicant delay, the patent issued with a revised patent term adjustment of 456 days.

On January 13, 2009, patentees timely submitted this request for reconsideration of patent term adjustment within two months of the issue date of the patent. See 37 CFR 1.705(d). Patentees aver that the correct number of days of patent term adjustment is 660 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). Patentees assert that pursuant to Wyeth, periods of delay under 35 U.S.C. 154(b)(1)(A) and 35 U.S.C. 154(b)(1)(B) overlap only if they occur on the same calendar day or days. Patentees state that the total period of Office delay is the sum of the period of Three Year Delay (204 days) and the period of examination delay (456 days) to the extent that these periods of delay are not overlapping. Patentees contend no periods of delay attributable to grounds specified under 35 U.S.C. 154(b)(1)(A) and 35 U.S.C. 154(b)(1)(B) overlap. Therefore, patentees maintain that they are entitled to the periods of adjustment under both 37 CFR

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35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application[.]

[2] The Office mailed a Restriction Requirement on September 27, 2007, 14 months and 456 days after the application was filed on April 28, 2005.

[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[.]

1.703(a) and (b) for a total patent term adjustment of 660 (456 + 204) days.

The Office has considered patentees' interpretation of the period of overlap, but finds it 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)*[4] *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

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[4] 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.

additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

Further, as stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding 37 CFR 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the period during which the application was pending before the Office beginning on the date of filing of the application under 35 U.S.C. 111(a) on April 28, 2005, and ending on the date of the issuance of the patent on November 18, 2008 (not including any other periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)).

Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1), 456 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), 204 days of patent term

adjustment accrued for Office issuance of the patent more than three years after the filing date of the application.
All 204 days of patent term adjustment under 37 CFR 1.702(b) overlap with the 456 days of patent term adjustment under 37 CFR 1.702(a)(1). Entry of both the 204 days and the 456 days is neither permitted nor warranted. 456 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, having considered the 204 days of Office delay under the three-year pendency provision.

In view thereof, the Office affirms that the revised determination of patent term adjustment at the time of the issuance of the patent is 456 days.

The Office acknowledges the submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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APR 06 2010

OFFICE OF PETITIONS

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 7,452,057	: DECISION ON REQUEST FOR
Essen et al.	: RECONSIDERATION OF
Issue Date: November 18, 2008	: PATENT TERM ADJUSTMENT
Application No. 11/119,308	: AND
Filed: April 28, 2005	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. 09991-143001/479	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on October 8, 2009,[1] 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 sixty (660) 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 six hundred sixty (660) days is **GRANTED**.

The Office acknowledges the previous submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of 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 sixty (660) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

[1] This petition was timely filed within two months of the decision on the request for reconsideration of patent term adjustment mailed August 10, 2009.

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,452,057 B2

DATED : Nov. 18, 2008 **DRAFT**

INVENTOR(S) : Essen 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 456 days

Delete the phrase "by 456 days" and insert – by 660 days--

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OFFICE OF PETITIONS

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

In re Application of	:	
David ROTH, et al	:	
Application No. 11/119,337	:	DECISION ON PETITION
Filed: April 28, 2005	:	TO WITHDRAW
Attorney Docket No. 357668003US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 13, 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 Christopher J. Daley-Watson on behalf of all attorneys/agents of record associated with Customer No. 25096.

All attorneys/agents of record associated with Customer No. 25096 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 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 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: DAVID ROTH
750 NORTH RUSH STREET,
UNIT 3503
CHICAGO, IL 60611

cc: MICHAEL REAGAN
KAHALA-COLD STONE CREAMERY
7730 EAST GREENWAY ROAD
SCOTTSDALE, AZ 85260

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/119,337	04/28/2005	David Roth	357668003US

CONFIRMATION NO. 7063

POWER OF ATTORNEY NOTICE

25096
PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

OC000000027558003

Date Mailed: 01/04/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/13/2007.

- 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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RIM/FINNEGAN
901 New York Avenue NW
Washington, DC 20001

Mail Date: 04/20/2010

Applicant	: Vadim Fux	: DECISION ON REQUEST FOR
Patent Number	: 7620540	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,387	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **956** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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RIM/FINNEGAN
901 New York Avenue NW
Washington, DC 20001

Mail Date: 05/17/2010

Applicant : Vadim Fux
Patent Number : 7620540
Issue Date : 11/17/2009
Application No : 11/119,387
Filed : 04/29/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **989** 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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JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO, CA 95814

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JUL 1 8 2007

OFFICE OF PETITIONS

In re Application of :
Milner et al. :
Application No. 11/119398 :
Filing or 371(c) Date: 04/29/2005 : ON PETITION
Title of Invention: :
EMBOLIC FILTER DEVICE AND :
RELATED SYSTEMS AND METHODS :

This is a decision on the "Petition for Partial Revocation of Power of Attorney Under 37 CFR §1.182 and MPEP §402.10", filed January 31, 2006, and on the "Petition for Correction of Power of Attorney and Correspondence Address Under 37 CFR §1.182", filed May 5, 2006. The delay in treating these petitions is regretted.

Background

The application was filed on April 29, 2005, by John P. O'Banion, of the Law Firm of O'Banion & Ritchey LLP (O'Banion), without an executed oath/declaration or Power of Attorney. The application Transmittal Form directed correspondence to Customer Number 8156 (O"Banion & Ritchey). The Office mailed a Notice to File Missing Parts of Nonprovisional Application on May 23, 2005, requiring, *inter alia*, a properly signed oath or declaration.

On October 26, 2005, Applicant filed an oath/declaration executed by inventors Peacock and Wasicek. Inventor Peacock also included a Power of Attorney appointing, *inter alia*, John P. O'Banion as the attorney to prosecute the application, at the correspondence address of O'Banion & Ritchey.

The January 31, 2006 Petition

Petitioner filed the Petition for Partial Revocation of Power of Attorney Under 37 CFR §1.182 and MPEP §402.10", filed January 31, 2006, to appoint a power of attorney to the law firm of Crompton, Seager & Tufte, LLC (Crompton). Petitioner included an assignment by inventor Wasicek; a Statement Under 37 CFR 3.73(b) and a Power of Attorney appointing Crompton as the attorney to prosecute the application for the Assignee.

This office mailed a Notice to O'Banion on March 1, 2006, revoking their Power of Attorney, and a Notice to Crompton, accepting their Power of Attorney.

The May 5, 2006 Petition

Crompton files the Petition for Correction of Power of Attorney and Correspondence Address Under 37 CFR §1.182", filed May 5, 2006, to correct Office records in accordance with the MPEP 402.20.

Change of Address Filed

On September 27, 2006, a Change of Address was filed by O'Banion, requesting a change of correspondence address back to O'Banion

Applicable Law, Rules and MPEP

The Manual of Patent Examining Procedure ("MPEP") § 402.10, Appointment/Revocation by Less Than All Applicants or Owners, provides

> Papers giving or revoking a power of attorney in an application generally require signature by all the applicants or owners of the application. Papers revoking a power of attorney in an application (or giving a power of attorney) will not be accepted by the Office when signed by less than all of the applicants or owners of the application unless they are accompanied by a petition under 37 CFR 1.36(a) and fee under 37 CFR 1.17(f) with a showing of sufficient cause (if revocation), or a petition under 37 CFR 1.183 and fee under 37 CFR 1.17(f) (if appointment) demonstrating the extraordinary situation where justice requires waiver of the requirement of 37 CFR 1.32(b)(4) that the applicant, or the assignee of the entire interest of the applicant sign the power of attorney. The petition should be directed to the Office of Petitions. The acceptance of such papers by petition under 37 CFR 1.36(a) or 1.183 will result in more than one attorney, agent, applicant, or owner prosecuting the application at the same time. Therefore, each of these parties must sign all subsequent replies submitted to the Office. See In re Goldstein, 16 USPQ2d 1963 (Dep. Assist. Comm'r Pat. 1988). In an application filed under 37 CFR 1.47(a), an assignee of the entire interest of the available inventors (i.e., the applicant) who have signed the declaration may appoint or revoke a power of attorney without a petition under 37 CFR 1.36(a) or 1.183. See MPEP § 402.07. However, in applications accepted under 37 CFR 1.47, such a petition under 37 CFR 1.36(a) or 1.183 submitted by a previously nonsigning inventor who has now joined in the application will not be granted. See MPEP § 409.03(i). Upon accepting papers appointing and/or revoking a power of attorney that are signed by less than all of the applicants or owners, the Office will indicate to applicants who must sign subsequent replies. Dual correspondence will still not be permitted. Accordingly, when the acceptance of such papers results in an attorney or agent and at least one applicant or owner prosecuting the application, correspondence will be mailed to the attorney or agent. When the acceptance

of such papers results in more than one attorney or agent prosecuting the application, the correspondence address will continue to be that of the attorney or agent first named in the application, unless all parties agree to a different correspondence address. Each attorney or agent signing subsequent papers must indicate whom he or she represents. The following are examples of who must sign replies when there is more than one person responsible for prosecuting the application:

(A) If coinventor A has given a power of attorney to a patent practitioner and coinventor B has not, replies must be signed by the patent practitioner of A and by coinventor B.

(B) If coinventors A and B have each appointed their own patent practitioner, replies must be signed by both patent practitioners.

Conclusion

In view of the above, the Office will continue to conduct correspondence with the attorneys first named in the application, O'Banion, at the correspondence address of record noted above, who will also be responsible for coordinating replies or submissions to this Office. *See*, Manual of Patent Examining Procedure ("MPEP") 402.10.

It is noted that, notwithstanding this Decision, the inventors may still jointly appoint or revoke power of attorney.

This application is being returned to the Technology Center AU 3731 for continued examination 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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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant	: Heinz Kohler	: DECISION ON REQUEST FOR
Patent Number	: 7569674	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,404	: OF WYETH
Filed	: 04/29/2005	:
		:

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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Paper No.

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

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AUG 1 1 2008

In re Application of	:	
Ole E. Tweet and Anthony Macaluso	:	
Application No. 11/119,410	:	DECISION ON PETITION
Filed: April 28, 2005	:	PURSUANT TO
Attorney Docket No. ACAT-1-1014	:	37 C.F.R. § 1.182
Title: ALL-TERRAIN VEHICLE REVERSE	:	
GEAR PROTECTION	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.182, filed June 19, 2008, requesting a change in the order of the inventors.

Petitioner has submitted the petition fee along with an Application Data Sheet (ADS), showing the order of the inventors' names that Petitioner prefers.

The petition is **GRANTED**.

The order of the names of the inventors has been changed as follows:

Ole E. Tweet
Anthony Macaluso

A filing receipt reflecting this change is enclosed.

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. 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

Encl. Corrected Filing Receipt

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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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/119,410	04/28/2005	3681	1630	ACAT-1-1014	17	4

CONFIRMATION NO. 6541

CORRECTED FILING RECEIPT

25315
BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

OC000000031265149

Date Mailed: 07/30/2008

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)

Ole E. Tweet, Thief River Falls, MN;
Anthony Macaluso, Thief River Falls, MN;

Power of Attorney: The patent practitioners associated with Customer Number 25315

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 06/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/119,410**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ALL-TERRAIN VEHICLE REVERSE GEAR PROTECTION

Preliminary Class

477

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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Paper No.

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

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OCT 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Ole E. Tweet and Anthony Macaluso	:	
Application No. 11/119,410	:	DECISION ON PETITION
Patent No. 7,422,545	:	PURSUANT TO
Filed: April 28, 2005	:	37 C.F.R. § 1.182
Issue Date: September 9, 2008	:	
Attorney Docket No. ACAT-1-1014	:	
Title: ALL-TERRAIN VEHICLE REVERSE	:	
GEAR PROTECTION	:	

This is a decision on the submission of October 1, 2008, requesting a refund of a previously paid petition fee.

This petition is **GRANTED**.

On June 19, 2008, Petitioner filed a petition pursuant to 37 C.F.R. § 1.182, requesting a change in the order of the inventors: Petitioner requested that the order of the inventors be changed to Ole E. Tweet and Anthony Macaluso.

A decision was mailed on August 11, 2008, indicating that Petitioner's request had been granted. The order of the names of the inventors was changed in Office records to Ole E. Tweet and Anthony Macaluso, and a corrected filing receipt was included with the decision.

On September 9, 2008, this application issued as U.S. Patent number 7,422,545 and the inventors were listed as Anthony Macaluso and Ole E. Tweet. It appears that this application entered the "final data

capture" stage of publication prior to the mailing of the decision on the petition. As such, the information that was to be included on the patent, including the order of the inventors, was set prior to the mailing of the decision of August 11, 2008. Once an application enters this stage of publication, the information that will appear on the patent cannot be changed.

It follows that the attempt to change the order of the inventors was not effectuated. The $400 fee associated with the filing of the request to change the order of the inventors will be refunded to Petitioner's Deposit Account in due course.

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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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/21/2010

Applicant	: Gerald L. Dybsetter	: DECISION ON REQUEST FOR
Patent Number	: 7606486	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,447	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ADVANTEDGE LAW GROUP, LLC
922 W. Baxter Dr.
Suite 100
South Jordan, UT 84095

Mail Date: 04/20/2010

Applicant	: Russell R. Stringham	: DECISION ON REQUEST FOR
Patent Number	: 7600125	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,449	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1195** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/20/2010

Applicant	: Joseph D. Trentacosta	: DECISION ON REQUEST FOR
Patent Number	: 7625624	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,484	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **765** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 05/17/2010

Applicant : Joseph D. Trentacosta
Patent Number : 7625624
Issue Date : 12/01/2009
Application No : 11/119,484
Filed : 04/29/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **807** 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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SEP 16 2005

OFFICE OF PETITIONS

In re Application of
Paul T. Franer, Mark S. Zeiner and Marck L. Holthaus
Application No. 11/119,491
Filed: May 2, 2005
For: BUTTON LATCHING SYSTEM FOR A TROCAR

DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision in response to the "Petition In Accordance With 37 CFR 1.47," filed May 2, 2005, which is being treated under 37 CFR 1.147(a).

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application. A declaration executed in combination by all of the available joint inventors on behalf of themselves and the non-signing joint inventor, Mark L. Holthaus, accompanies this petition.

The declaration and petition have been reviewed and found in compliance with 37 CFR 1.47(a). Accordingly, this application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to Initial Patent Examination Division for further processing.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to Initial Patent Examination Division processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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MR. MARK L. HOLTHAUS
1177 MEADOW KNOLL COURT
BATAVIA, OH 45103

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SEP 16 2005

OFFICE OF PETITIONS

In re Application of :
Paul T. Franer, Mark S. Zeiner and Marck L. :
Holthaus :
Application No. 11/119,491 : LETTER
Filed: May 2, 2005 :
For: BUTTON LATCHING SYSTEM FOR :
A TROCAR :

Dear Mr. Holthaus:

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) 272-3204. 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).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

cc: WELSH & FLAXMAN LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA, VA 22314

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SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Paul T. FRANER et al.	:	
Application No. 11/119,491	:	DECISION DISMISSING PETITION
Filed: May 02, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. END-5258	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 14, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 10/943,220, filed September 17, 2004.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case,

the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

A review of the office records indicates that Parent Application Serial Number 10/943,220 does not claim benefit to PCT Application Number PCT/US06/16645, filed May 02, 2005.

Before the petition can be granted, petitioner must submit a substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(3).[1]

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

[1] The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).

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OFFICE OF PETITIONS

In re Application of	:	
Paul T. FRANER et al.	:	
Application No. 11/119,491	:	DECISION DISMISSING PETITION
Filed: May 02, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. END-5258	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed September 28, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 10/943,220, filed September 17, 2004.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that

amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

A review of the office records indicates that Parent Application Serial Number 10/943,220 claim benefits to U.S. Provisional Patent Application No. 60/506,782. However, petitioner's amendment states that 10/943,220 claims benefit to U.S. Provisional 60/506,786.

Before the petition can be granted, petitioner must submit a substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(3).[1]

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Post Office Box 1450
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By hand: Customer Service Window
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401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

[1] The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).

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MAR 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Paul T. Franer et al.	:	
Application No. 11/119,491	:	DECISION ON PETITION
Filed: May 02, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. END-5258	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed January 04, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

The rule at 37 CFR § 1.78(a)(3) requires 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. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3763 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Thurman K Page

Thurman Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/119,491	05/02/2005	3763	1100	END-5258	22	3

CONFIRMATION NO. 1345

CORRECTED FILING RECEIPT

21884
WELSH & FLAXMAN LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA, VA 22314

OC000000040615514

Date Mailed: 03/15/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Paul T. Franer, Cincinnati, OH;
Mark S. Zeiner, Mason, OH;
Mark L. Holthaus, Fairfield, OH;

Assignment For Published Patent Application

Ethicon Endo-Surgery, Inc.

Power of Attorney: The patent practitioners associated with Customer Number 021884

Domestic Priority data as claimed by applicant

This application is a CIP of 10/943,220 09/17/2004
which claims benefit of 60/506,782 09/30/2003

Foreign Applications

If Required, Foreign Filing License Granted: 05/25/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/119,491**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Button latching system for a trocar

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Bryan S. Redding
Cohen Garelick & Glazier
Suite 800
8888 Keystone Crossing
Indianapolis, IN 46240

COPY MAILED
JAN 0 3 2006
OFFICE OF PETITIONS

In re Application of Whicker :
Application No. 11/119,506 : Decision on Petition
Filing Date: April 28, 2005 :
For: Lesson Plan Organizer and Method :

This is a decision in response to the petition filed November 23, 2005, which is being treated as a petition under 37 CFR 1.181 seeking withdrawal of the Notice to File Missing Parts mailed May 24, 2005.

The petition is **granted.**

The application was filed on April 28, 2005.

On May 24, 2005, the Office mailed a Notice of Missing Parts stating in part that an oath/declaration had not been filed.

The petition states a signed declaration was filed with the application. In support, petitioner has submitted a postcard receipt acknowledging receipt of a "Declaration" on April 28, 2005.[1]

Petitioner has presented sufficient evidence to establish a declaration was filed with the original application.

The $65 surcharge has been credited back to petitioner's credit card. The Office will also credit the $130 petition fee to petitioner's credit card.

The Notice to File Missing Parts is vacated to the extent the Notice stated a declaration was missing.

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[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/119,525	04/28/2005	1746	1300	IL-11280	9	52	3

CONFIRMATION NO. 1291

CORRECTED FILING RECEIPT

OC000000016658011

Eddie E. Scott
Assistant Laboratory Counsel
Lawrence Livermore National Laboratory
P.O. Box 808, L-703
Livermore, CA 94551

Date Mailed: 08/01/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

David A. Sopchak, Livermore, CA;
Jeffrey D. Morse, Martinez, CA;
Ravindra S. Upadhye, Pleasanton, CA;
Jack Kotovsky, Oakland, CA;
Robert T. Graff, Modesto, CA;

Assignment For Published Patent Application

The Regents of the University of California

Power of Attorney:

Eddie Scott--25220
Alan Thompson--29981
James Tak--46367
Michael Staggs--50938
John Lee--53193

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/566,759 04/29/2004

Foreign Applications

Projected Publication Date: To Be Determined - pending completion of Security Review

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Micro-electro-mechanical systems phosphoric acid fuel cell

Preliminary Class

429

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.

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.

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KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: Shaz Qadeer	: DECISION ON REQUEST FOR
Patent Number	: 7650595	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,530	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1239** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA, FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

Mail Date: 04/21/2010

Applicant	: James G. Blencoe	: DECISION ON REQUEST FOR
Patent Number	: 7666250	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,536	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1303** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

COPY MAILED

AUG 1 1 2008

In re Application of	:	
LENZINI, Luciano et al.	:	
Application No. 11/119,550	:	DECISION ON PETITION
Filed: May 02, 2005	:	TO WITHDRAW
Attorney Docket No. **037145-0950**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 11, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley & Lardner LLP has been revoked by the assignee of the patent application on August 04, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **BANNER & WITCOFF, LTD.**
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

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APR 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Wai Mun Lee	:	
Application No. 11/119,559	:	DECISION ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No. EK0071USCIP2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of non-compliant Amendment (Notice) mailed, December 5, 2006, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 6, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,540, 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.

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 Revocation of Power of Attorney submitted with the petition on August 18, 2008, is not accepted. The Revocation Power of Attorney was signed by Wai Mue Lee, acting on behalf of the assignee. However, the Revocation and Power of Attorney does not comply with 37 CFR 3.73(b) since it does not show the assignment reel and frame number or a copy of the assignment that was recorded. (*See* 37 CFR 3.73(b)).

In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed. A copy of a blank 3.73(b) Certificate is enclosed with this decision for use by the petitioner.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 1795 for appropriate action by the Examiner in the normal course of business on the reply received.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Patent Support Unit
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004

Attachment: Blank 3.73(b) Certificate

PTO/SB/96 (02-09)
Approved for use through 03/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No.: _____ Filed/Issue Date: _____

Titled:

_____, a _____
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☐ the assignee of the entire right, title, and interest in;

2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or

3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

_____ _____
Signature Date

_____ _____
Printed or Typed Name Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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www.uspto.gov

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

Mail Date: 04/21/2010

Applicant	: Thomas Baumgartner	: DECISION ON REQUEST FOR
Patent Number	: 7632271	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,574	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **963** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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DICKINSON WRIGHT PLLC
1875 Eye Street, NW
Suite 1200
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant	: Gerald Edward Chilson	: DECISION ON REQUEST FOR
Patent Number	: 7648329	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,588	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **591** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE WA 99201

In re Application of	:	
Zicheng Liu et al	:	
Application No. 11/119,597	:	ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No. MS1-526USC7	:	

This is a decision on the petition, filed August 16, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 28, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2624 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

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JUN 13 2008

OFFICE OF PETITIONS

In re Application of	:	
CHRISTENSEN, Mark A. et al.	:	
Application No. 11/119,599	:	DECISION ON PETITION
Filed: May 02, 2005	:	TO WITHDRAW
Attorney Docket No. **480062003700**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 05, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on May 19, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **RUTAN & TUCKER, LLP.**
611 ANTON BLVD
SUITE 1400
COSTA MESA, CA 92626

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

Mail Date: 04/20/2010

Applicant	: Sunil Shah	: DECISION ON REQUEST FOR
Patent Number	: 7669020	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,600	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1332** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

Mail Date: 04/21/2010

Applicant	: Charles E. Whipple	: DECISION ON REQUEST FOR
Patent Number	: 7607878	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,613	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **422** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : Jan. 23, 2009

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/119633 -7463084

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Magdalene Talley
Certificates of Correction Branch
703-308-9390 ext. 116

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

LINCOLN DONOVAN
SUPERVISORY PATENT EXAMINER

05-29-09

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO CA 94303

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OFFICE OF PETITIONS

In re Patent No. 7,245,152	:	ON PETITION
Issued: July 17, 2007	:	
Application No. 11/119,638	:	
Filed: May 2, 2005	:	
Attorney Docket No. 3337P	:	

This is a decision on the petition under 37 CFR 1.182, filed January 14, 2008, requesting issuance of a duplicate Letters Patent for the above-identified application.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206. Any questions concerning issuance of the duplicate Letters Patent should be directed to Krystal Paige at (703) 308-9250.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: Krystal Paige, P/OPPD, South Tower 8C41 (FAX 571-273-9756)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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STEVEN M. DUBOIS
POTOMAC PATENT GROUP PLLC
P.O. BOX 270
FREDERICKSBURG, VA 22404

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MAR 12 2010

In re Patent No. 7,239,301	:	
Issue Date: July 3, 2007	:	
Application No. 11/119,663	:	NOTICE
Filed: May 2, 2005	:	
Attorney Docket No. 0320-039	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 04/21/2010

Applicant	: Steve Chien	: DECISION ON REQUEST FOR
Patent Number	: 7577646	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,667	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **163** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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HOWARD J. GREENWALD, P.C.
349 WEST COMMERCIAL STREET
SUITE 2490
EAST ROCHESTER, NY 14445

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OFFICE OF PETITIONS

In re Application of	:	
Helfer, Jeffrey L.	:	DECISION ON PETITION
Application No. 11/119,677	:	TO WITHDRAW
Filed: May 2, 2005	:	FROM RECORD
Attorney Docket No. JLH-822	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 30, 2005.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the attorneys associated with Customer Number 37282 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 first below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at 571-272- 3206.

David Bucci
Petitions Examiner
Office of Petitions

cc:

BASCH & NICKERSON LLP
1777 PENFIELD ROAD
PENFIELD NY 14526

MICHAEL L. WEINER
BIOPHAN TECHNOLOGIES, INC.
150 LUCIUS GORDON DRIVE, SUITE 215
WEST HENRIETTA, NY 14586

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/09/09

TO SPE OF : ART UNIT 2622

SUBJECT : Request for Certificate of Correction for Appl. No.: 11119717 Patent No.: 7564481

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: _____

DAVID OMETZ
SUPERVISORY PATENT EXAMINER
2622

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JUN 14 2006

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Steven M. duBois
Potomac Patent Group, PLLC
P.O. Box 270
Fredericksburg VA 22404

In re Application of
LIBERTY, MATTHEW G.
Application No. 11/119,719
Filed: May 2, 2005
For: **FREE SPACE POINTING DEVICES WITH TILT COMPENSATION AND IMPROVED USABILITY**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed May 8, 2006 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

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OFFICE OF PETITIONS

POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG VA 22404

In re Patent No. 7,158,118
Issue Date: January 2, 2007
Application No. 11/119,719
Filed: May 2, 2005
Attorney Docket No. 0320-057

NOTICE
AND DECISION ON
PETITION UNDER 37 CFR 1.182

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The petition for under 37 CFR 1.182 for expedited treatment of the request under 37 CFR 1.28 is **GRANTED**.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

Mail Date: 04/20/2010

Applicant	: Joseph Ruff	: DECISION ON REQUEST FOR
Patent Number	: 7609279	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,723	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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AUG 1 1 2005

OFFICE OF PETITIONS

In re Application of :
Masataka Shirasaki :
Application No. 11/119,731 :
Filed: May 3, 2005 :
Attorney Docket No. 21.1900DC :

ON PETITION

This is a decision on the petition filed July 29, 2005, requesting that the application be accorded a filing date of May 3, 2005, with Figures 1 and 2 as part of the original disclosure.

On May 3, 2005, applicant filed the above-identified application. However, on June 1, 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 May 3, 2005, and advising applicant that Figures 1 and 2 appeared to have been omitted.

In response, on July 29, 2005, applicant submitted the present petition, 1 drawing sheet, including Figures 1 and 2, and an authorization to charge the Deposit Account for any necessary fees. Additionally, applicant submitted a copy of applicant's returned, date-stamped postcard receipt, acknowledging receipt of 16 sheets of drawings, including Figures 1 and 2 in the USPTO on May 3, 2005.

Upon review of the record, Figures 1 and 2, deposited on May 3, 2005, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on May 3, 2005, included Figures 1 and 2, which were subsequently misplaced in the USPTO. Therefore, the application, including Figures 1 and 2, was complete on filing and will be granted a filing date of May 3, 2005.

Accordingly, the petition is granted.

The "Notice of Omitted Item(s)" was sent in error and is hereby vacated. Accordingly, no petition fee is necessary.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of May 3, 2005,** using the drawing sheets submitted on that date and 1 drawing sheet of Figures 1 and 2 submitted with the petition on July 29, 2005, as part of the original disclosure. Additionally, the Office is directed to mail a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ZAGORIN O'BRIEN GRAHAM LLP (149)
7600B N. CAPITAL OF TX HWY
SUITE 350
AUSTIN, TX 78731

Mail Date: 04/21/2010

Applicant	: Igor A. Krichtafovitch	: DECISION ON REQUEST FOR
Patent Number	: 7652431	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,748	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **315** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 05/07/2010

Applicant	: Marcello Ghisalberti	: DECISION ON REQUEST FOR
Patent Number	: 7614728	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/119,753	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **783** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TECHNOLOGY CENTER 2600

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
MIYASHITA, MICHIHIRO, et al.	:	DECISION ON REQUEST TO
Application No. 11/119,762	:	PARTICIPATE IN PATENT
Filed: May 3, 2005	:	PROSECUTION HIGHWAY
Attorney Docket No. 123794	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed January 2, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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Alexandria, VA 22313-1450
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September 2005

BERENATO, WHITE, & STAVISH, LLC
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA, MD 20817

SEP - 8 2005

In re Application of:	:	
SAIED HUSSAINI ET AL.	:	DECISION ON PETITION TO
Serial No.: 11/119,770	:	MAKE SPECIAL UNDER 37
Filed: 03 March 2005	:	C.F.R. § 1.102(d)
Docket: 8312.451	:	

This is a decision on the petition filed on March 3, 2005, 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, petition provides: a) the applicable petition fee; b) a statement that all claims are directed to a single invention, and stated that an election will be made without traverse if so required; c) a statement that a pre-examination search was made, including the search areas; d) copies of the references stated as being most closely related to the claimed subject matter; and e) a discussion of the teaching of the references.

For accelerated examination under MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d), a showing of the following is required: a) 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)-(d) are considered to have been met. However, petitioner fails to point out with the particularity required by 37 CFR § 1.111 (b) and (c), how the claimed subject matter is distinguishable over the each of the references. Therefore, petitioner fails to meet 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."

Petitioner presents a brief discussion of the cited references, and states that they do not teach the specific limitations claimed in the independent claims. However, a *detailed discussion* of how each of the references overcomes each of the independent claims is required for the petition to be granted. Here, petitioner does not state specifically the limitations of each independent claim which are not taught by each reference. It must be made clear, for each reference, which claim elements are taught and which are not taught. The discussion of the references must be detailed enough to leave no guesswork as to the petitioner's reading of the teaching of the references with respect to each of the limitations of the claims.

While Technology Center Directors may have granted petitions that do not comply with the detailed discussion requirement of the Accelerated Examination procedure, Technology Center Director decisions on petitions are not binding precedent of the Patent Examining Corps, and the application of an improper standard in certain cases does not require the Office to continue to apply the improper standard in all cases. *See In re The Boulevard Entertainment, Inc.*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003)).

For the above-mentioned reasons, the petition is dismissed. The application will therefore be taken up by the examiner for action in its regular turn.

Any request for reconsideration of this decision must be submitted within 2 (two) months of the date of this decision in order to be considered timely. Any resubmission of the petition must provide a detailed discussion of how each of the independent claims is not met by each of the references presented as relevant, and a statement complying with MPEP § 708.02(VIII)(b).

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

OFFICE OF DATA MANAGEMENT

Hemingway & Hansen, LLP
1717 Main Street
Comerica Bank Tower- Suite 2500
Dallas TX 75201

JUN 21 2010

In re Application of	:	
MUNSON, DAVID MURRAY JR. et al.	:	**DECISION ON PETITION**
Application No. 11/119,788	:	
Filed: May 2, 2005	:	
Attorney Docket No.: MUN 03070 PTUS/P1001	:	

This is a decision on the Petition To Withdraw Holding Of Abandonment received in the United States Patent and Trademark Office (USPTO) on November 23 & 27, 2009.

The petition is **GRANTED**.

The application was held abandoned for failure to timely pay the issue fee as required by the Notice of Allowance and Fee(s) Due, mailed July 28, 2009, which set forth a three (3) month statutory period for reply. Accordingly, the Notice of Abandonment was mailed on November 12, 2009.

Petitioner states that the Applicants responded by timely paying the Issue Fee on October 27, 2009. In support of this assertion the petitioner has submitted documents, which include the following:

- (1) the United States Patent and Trademark Office was promptly informed of the previous timely mailing,
- (2) A copy of a post card receipt identifying the application by number, and the specific document.
- (3) included a statement attesting on a personal knowledge basis to the previous timely mailing.

The petitioner has demonstrated that the Fee Transmittal was timely mailed on March 20, 2009 and is in compliance with 37 CFR 1.10 in that

(1) the Patent and Trademark Office was promptly informed of the previous timely mailing,

(2) included a statement which attests to the previous timely mailing.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquires concerning this decision be directed to the undersigned in the Office of Patent Publication at 703-756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

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DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L Street, NW
Washington DC 20037

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OFFICE OF PETITIONS

In re Application of	:
Kroupa, et al.	:
Application No. 11/119,795	: DECISION ON PETITION
Filed: May 3, 2005	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. A3648.0012/P419-B	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 3, 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 concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Petitions Attorney E. Shirene Willis at (571) 272-3230.

This application is being forwarded to Technology Center Art Unit 3753 for appropriate action on the amendment filed February 3, 2006, including consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

Frances Hicks

Frances Hicks
Lead Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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

Mail Date: 04/21/2010

Applicant	: Joerg Beringer	: DECISION ON REQUEST FOR
Patent Number	: 7574670	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,809	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **704** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS MO 63102

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OFFICE OF PETITIONS

In re Application of	:	
Ward et al.	:	
Application No. 11/119,869	:	ON APPLICATION FOR
Filed: 05/02/2005	:	PATENT TERM ADJUSTMENT
Docket No. SGM 6938.5 (SIG045/4)	:	

This is in response to the REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. 1.705 filed November 12, 2008, which is properly being treated as a request for reconsideration of Patent Term Adjustment under 37 CFR 1.705(b). Applicant requests that the determination of patent term adjustment be increased by 124 days to 283 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 three 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 three years. See 37 CFR 1.703(b). (This is true even in this instance 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. Accordingly, it

is still too soon to make a determination as to the correctness of any period of adjustment that will or will not be entered pursuant to § 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 three 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.

It is acknowledged that applicant is correct that any period of adjustment will be entered in light of 35 U.S.C. 154(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

> Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including –
>
> (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

It is noted that a Request for Continued Examination (RCE) was filed in this application on September 3, 2008.

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 Petitions Attorney, Christina Tartera Donnell, at (571) 272-3211.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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ST LOUIS MO 63102

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JUN 30 2009

OFFICE OF PETITIONS

In re Patent No. 7,504,238	:	
Ward et al.	:	DECISION ON
Issue Date: March 17, 2009	:	REQUEST FOR RECONSIDERATION
Application No. 11/119,869	:	OF
Filed: May 2, 2005	:	PATENT TERM ADJUSTMENT
Docket No. SGM 6938.5 (SIG045/4)	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. 1.705" filed May 15, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from one hundred sixty-four days (164) days to two hundred eighty-eight (288) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On March 17, 2009, the above-identified application matured into US Patent No. 7,504,238 with a revised patent term adjustment of 164 days. On May 15, 2009, patentees timely submitted this request for reconsideration of patent term adjustment (with the required fee), asserting that the correct number of days of patent term adjustment is 288 days. See 37 CFR 1.705(d). Specifically, patentees contend:

> Based upon a review of the Patent Application Information Retrieval (PAIR) database regarding the subject application, it appears that the Office did not add the Period B delay of one-hundred twenty-four days (124) to the total Office delay, presumably assuming this Period B delay to overlap with the Period A delay. However, according to the recent decision of Wyeth v. Dudas, 88

> U.S.P.Q. 2d, 1538 (D.D.C. 2008), the Office's Period B delay does not overlap with the Office's Period A delay, because the Period B delay does not occur within the period of three years after the filing of the application in which the Period A delay occurred. Accordingly, the Office's determination of its own delay of three-hundred fifty-one (351) days is inaccurate, falling short by one-hundred twenty-four (124) days.

Request dated 05/15/09, pp. 2-3.

The period of adjustment under 37 CFR 1.702(b) ("Three Year Delay") is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued.[1]

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[1] 37 CFR 1.703(b) provides that the period of adjustment of the term of a patent shall not include the period equal to the sum of the following periods:

(1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued;

(2)

(i) The number of days, if any, in the period beginning on the date an interference was declared or redeclared to involve the application in the interference and ending on the date that the interference was terminated with respect to the application; and

(ii) The number of days, if any, in the period beginning on the date prosecution in the application was suspended by the Office due to interference proceedings under 35 U.S.C. 135(a) not involving the application and ending on the date of the termination of the suspension;

(3)

(i) The number of days, if any, the application was maintained in a sealed condition under 35 U.S.C. 181;

(ii) The number of days, if any, in the period beginning on the date of mailing of an examiner's answer under § 41.39 of this title in the application under secrecy order and ending on the date the secrecy order was removed;

(iii) The number of days, if any, in the period beginning on the date applicant was notified that an interference would be declared but for the secrecy order and ending on the date the secrecy order was removed; and

In this instance, the Three Year Delay period of 124 days is calculated based on the application having been filed under 35 U.S.C. 111(a) on May 2, 2005, and a request for continued examination ("RCE") having been filed in this application on September 3, 2008. The filing of a RCE cuts-off the applicant's ability to accumulate any additional patent term adjustment against the three-year pendency provision, but does not otherwise affect patent term adjustment. 37 CFR 1.703(b)(1).

Patentees assert that in addition to this 124 day period, they are entitled to a period of adjustment due to examination delay, pursuant to 37 CFR 1.702(a), totalling 351 days. This 351 day period is the sum of:

- a period of delay of 346 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 § 1.702(a)(1); and,
- a period of delay of 5 days for the Office's failure to issue a patent not later than four months after the date on which the issue fee was paid under 35 U.S.C. 151 and all outstanding requirements were satisfied, pursuant to § 1.702(a)(4).

Under 37 CFR 1.703(f), patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR 1.702 reduced by the period of time equal to the period of time during which patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. In other words, the period of Office delay

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(iv) The number of days, if any, in the period beginning on the date of notification under § 5.3(c) of this chapter and ending on the date of mailing of the notice of allowance under 35 U.S.C. 151; and,

(4) The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.

reduced by the period of applicant delay. The period of reduction of 187 days for applicant delay is not in dispute.

Patentees do not dispute that the total period of Office delay is the sum of the period of Three Year Delay (124 days) and the period of examination delay (351 days) to the extent that these periods of delay are not overlapping. However, patentees contend that no portion of the Three Year Delay period overlaps with the period of examination delay under 37 CFR 1.702(a)(1) and (4). Accordingly, patentees submit that the total period of adjustment for Office delay is 475 days, which is the sum of the period of Three Year Delay (124 days) and the period of examination delay (351 days), reduced by the period of overlap (0 days). As such, patentees assert entitlement to a patent term adjustment of 288 days (124 + 351 reduced by 0 overlap - 187 (applicant delay)).

Patentees' arguments have been considered, but are not persuasive. The Office concurs that as of the filing of the RCE on September 3, 2008, the application was pending three years and 124 days after its filing date. Further, the Office agrees that the actions detailed above were not taken within the specified time frame, and thus, the entry of a period of adjustment of 351 days is correct. At issue is whether patentees should accrue 124 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as, 351 days for the Office's failure to take a certain action within a specified time frame (or examination delay).

The Office contends that all 124 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, 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 37 CFR 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers

back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3 year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[2]

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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-

As such, the period for over three year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, May 2, 2005, to the date of the filing of the RCE on September 3, 2008 (except for periods excluded under 35 U.S.C. 154(b)(1)(b)(i)-(iii). The period of delay of 124 days for the Office taking in excess of three years to issue the patent overlaps with the 351 days accorded pursuant to 37 CFR 1.702(a)(1) and (a)(4) during the pendency of the application prior to the filing of the RCE. The period of 351 days is considered the actual number of days that the issuance of the patent was delayed, considering the 124 days over three years to the filing of the RCE. As the 351 days had already been accorded, 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.

The Office acknowledges the previous submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

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SEP 12 2005

Warren B. Kice
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
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In re application of Ennis Cornelius Sullivan II Application No. 11/119,874 Filed: May 2, 2005	: : : :	**DECISION ON PETITION TO MAKE SPECIAL (ENVIRONMENTAL QUALITY OR ENERGY)**

For: RAIL TRANSPORTATION SYSTEM

This is a decision on the petition filed July 7, 2005, under 37 CFR 1.102 (c) to make the above-identified application special under the procedure set forth in MPEP 708.02, Section V: Environmental Quality or alternatively, Section VI: Energy.

A grantable petition to make an application special under 37 C.F.R. 1.102 (c), MPEP 708.02, Section VI for an invention which materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources must be accompanied by statements by applicant or his attorney explaining how the invention materially contributes to category (A) or (B) set forth above.

The petition states the invention "is directed to a transportation system, according to which an electrically-operated relatively large, rail car travels along a track and is located relative to the track so that the composite center of gravity of the car is offset from the track in a lateral and longitudinal direction. Since the preferred embodiment utilizes an electric motor, the energy saving realized by transporting a high volume of people, which otherwise could be using automobiles powered by internal combustion engines, is significant". However, applicant has not provided any facts in support of this statement. The petition should include an explanation describing the features and/or uses of the claimed invention that result in the conservation of energy. The petition itself should provide all the facts necessary to render a decision.

Applicant's Specification describes the invention as directed toward a further improvement of this transportation system involving bi-directional travel over a single guide way and switching from a main guide way to an auxiliary guide way, the transportation system itself being the subject of a separate application. This does not provide any evidence that the invention of <u>this</u> application directly and primarily contributes to energy efficiency or environmental improvements. Any peripheral benefits arising from the increased efficiency are insufficient to qualify for special status.

These statements are insufficient to grant a petition 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 VI: Energy.

A grantable petition to make an application special under 37 C. F. R. 1.102(c), MPEP 708.02, Section V for an invention which materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements-air, water and soil, must be accompanied by affidavits or declaration under 37 CFR 1.102 by the applicant or his attorney explaining how the invention contributes to the maintenance or restoration of one of these life sustaining elements.

Applicant's statements are insufficient to grant a petition 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 V: Environmental Quality. In this regard, no statements have been made that establish for the record how applicants' invention contributes to the maintenance or restoration of the basic life-sustaining elements-air, water and soil.

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. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above. 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.

For the above stated reasons, the petition is **DISMISSED**.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(571) 272-6611

SNM/js: 09/09/05

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P.O. BOX 2906
MINNEAPOLIS, MN 55402-0906

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In re Application of	:	
Massoud Kazemzadeh	:	
Application No. 11/119,876	:	DECISION ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No. K772.106.101	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on September 10, 2008, to revive the above-identified application.

The application became abandoned for failure to timely reply to the non-final Office action mailed on January 22, 2008. A Notice of Abandonment was mailed on August 26, 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 $770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application file is being referred to Technology Center Art Unit 1794 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

cc: Michael A. Bondi
100 South Fifth Street, Suite 2250
Minneapolis, MN 55402

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OFFICE OF PETITIONS

MEREK BLACKMON & VOORHEES, LLC
673 S. WASHINGTON ST.
ALEXANDRIA, VA 22314

In re Application of	:	
R. Lee Roberts et al	:	
Application No. 11/119,907	:	ON PETITION
Filed: May 3, 2005	:	
Attorney Docket No. PA-241	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 10, 2009, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed December 3, 2008, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on February 4, 2009. See MPEP 1215.04.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1797 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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1300 NORTH SEVENTEENTH STREET
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Mail Date: 04/21/2010

Applicant	: Kaoru Sakai	: DECISION ON REQUEST FOR
Patent Number	: 7620232	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,944	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **974** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 :
Kwang-Sung Hwang et al. :
APPLICATION NO. 11/119,966 : ON PETITION
FILED: May 3, 2005
ATTORNEY Docket No: **104-1037**

This is a decision on the petition filed April 23, 2010, to withdraw the holding of abandonment, which is treated under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181(b) is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned December 30, 2009 for failure to reply to the non-Final Office Action mailed September 29, 2009, which set a three (3) month period for reply. No extensions of time having been filed, a Notice of Abandonment was mailed April 12, 2010.

Petitioner asserts that the Office Action mailed on September 29, 2009 was never received.

The file record discloses that the Office Action was mailed to what was believed to be the address of record, the same address to which the Notice of Abandonment was mailed and received, however, petitioner contends that it was not received.

The requirement under 37 CFR 1.181, is that petitioner review the docket records and submit copies of the actual docket records or file jacket to show non-receipt. That requirement has not been met. In a petition under 37 CFR 1.181 the petitioner must show, as in this instance where non-receipt is claimed that petitioner is without fault in not receiving the communication and therefore could not respond timely. In the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received at the address of record.

While petitioner has provided "docket records" which appear to be the docket record for the instant matter, petitioner has not submitted docket records in accordance with M.P.E.P. 711.03(c) and pursuant to Delgar Inc. v. Schuyler, 172 USPQ 513, which includes the **"Master Docket"**. Instead, the evidence includes pages from the docket for the instant matter, the file jacket for the instant matter and a secondary manual entry log of all Office Actions received from the USPTO.[1]

In view thereof, the holding of abandonment cannot be withdrawn.

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[1]In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the **master docket report** showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. **If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See Lorenz v. Finkl, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),[2] 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).

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

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[2]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON DC 20006

MAILED

JUL 09 2010

OFFICE OF PETITIONS

IN RE APPLICATION OF :
Kwang-Sung Hwang et al. :
APPLICATION NO. 11/119,966 : ON PETITION
FILED: May 3, 2005
ATTORNEY Docket No: **104-1037**

This is a decision on the renewed petition filed June 24, 2010, under 37 CFR 1.181, to withdraw the holding of abandonment, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181(b) is **GRANTED.**

This application became abandoned December 30, 2009 for failure to reply to the non-Final Office Action mailed September 29, 2009, which set a three (3) month period for reply. No extensions of time having been filed, a Notice of Abandonment was mailed April 12, 2010. A petition filed April 23, 2010 under 37 CFR 1.181arguing that the non-Final Office Action was not received, was dismissed in a decision mailed June 14, 2010 because the requirement under 37 CFR 1.181, to submit copies of the actual docket records or file jacket, including the "Master Docket", to show non-receipt had not been met.

Comes now petitioner with copies of the "Master Docket" to show that the Office Action mailed September 29, 2009 was not received.

In that the statement from the petitioner and the exhibits from the "Master Docket", show no entry indicating receipt of the non-Final Office Action mailed September 29, 2009, it is apparent that it was not received.

The evidence submitted corroborates non-receipt of the non-Final Office Action.

In view of the facts set forth in the petition, it is concluded that the non-Final Office Action mailed September 29, 2009 was never received at the address of record.

Accordingly, the Notice of Abandonment is withdrawn and this matter is being referred to Technology Center 3632 for a re-mailing of the non-Final Office Action mailed September 29, 2009 and for a restarting of the period for response.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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STEVEN M. duBOIS
POTOMAC PATENT GROUP, PLLC
P.O. BOX 270
FREDERICKSBURG, VA 22404

COPY MAILED

AUG 18 2005

OFFICE OF PETITIONS

In re Application of	:	
Liberty et al.	:	
Application No. 11/119,987	:	ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No.:	:	
0320-058	:	

This is a decision on the Petition Under 37 C.F.R. 1.182, filed July 1, 2005, requesting the application be accorded a filing date of May 2, 2005, including Figure 5 described in the specification.

The petition is **dismissed**.

The application was filed on May 2, 2005. However, on May 25, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"), noting, *inter alia*, that a filing date had been accorded the application; however, Figure 5 described in the specification appeared to have been omitted from the application[1]. The Notice set a two-month period for reply, with extensions of time available under 37 CFR §1.136(a).

In response to the Notice, Applicant files the instant petition and draws attention to the incorporation by reference of the prior application. Applicant requests that the application be accorded a filing date including Figure 5 "by virtue of this express incorporation by reference". *Petition* at p.2.

[1] The Petition states incorrectly that the Office mailed a Notice of Incomplete Nonprovisional Application on May 25, 2005. While Applicant is correct in that a Notice of Incomplete Nonprovisional Application indicates therein that a filing date has NOT been accorded the application (because a component necessary to obtain a filing date, i.e. a specification, claim(s) or drawing(s)), has not been included in the application papers as filed; a Notice to File Missing Parts of Nonprovisional Application indicates therein that an application number and filing date HAVE been accorded to the application, nonetheless, parts of the application are missing.

Applicant is advised that a petition is not necessary in this instance to add Figure 5. The Manual of Patent Examining Procedure ("MPEP") provides that

> [i]f a continuation or divisional application as originally filed is entitled to a filing date despite the omission of a portion of the prior application(s), applicant will be permitted to add the omitted material by way of an amendment provided a statement was included in the application as originally filed that incorporates by reference the prior application(s). If the application as originally filed included a proper incorporation by reference of the prior application(s), an omitted specification page(s) and/or drawing figure(s) identified in a "Notice of Omitted Item(s)" may be added by amendment provided the omitted item(s) contains only subject matter in common with such prior application(s). In such case, applicant need not respond to the "Notice of Omitted Item(s)". Applicant should submit the amendment adding the omitted material prior to the first Office action on to avoid delays in the prosecution of the application. See MPEP § 601.01(d) and § 601.01(g).

MPEP 201.06(c)B.

Applicant may add Figure 5 by way of amendment and without a petition.

A review of the application reveals that the application contains method claims. Applicant is further advised that, as stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application containing at least one method claim as an application for which a drawing is <u>not</u> necessary for an understanding of the invention under 35 U.S.C. § 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application

> filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application is contains a method claim; therefore, the application was treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g)(wherein the application is accorded a filing date and a Notice of Omitted Item(s) in a Nonprovisional Application is mailed[2].

In view of the fact that the petition was not necessitated by an error on the part of this Office, the petition fee will not be refunded.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of May 2, 2005, using the application papers filed on that date.

Applicant is advised to file an amendment prior to the first Office action on the merits.

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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[2] The mailing of a 'Notice of Omitted Item(s)' will permit the applicant to either: (1) promptly establish prior receipt in the USPTO of the drawing(s) at issue (generally by way of date-stamped postcard receipt (MPEP 503)) (by filing a petition under 37 CFR 1.53); (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date such submission as the application filing date (by filing a petition under 37 CFR 1.182); or (3) "accept the application as deposited in the USPTO [and not] respond to the 'Notice of Omitted Item(s)'", thereby constructively accepting the application as deposited with this Office. Amendment of the specification is required . . . to cancel all references to the omitted drawing[s]. . . ." See MPEP 601.01(g).

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OFFICE OF PETITIONS

POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG, VA 22404

In re Patent No. 7,535,456	:	
Issued: May 19, 2009	:	
Application No. 11/119,987	:	NOTICE
Filed: May 2, 2005	:	
Attorney Docket No. 0320-058	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

BRINKS, HOFER, GILSON & LIONE
P.O. BOX 1340
MORRISVILLE NC 27560

In re Application of	:	
Upvan Narang et al.	:	
Application No. 11/119,992	:	DECISION ON PETITION
Filed: May 2, 2005	:	TO WITHDRAW
Attorney Docket No. **CMED.10199**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 29, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 45473 has been revoked by the assignee of the patent application on February 9, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/119,992	05/02/2005	Upvan Narang	CMED.10199

CONFIRMATION NO. 4279

POA ACCEPTANCE LETTER

27777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

OC000000037740338

Date Mailed: 09/10/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2009.

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.

/jlburke/

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
11/119,992	05/02/2005	Upvan Narang	CMED.10199

CONFIRMATION NO. 4279

POWER OF ATTORNEY NOTICE

45473
BRINKS, HOFER, GILSON & LIONE
P.O. BOX 1340
MORRISVILLE, NC 27560

OC000000037740333

Date Mailed: 09/10/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2009.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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HONEYWELL, INTERNATIONAL INC.
101 COLUMBIA ROAD
P.O. BOX 2245
MORRISTOWN, NJ 07962-2245

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OCT 18 2005

OFFICE OF PETITIONS

In re Application of :
S. Cottrell et al :
Application No. 11/119,993 : DECISION GRANTING STATUS
Filed: May 2, 2005 : UNDER 37 CFR 1.47(A)
For: PREPARATION OF HALO-OLEFIN :

This is in response to the petition under 37 CFR 1.47(a), filed July 29, 2005.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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 regarding this decision should be directed to Petitions Examiner Karen Creasy at (571) 272-3208.

This matter is being referred to Technology Center AU 1621 for examination in due course.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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OCT 18 2005

OFFICE OF PETITIONS

WILLIAM R. JONES
18905 POUJEAUX AVENUE
BATON ROUGE LOUISIANA 70817

In re Application of
Stephen A. Cottrell et al
Application No. 11/119,993
Filed: May 2, 2005
For: PREPARATION OF HALO-OLEFIN

Dear Mr. Jones:

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 in 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 Karen Creasy at (571) 272-3208. 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).

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:
HONEYWELL, INTERNATIONAL INC.
101 COLUMBIA ROAD
P.O. BOX 2245
MORRISTOWN, NJ 07962-2245

UNITED STATES PATENT AND TRADEMARK OFFICE

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Date :June 11, 2009

Patent No. :7320888
Inventor(s) :11/119995
Issued :January 22, 2008
Title :SUBMERGENCE-INDUCED PROTEIN-LIKE FACTORS

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;

B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and

C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-8300
ATTN: Office of Petitions

EFS web uspto.gov/ebc/index.html
(must be registered as an e-filer to submit responses)
Technical Support 1-866-217-9197

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

A. Green

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756- 1541

Rosenberg, Klein & Lee
3458 Ellicot Center Drive, Ste 101
Ellicott City, MD 21043

/arg

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MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

Mail Date: 04/21/2010

Applicant	: David W. Knoble	: DECISION ON REQUEST FOR
Patent Number	: 7631985	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/119,999	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: 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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1731 EMBARCADERO ROAD
SUITE 230
PALO ALTO, CA 94303

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OCT 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Samuel P. Sawan et al	:	
Application No. 11/120,002	:	DECISION ON PETITION
Filed: May 2, 2005	:	TO WITHDRAW
Attorney Docket No. 5007.02-1 SHA-100	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 15, 2009.

The request is **APPROVED**.

A review of the file record indicates that David J. Aston: (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, David J. Aston has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquires concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: David J. Aston
425 Sherman Avenue, Suite 230
Palo Alto, CA 94306

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MICHAEL BEST & FRIEDRICH LLP
ONE SOUTH PINCKNEY STREET
P O BOX 1806
MADISON, WI 53701

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In re Application of	:	
Henderson et al.	:	DECISION ON PETITION
Application No. 11/120,042	:	TO WITHDRAW
Filed: April 29, 2005	:	FROM RECORD
Attorney Docket No. 016348-9046-01	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on November 17, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted herein cannot be approved at this time.

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 currently no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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GORDON & JACOBSON, P.C.
60 Long Ridge Road, Suite 407
Stamford, CT 06902

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SEP 08 2005
Director's Office
Group 3700

In re Application of :
S. Ravikumar :
Serial No. 11/120,044 : DECISION ON PETITION
Filed: May 02, 2005 : TO MAKE SPECIAL

For: **THERAPEUTIC BANDAGE FOR THE HEEL OF THE FOOT**

Applicant's petition, filed July 27, 2005, seeks to have this application made special pursuant to the Accelerated Examination Program. The petition is GRANTED.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(VIII) of the Manual of Patent Examining Procedures (MPEP).

Applicant is advised that the examiner's search will be restricted to the subject matter encompassed by the claims. In the event that the application receives a first action rejection, applicant is encouraged to arrange for an interview with the examiner, and to provide the examiner with a working copy of any proposed amendment one working day prior to the interview. Any amendment filed in response to a first action rejection, which would require broadening of the field of search will be treated as an improper response.

PETITION GRANTED.

Richard A. Bertsch

Richard A. Bertsch, Director
Technology Center 3700
571-272-3750

rt/ 9/7/05

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KSOPHT0101-Z2100
OVERLAND PARK KS 66251-2100

In re Application of	:	
Willets et al.	:	DECISION ON PETITION
Application No. 11/120,053	:	
Filed: May 2, 2005	:	
For: 3108/SPRI. 117711	:	

This is a decision on the petition to expunge under 37 CFR 1.59(b), filed July 23, 2008.

The petition under 37 CFR 1.59(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.59(b)." This is not a final agency decision.

Petitioners request that the Office expunge the amendment submitted on July 22, 2008 in conjunction with the Request for Continued Examination. Applicants' attorney later realized that the amendment addressed a different application and was inadvertently submitted.

In view thereof, petitioners request that the amendment dated July 22, 2008 be expunged from the application file.

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."

In accordance with MPEP 724.05, "[a] petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted; (C) the information has not otherwise been made public; (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted; (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee as set forth in 37 CFR 1.17(g) is included."

The instant petition fails to satisfy items (B), (C), (D), and (E).

Accordingly, expungement of the documents filed July 22, 2008 is not deemed appropriate, given the limited information provided in the petition.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. If appropriate a change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: **Mail Stop Petition**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By hand delivery: U.S. Patent and Trademark Office
Customer Window, **Mail Stop Petition**
Randolph Building
401 Dulany Street

Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SPRINT COMMUNICATIONS COMPANY L.P.
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK KS 66251-2100

In re Application of	:	
Willets, et al.	:	DECISION ON PETITION
Application No. 11/120,053	:	
Filed: May 2, 2005	:	
For: 3108/SPRI.117711	:	

This is a decision on the renewed petition to expunge under 37 CFR 1.59 filed October 13, 2008.

The petition under 37 CFR 1.59 is **DISMISSED**.

Petitioners indicate that an a Request for Continued Examination (RCE) along with an amendment as the submission requirement were filed on July 22, 2008, while the RCE was intended for the instant application, the amendment was intended for application no. 10/803,364. Petitioners request that the amendment filed July 22, 2008 and entered into U.S. Application No. 11/120,053 be expunged from that application.

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."

Petitioners have failed to establish that expungement is appropriate in this instance.

However, the amendment in question contained sufficient identifiers, including the correct application number, title, attorney docket number, filing date, and inventor name. Thus, in this instance, it is deemed a correctable error and expungement is deemed unnecessary. Accordingly, the amendment filed July 22, 2008 intended for application no. 10/803,364 but entered into

the file of 11/120,053 will be transferred to application no. 10/803,364.

It is noted that an amendment directed to application no. 11/120,053 and to be used as the submission requirement with the RCE was submitted on July 23, 2008.

This application is being referred to art unit 2836 for appropriate action by the Examiner in the normal course of business.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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SPRINT COMMUNICATIONS COMPANY L.P.
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: Julie A. Willets	: DECISION ON REQUEST FOR
Patent Number	: 7615889	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/120,053	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **627** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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4417 LANCASTER PIKE
WILMINGTON DE 19805

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OFFICE OF PETITIONS

In re Application of	:	
Wai Mun Lee	:	
Application No. 11/120,054	:	DECISION ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No. EK0071USCIP1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 19, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,540.00, and (3) an adequate statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office. Further, is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. While, a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

The Power of Attorney by Assignee submitted with the instant petition on August 18, 2008 is hereby not accepted. Although petitioner submitted a Certificate under 37 C.F.R. § 3.73(b), it does not fully comply with 37 CFR 3.73(b). In this regard, the certificate or statement must 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 additionally submit any documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment). The documents submitted to establish ownership may be required to be recorded

pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office. A 37 CFR 3.73(b) statement is enclosed.

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 appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Morgan Lewis & Bockius LLP
Mark J. Sullivan
1111 Pennsylvania Avenue, N.W.
Washington DC 20004

Enclosure: PTO/SB/96 – Statement under 3.73(b)

PTO/SB/96 (01-08)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No.: _____ Filed/Issue Date: _____

Entitled:

_____, a _____
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____%)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

_____	_____
Signature	Date
_____	_____
Printed or Typed Name	Telephone Number
_____	
Title	

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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GORDON & JACOBSON
SUITE 407
60 LONG RIDGE ROAD
STAMFORD, CT 06902

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OFFICE OF PETITIONS

In re Application of	:	
Sundaram Ravikumar	:	
Application No. 11/120,057	:	DECISION ON PETITION
Filed: May 2, 2005	:	TO WITHDRAW
Attorney Docket No. RAV-018	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 25, 2009.

The request is **APPROVED**.

The request was signed by David P. Gordon on behalf of the practitioners of record associated with Customer Number 36822.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Sundaram Ravikumar 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: Sundaram Ravikumar
265 Hardscrabble Road
Briarcliff Manor, NY 10510

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
11th Floor
BOSTON MA 02116-3889

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In re Application of	:	
AMER, Salah	:	
Application No. 11/120,060	:	DECISION ON PETITION
Filed: May 02, 2005	:	TO WITHDRAW
Attorney Docket No. **102106-00001**	:	FROM RECORD

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 06, 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 Elizabeth R. Burkhard on behalf of all attorneys of record who are associated with customer No. 54975. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Salah Amer at the address indicated below.

There is an outstanding Office action mailed June 11, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **SALAH AMER**
1380 MIAMI GARDENS DRIVE
SUITE 285
NORTH MIAMI BEACH, FL 33179

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Commissioner for Patents
United States Patent and Trademark Office
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FROM DIRECTORS OFFICE

JUN 27 2005

TECHNOLOGY CENTER 3600

BRIAN ROFFE, ESQ.
11 SUNRISE PLAZA, SUITE 303
VALLEY STREAM, NY 11580-6170

In re application of Oleksandr T. Shostak, et al. Application No. 11/120,065 Filed: May 2, 2005 For: SENSOR ASSEMBLIES	: : : : :	**DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)**

This is a decision on the petition submitted on June 1, 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. Breed's passport indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(571) 272-6619

RAR/dew: 06/06/05

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JAMES E. BRADLEY
BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON TX 77208-1389

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OFFICE OF PETITIONS

In re Application of	:	
Rick C. Hunter	:	
Application Number: 11/120070	:	DECISION ON PETITION
Filing Date: 05/02/2005	:	
Attorney Docket Number:	:	
V2004040	:	

This is a decision on the petition filed on 29 May, 2007, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 22 December, 2006, for failure to timely file a reply to the non-final Office action mailed on 21 September, 2006, which set a three (3) month shortened statutory period for reply. No extensions of the time

---

[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)).

for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 9 April, 2007.

Petitioner has filed an amendment as the required reply.

This application is being referred to Technology Center 3753 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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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

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JUN 20 2008

OFFICE OF PETITIONS

Johnny G. Peavey
2503 Poplar Park Drive
Kingwood TX 77339

In re Application of	:	DECISION ON PETITION
Johnny G. Peavey	:	PURSUANT TO
Application No. 11/120,073	:	37 C.F.R. § 1.181
Filed: May 2, 2005	:	
Attorney Docket Number:	:	
0020.0001	:	
Title: STATIONARY KICK PRACTICE	:	
STAND	:	

This is a decision on the submission of February 29, 2008. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.181, i.e. a request that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181 is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed August 15, 2007, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 16, 2007. A notice of abandonment was mailed on February 21, 2008.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney

docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

ANALYSIS

With this petition, Petitioner has asserted that the non-final Office action of August 15, 2007 was not received.

This petition cannot be granted, as it does not appear that Petitioner has:

- Provided a statement describing the system used for recording an Office action received at the correspondence address of record with the USPTO, and further establishing that the docketing system is sufficiently reliable;

- provided a statement, establishing that a search of Petitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received;

- provided a copy of the record(s) where the non-received Office action would have been entered had it been received, and;

- either provide a copy of the master docket, or set forth that no such master docket exists 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 this application.

CONCLUSION

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition 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[1], hand-delivery[2], or facsimile[3]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[4].

Alternatively, Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a) and/or (b). Unless Petitioner believes that he can successfully assert that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard.

Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

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

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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[5]. All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Courtesy Copy of non-final Office action of mailed August 15, 2007

5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/120,073	05/02/2005	Johnny G. Peavey	0020.0001	1317

7590 08/15/2007

Johnny G. Peavey
2503 Poplar Park Drive
Kingwood, TX 77339

Courtesy Copy

EXAMINER
DONNELLY, JEROME W

ART UNIT	PAPER NUMBER
3764	

MAIL DATE	DELIVERY MODE
08/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	11/120,073	PEAVEY, JOHNNY G.
	Examiner	Art Unit
	Jerome W. Donnelly	3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, ~~453 O.G.~~ 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Courtesy Copy

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME DONNELLY
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6, 7, 8, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Shenton.

Shenton discloses a device comprising: a base, a post attached to the base a box 1, attached to the post said box adapted to accept a kick said box having a front side (6) which is adapted to be opened, wheels/casters.

Shenton discloses the post wherein it is tiltable and therefore the vertical height of the box changes.

In regard to applicant claims of an attitude adjustment mechanism in claims 6, 7, 8 and 9 note element 32 and 34 and semi-circular element (not labeled). The combination of elements (32, 42) and the semi-circular element, allows attitude adjustment, vertically horizontally and any angle there between

Claims 1, 11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Felber et al.

Felber discloses a device comprising a base (14), a post, a box (13), able to receive a kick and a foot brace (41) having an ankle strap.

In regard to claim 11 Felber discloses two sides which are open.

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Dignard et al.

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Dignard et al discloses a device comprising a base (25), a post (47, 51, 32, 53, 33 and 56) a box in the form of padding (23) and wherein the post comprises a spring.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shenton in view of Zlojutro.

Shenton discloses the device of claim 3 as claimed absent the feature of the device including locable casters.

Zlojutro teaches locable casters given the above teaching of providing casters on an exercise device for the purpose of adding mobility to the device and then inhibiting the movement of the device by locking the casters of the device, is considered known and obvious in the art and would have been an obvious addition to the device of Shenton for the same reasons.

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shenton in view of Clark.

Shenton discloses the device of claims 17-20 substantially as claimed absent the electronic features.

In regard to claim 20 Clark discloses a device comprising: sensors, timers and pads (52, 54, 55 and 57). In regard to claim 19 inherently sensors have to receive a minimal amount of force to be activated element (41) and its associated components comprise a timer.

In regard to claim 17, the device has circuitry, which includes timing mechanisms.

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Given the above teaching of providing electronic monitoring equipment to a striking device as disclosed by Clark, the examiner note that it would have been obvious to one of ordinary skill in the art to provide similar equipment to the device of Shenton for the purpose of monitoring and enhancing the workout of Shenton.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shenton in view of Stephens.

The examiner notes that it is well known and obvious to one of ordinary skill in the art to monitor the exercise routine of a user using a camera in view of the disclosure of Stephen's camera, element 62.

Claims 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Felber et al.

Felber et al discloses a device comprising: a base (24), a post (33-35), a box (39) as broadly claimed attached to said post and a foot brace (13) being universally adjustable horizontally and vertically, by universal joints.

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571) 272-4975.

JEROME DONNELLY
PRIMARY EXAMINER

Jerome Donnelly

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATTON BOGGS
1660 LINCOLN STREET, SUITE 2050
DENVER, CO 80264

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OFFICE OF PETITIONS

In re Application of	:	
ANGEL, et al.	:	
Application No. 11/120,076	:	DECISION ON PETITION
Filed: May 2, 2005	:	TO WITHDRAW
Attorney Docket No. 022925.0201PTUS	:	FROM RECORD
	:	

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 6, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by James Graziano 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: **FRANK J. ANGEL**
307B KELLY COVE
MOUNT LAUREL, NJ 08054

cc: **JOHN KING BURNS,MANAGING DIRECTOR**
THE PDCX CORPORATION
300 SOUTH WACKER DRIVE
CHICAGO IL 60606

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OFFICE OF PETITIONS

BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

In re Application of	:	
Suck-Hyun **Lee** et al.	:	
Application No. 11/120,082	:	DECISION ON PETITION
Filed: April 28, 2005	:	
Attorney Docket No. NEIT-P025	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 26, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed August 09, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 10, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuation application, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay. Accordingly, the reply 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 revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application no. 12/056,157 under 37 CFR 1.53(b).

Chris Botta

for David A. Bucci
Petitions Examiner
Office of Petitions

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ROCHE DIAGNOSTICS OPERATIONS INC.
9115 Hague Road
Indianapolis, IN 46250-0457

Mail Date: 04/20/2010

Applicant	: Hans-Joachim Hoeltke	: DECISION ON REQUEST FOR
Patent Number	: 7645369	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/120,098	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1259** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BROWN RUDNICK BERLACK & ISRAELS
BOX IP, 18TH FLOOR
ONE FINANCIAL CENTER
BOSTON, MA 02111

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APR 0 6 2006

OFFICE OF PETITIONS

In re Application of Mark Hochman Application No. 11/120,113 Filed: May 2, 2005 Attorney Docket No. 813126/10	DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the petition under 37 CFR 1.102(d), filed March 2, 2006,[1] to make the above-identified application special based on prospective manufacture as set forth in M.P.E.P. § 708.02, Section I.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(d) and MPEP § 708.02, Section I: Manufacture, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the Office alleging:

> (A) The possession by the prospective manufacturer of sufficient presently available capital (stating approximately the amount) and facilities (stating briefly the nature thereof) to manufacture the invention in quantity or that sufficient capital and facilities will be made available if a patent is granted;
>
> If the prospective manufacturer is an individual, there must be a corroborating statement from some responsible party, as for example, an officer of a bank, showing that said individual has the required available capital to manufacture;
>
> (B) That the prospective manufacturer will not manufacture, or will not increase present manufacture, unless certain that the patent will be granted;
>
> (c) That the prospective manufacturer obligates himself, herself, or itself, to manufacture the invention in the United States or its possessions, in quantity immediately upon the allowance of claims or issuance of a patent which will protect the investment of capital and facilities; and
>
> (D) That the applicant or assignee has made or caused to be made a careful and thorough search of the prior art, or has a good knowledge of the pertinent prior art.

---

[1] The petition originally filed June 27, 2005 has not to date been associated with the instant application file.

> 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 does not comply with item (A). With regard to item (A), the required statements as to the approximate amount of capital and the general nature of the facilities have not been 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 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 3732 for action in its regular turn.

Amelia Au
Petitions Examiner
Office of Petitions

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BOSTON MA 02111

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JUL 25 2006
OFFICE OF PETITIONS

In re Application of	:	
Hockman, Mark	:	DECISION ON PETITION
Application No. 11/120,113	:	TO MAKE SPECIAL
Filed: May 2, 2005	:	37 CFR1.102(D)
Attorney Docket No. 813126/10	:	

This is a decision on the renewed petition under 37 CFR 1.102(d), filed May 1, 2006 to make the above-identified application special, and the petition to withdraw petition for reconsideration of petition to make special filed June 19, 2006.

In view of the petition to withdraw the petition for reconsideration, the petition filed May 1, 2006, is hereby **DISMISSED** as moot.

Petitioner's deposit account was charged an additional $130.00 petition fee on both May 1, 2006 and June 19, 2006, both of which are not necessary. Accordingly, $260.00 will be credited to petitioner's deposit account as authorized.

This matter is being referred to the Technology Center Art Unit 3732 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

Mail Date: 04/21/2010

Applicant	: William McClure Hooke	: DECISION ON REQUEST FOR
Patent Number	: 7615931	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/120,153	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1224** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

MAILED

JUL 15 2010

OFFICE OF PETITIONS

In re Patent No. 7,425,077 :
Issue Date: September 16, 2008 :
Application No. 11/120,170 : DECISION ON PETITION
Filed: May 2, 2005 :
Attorney Docket No. 3167-6980US :

This is a decision on the Request For Certificate Of Correction Of Patent For Applicants' Mistakes (37 C.F.R. §1.323) And Patent Office Mistakes (37 C.F.R. §1.322), filed on June 3, 2010, requesting correction on the Title Page of the subject patent to identify the correct assignee's name. The Request is being treated as a Petition Under 37 CFR 3.81(b). A completed Certificate of Correction Form (PTO/SB/44) was submitted with the petition.

The petition under 37 CFR 3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL 85B and that such was Applicants' error and ***not*** Patent Office error. Accordingly, petitioner requests, in effect, that the Title Pate of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct name of the assignee's name identified thereon from:

"Pelton & Crane, Charlotte, NC (US)"

to:

--Dental Equipment, LLC., Charlotte, NC (US) --

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 states that the error in not providing the correct assignee's name on the front of the patent was a combination of Applicant and Patent Office errors. However, a review of the Issue Fee Transmittal Form (PTOL-85B) clearly shows the name of the assignee to be printed on the patent as only "*Pelton & Crane, Charlotte, North Carolina*" and thus the error was Applicants' error and ***not*** Patent Office error.

The requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), has been submitted. However, the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), was accompanied deposit account authorization to charge any required fees. As such, the fee has been charged as authorized. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content at Item (73) on the Form PTO/SB/44 submitted with the present petition.

However, petitioner requests several corrections to be made In The Specifications and In The Claims. Therefore, these corrections will be handled directly in the Certificate of Correction Branch.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,425,077.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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SEP 14 2005

OFFICE OF PETITIONS

In re Application of :
John C. Jones :
Application No. 11/120,185 :
Filed: May 3, 2005 : ON PETITION
For: ADDRESSING MULTISTABLE :
NEMATIC LIQUID CRYSTAL DEVICES :

This is a decision on the Response to Notice to File Missing Parts of Nonprovisional Application, filed July 20, 2005, requesting the above-identified application be accorded a filing date of May 3, 2005, including Figure 35 described in the specification.

The application was filed on March 9, 2005. On June 21, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, Figure 35 described in the specification appeared to have been omitted from the application.

Applicant responds with the instant petition wherein Applicant avers that Figure 35 described in the specification was included among 23 sheets of drawings, Figures 1-37, originally filed with the application on May 3, 2005, and were received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of his return-receipt postcard acknowledging receipt of, *inter alia*, 23 sheets of drawings, Figures 1-37, in the above-identified application by this Office on May 3, 2005.

A review of the return-receipt postcards reveals that Applicant is correct. The postcards acknowledge receipt of, *inter alia*, 23 sheets of drawings, Figures 1-37, in the above-identified application by this Office on May 3, 2005. Applicant has also re-filed Figure 35 with the instant petition.

"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.

No petition 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 May 3, 2005, and an indication that Figure 35 described in the specification was included among 23 sheets of drawings filed on May 3, 2005, using Figure 35 filed with the instant petition on July 20, 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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AUG 1 8 2006

OFFICE OF PETITIONS

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE WA 99201

In re Application of	:	
Zicheng Liu et al	:	
Application No. 11/120,209	:	ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No. MS1-526USC12	:	

This is a decision on the petition, filed August 16, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 30, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2624 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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Alexandria, VA 22313-1450
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AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

COPY MAILED

MAR 0 3 2006

OFFICE OF PETITIONS

In re Application of	:	
Weiss, et al.	:	
Application No.: 11/120,214	:	DECISION ACCORDING STATUS
Filed: May 2, 2005	:	UNDER 37 CFR 1.47(a)
Attorney Docket No.: 4110-201U1	:	
For: REMOTE CONTROLLED TOY VEHICLE, TOY VEHICLE CONTROL SYSTEM AND GAME USING REMOTE CONTROLLED TOY VEHICLE		

This is a decision on the petition captioned under 37 CFR 1.47(b), filed December 6, 2005 (certificate of mailing date December 2, 2005).

It appears that petitioners have submitted documents with the intention of having an entity with a proprietary interest intervene and make the application on behalf of the non-signing inventors. Petitioners are reminded that when even one joint inventor signs, the provisions of 37 CFR 1.47(a) apply. Where 37 CFR 1.47(a) is available, application cannot be made under 37 CFR 1.47(b). MPEP 409.03(b)

Therefore, the petition will be treated under 37 CFR 1.47(a). A petition fee of $200.00 will be charged to deposit account no. 50-1017, as no payment was found enclosed with the petition.

The petition under 37 CFR 1.47(a) is **GRANTED**.

As a preliminary matter, petitioners are informed that the first even partially executed declaration filed in the Office sets the inventive entity. The first declaration in this case included Frank W. Winkler. The joint inventors signed a declaration that listed Mr. Winkler as an inventor. Therefore, if petitioners desire to remove Mr. Winkler, a petition under 37 CFR 1.48(a) is required. Since Mr. Sinha is a non-signing inventor, a waiver petition under 37 CFR 1.183 would

be required to cover his missing signature on the future declaration for patent application that leaves off Mr. Winkler.

The petition will be treated as a petition under 37 CFR 1.47(a) with respect to inventors Sinha and Winkler.

Petitioners have shown that the non-signing inventors, Sinha and Winkler, have refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration/statement of facts of Attorney John Jamieson, Jr. establishes that the inventors were mailed the application papers, including the specification, claims and drawings and Mr. Winkler expressly refused to sign the declaration on August 26, 2005 and Mr. Sinha constructively refused to sign the declaration by failing to respond to the correspondence he received at his Michigan address. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.[1]

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing 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 forwarded to Technology Center AU 3714 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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[1] Please ensure that the declaration submitted with the Rule 48/1.183 waiver petition correctly identifies the number and **order** of inventors. The current declaration lists 5 second named inventors and 4 third named inventors. There will be 9 named inventors after Winkler is removed.

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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FRANK WILLIAM WINKLER
87 MYRTLE AVENUE
MICKLETON, NJ 08056

COPY MAILED
MAR 0 3 2006
OFFICE OF PETITIONS

In re Application of	:	
Weiss, et al.	:	
Application No.: 11/120,214	:	LETTER
Filed: May 2, 2005	:	
Attorney Docket No.: 4110-201U1	:	
For: REMOTE CONTROLLED TOY VEHICLE, TOY VEHICLE CONTROL SYSTEM AND GAME USING REMOTE CONTROLLED TOY VEHICLE		

Dear Mr. Winkler:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

UNITED STATES PATENT AND TRADEMARK OFFICE

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VIKAS SINHA
3210 FERNWOOD AVENUE
ANN ARBOR, MI 48108-2907

COPY MAILED
MAR 0 3 2006
OFFICE OF PETITIONS

In re Application of	:	
Weiss, et al.	:	
Application No.: 11/120,214	:	LETTER
Filed: May 2, 2005	:	
Attorney Docket No.: 4110-201U1	:	
For: REMOTE CONTROLLED TOY VEHICLE, TOY VEHICLE CONTROL SYSTEM AND GAME USING REMOTE CONTROLLED TOY VEHICLE		

Dear Mr. Sinha:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

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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
11/120,216	04/29/2005	2821	500	31667-US-03-DIV	15	20	3

CONFIRMATION NO. 2331

CORRECTED FILING RECEIPT

OC000000016855864

005179
PEACOCK MYERS, P.C.
P O BOX 26927
ALBUQUERQUE, NM 87125-6927

Date Mailed: 08/24/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

George G. Chadwick, Carbondale, CO;

Assignment For Published Patent Application

Cocomo Mb Communications, Inc., Tokyo, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number **05179**.

Domestic Priority data as claimed by applicant

This application is a DIV of 10/412,371 04/11/2003 PAT 6,891,512
which is a CIP of 09/724,535 11/27/2000 ABN
and is a CIP of 10/160,747 05/30/2002 PAT 6,600,896

Foreign Applications

If Required, Foreign Filing License Granted: 06/02/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/120,216

Projected Publication Date: 09/08/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Antenna

Preliminary Class

343

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the 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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RICK B. YEAGER
10805 MELLOW LANE
AUSTIN, TX 78759

COPY MAILED
JAN 19 2010

In re Application of
James Garth Close, et al.
Application No. 11/120,232
Filed: May 2, 2005
Attorney Docket No. None

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed November 1, 2009.

The petition is **DISMISSED** because it is unsigned. It appears that the petition was intended to be electronically signed by Rich B. Yeager, an attorney registered to practice before the U.S. Patent and Trademark Office, but, is not signed in accordance with 37 CFR 1.4.

Further, a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). 711.03(c)(II)(C) and (D).

The statement of unintentional delay is not considered at this time to be a properly submitted statement, since the petition containing the statement of unintentional delay is not signed.

This decision is made without prejudice to reconsideration. However, 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 permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and a ratification of omissions noted above.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop PETITION
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html(for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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RICK B. YEAGER
10805 MELLOW LANE
AUSTIN, TX 78759

MAILED

JUN 09 2010

OFFICE OF PETITIONS

In re Application of	:	
James Garth Close, et al.	:	
Application No. 11/120,232	:	ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No. None	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

A review of the record discloses that this application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed January 7, 2009. A Notice of Abandonment was mailed on August 20, 2009. On November 1, 2009 a petition to revive under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed January 19, 2010. In response, on March 16, 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 a Request for Continued Examination (RCE) and fee of $405, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 3728 for processing of the RCE filed November 1, 2009 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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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

Mail Date: 04/21/2010

Applicant	: Jae-Hwan Chang	: DECISION ON REQUEST FOR
Patent Number	: 7580487	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/120,254	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1117** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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AUG 20 2007

OFFICE OF PETITIONS

MEYER UNKOVIC & SCOTT LLP
1300 OLIVER BUILDING
PITTSBURGH, PA 15222

In re Patent No.	:	
7,211,274	:	
Application No. 11/120,268	:	DECISION GRANTING PETITION
Filing Date: May 2, 2005	:	
Issue Date: May 1, 2007	:	
Attorney Docket No. 274751.103	:	

This is a decision on the petition under 37 CFR 1.182, filed July 9, 2007, requesting issuance of duplicate Letters of Patent for the above-identified patent.

The petition is **granted**.

The file record discloses that the instant application matured into U.S. Patent No. 7,211,274 on May 1, 2007. Petitioner contends, however, that the patent lost in the mail once it was forwarded to the patentee.

In view of the facts set forth in the petition, it is concluded that the patent has been lost. The Publishing Division is directed to issue duplicate Letters of Patent.

Any questions concerning this decision may be directed to the undersigned at (571)272-3222. Any questions concerning issuance of the duplicate Letter of Patent should be directed to Krystal Paige at (703)308-9250.

A copy of this decision is being forwarded to the Publishing Division for issuance of a duplicate Letter of Patent.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc: Krystal Paige, P/OPPD, Crystal Park 3-910 (Fax 571-270-9937)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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ARI PRAMUDJI
PRAMUDJI WENDT & TRAN, LLP
1800 BERING DRIVE, SUITE 540
HOUSTON, TX 77057

Mail Date: 04/20/2010

Applicant	: Jay A. Warren	: DECISION ON REQUEST FOR
Patent Number	: 7627367	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/120,284	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **756** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 05/06/2010

Applicant	: Steven M. Penn	: DECISION ON REQUEST FOR
Patent Number	: 7611247	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/120,294	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: 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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TYCO TECHNOLOGY RESOURCES
4550 NEW LINDEN HILL ROAD, SUITE 140
WILMINGTON DE 19808-2952

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APR 25 2006
OFFICE OF PETITIONS

In re Application of	:	
Paradie, et al.	:	
Application No. 11/120,298	:	ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No. E-MO-00013	:	
For: VEHICLE SENSOR SYSTEM AND PROCESS		

This is a decision on the petition, filed March 17, 2006, under 37 CFR 1.182 requesting a change to the order of inventors.

Pursuant to petitioners' authorization, the current petition fee of $400.00 will be charged to deposit account no. 19-5425.

The petition is GRANTED.

The order of inventors will be:

EGRI
PARADIE
WEI

A replacement filing receipt is enclosed.

After the mailing of this decision, the application file will be returned to Technology Center AU 3662.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

enclosure: replacement filing receipt

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WILMINGTON DE 19808-2952

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~~APR 25 2006~~
~~OFFICE OF PETITIONS~~

In re Application of :
Paradie, et al. :
Application No. 11/120,298 : ON PETITION
Filed: May 2, 2005 :
Attorney Docket No. E-MO-00013 :
For: VEHICLE SENSOR SYSTEM AND PROCESS

This is a decision on the petition, filed March 17, 2006, under 37 CFR 1.182 requesting a change to the order of inventors.

Pursuant to petitioners' authorization, the current petition fee of $400.00 will be charged to deposit account no. 19-5425.

The petition is GRANTED.

The order of inventors will be:

EGRI
PARADIE
WEI

A replacement filing receipt is enclosed.

After the mailing of this decision, the application file will be returned to Technology Center AU 3662.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

enclosure: replacement filing receipt

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MICHAEL P. MORRIS
BOEHRINGER INGELHEIM USA CORPORATION
900 RIDGEBURY ROAD
P. O. BOX 368
RIDGEFIELD, CT 06877-0368

Mail Date: 04/20/2010

Applicant	: Stefan Bassarab	: DECISION ON REQUEST FOR
Patent Number	: 7611709	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/120,300	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **511** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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JEFFREY J. HOHENSHELL
MEDTRONIC, INC.
7601 NORTHLAND DRIVE
MINNEAPOLIS, MN 55428

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OFFICE OF PETITIONS

In re Application of	:	
BAUGH, et al.	:	
Application No. 11/120,305	:	DECISION ON PETITION
Filed: May 2, 2005	:	TO WITHDRAW
Attorney Docket No. **P-9520.01**	:	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 October 29, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The 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 reason set forth in the request, "the sale of this patent/application from Medtronic to Arteriocyte," does not meet any of the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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: **BRIAN P. HOPKINS**
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
666 THIRD AVENUE
NEW YORK, NY 10017

UNITED STATES DEPARTMENT OF COMMERCE
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ASSISTANT SECRETARY OF COMMERCE AND
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Washington, DC 20231

1/17/08

Patent No. :7213347 1
Inventor(s) : Michael Long
Issued : 5/8/2007
Title : METERING MATERIAL TO PROMOTE RAPID VAPORIZATION
Acc./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 item [57] col. 2 line 11 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. However the remaining of the corrections will be corrected.

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

Raymond Owens
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

HR/CBN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/14/08

TO SPE OF : ART UNIT 2886 Pajoohi, TARA

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/120350 Patent No.: 7336359

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: _____

SPE

2886
Art Unit

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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: James E. Hutchison	: DECISION ON REQUEST FOR
Patent Number	: 7626192	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/120,352	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1245** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/120,370	05/03/2005	Patty Lee	YU 1695	3153

23579 7590 03/12/2008
PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE, SUITE 1200
1201 PEACHTREE STREET
ATLANTA, GA 30361

EXAMINER
WHITEMAN, BRIAN A

ART UNIT	PAPER NUMBER
1635	

MAIL DATE	DELIVERY MODE
03/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAR 1 2 2008

PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE, SUITE 1200
1201 PEACHTREE STREET
ATLANTA, GA 30361

In re Application of	:
Patty Lee	:
Serial No.: 11/120,370	: PETITION DECISION
Filed: May 3, 2005	:
Attorney Docket No.: YU 1695	:

This is in response to the petition under 37 CFR § 1.181, filed November 19, 2007 requesting that the declaration under 37 CFR § 1.131 filed on October 19, 2007 be entered into the above referenced application. The delay in acting upon this petition is regretted.

BACKGROUND

A review of the file history shows that the examiner mailed a non-final Office action on February 7, 2007, setting forth a three-month shortened statutory period for reply. In this Office action, claims 1-6 and 8-10 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement; claims 1-10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite; claims 1-6 and 8-10 were rejected under 35 U.S.C. 102 (b) as being anticipated by Avihingsanon et al.; claims 1-6 and 8-10 were rejected under 35 U.S.C. 102 (b) as being anticipated by Perrella; and claims 1-10 were rejected under 35 U.S.C. 102 (a) as being anticipated by Zhang et al. Claims 1, 5, and 7 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Perrella taken with Fire et al. Additionally, claim 7 was objected to for informalities. Claims 11-22 were withdrawn from consideration as being drawn to a non-elected invention.

In response, applicant filed an amendment on July 9, 2007 arguing the merits of the Office action and amending the claims. Applicant also added new claim 23. In the response, applicant argued that the reference was not by another and that they would be submitting shortly a declaration under 37 CFR §1.131 proving that the inventors, Patty Lee and Xuchen Zhang, conceived and reduced to practice compositions and methods as defined by the claims of the present application prior to December 18, 2003.

On July 19, 2007, the examiner mailed a final Office action again rejecting claims 1-6 and 8-10 under 35 U.S.C. 102 (b) as being anticipated by Avihingsanon et al.; again rejecting claims 1-6 and 8-10, and newly applied claim 23 under 35 U.S.C. 102 (b) as being anticipated by Perrella;

and again rejecting claims 1-6 and 8-10, and newly applied claim 23 under 35 U.S.C. 102 (a) as being anticipated by Zhang et al. Additionally, claims 1 and 5 were again rejected, with newly applied claim 23 under 35 U.S.C. 103 (a) as being unpatentable over Perrella taken with Fire et al. The examiner pointed out that applicant's amendment necessitated the new grounds of rejection. Claims 7 and 11-22 were withdrawn from consideration as being drawn to a non-elected invention.

In response, applicant filed an amendment after final on October 19, 2007, wherein the merits of the Final Office action were argued, a declaration was presented, and the claims were amended.

On October 30, 2007, the examiner mailed an advisory action which stated that the amendment after Final of October 19, 2007 would be entered but that the declaration would not be entered since the declaration failed to show good and sufficient reasons why it was not earlier presented.

In response thereto, applicant filed this petition on November 19, 2007 requesting that the declaration filed on October 19, 2007 be entered into the above referenced application.

DISCUSSION

Applicant petitions the denial of entry of the declaration by arguing that 10 days is an unusually short time for issuing an Office action following an amendment and response, which in turn preempted the submission of the declaration by the Applicant. Applicant then continued to argue that although the examiner was clearly aware of applicant's intent to file a declaration under 37 CFR § 1.131, that no attempt was made to contact applicant's representative prior to the mailing of the Final Office action nor was the applicant led to believe that the declaration would not be considered, either in the Office action or during the interview.

Applicant's argument is not persuasive. It is true that the examiner did mail out a Final Office action only 10 days after applicant's response, but it is also true that applicant did not file the declaration in question under 37 CFR § 1.131 until more than three months after it was promised. Applicant is directed to 37 CFR 1.116 and MPEP 715.09.

Specifically, 37 CFR § 1.116 states:

Amendments and affidavits or other evidence after final action and prior to appeal.

"(e) An affidavit or other evidence submitted after a final rejection or other final action (§ 1.113) in an application or in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913 but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title), may be admitted upon a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented."

This rule is discussed further at:

MPEP 715.09 [R-3] Seasonable Presentation

"Affidavits or declarations under 37 CFR 1.131 must be timely presented in order to be admitted. Affidavits and declarations submitted under 37 CFR 1.131 and other evidence traversing rejections are considered timely if submitted:

(A) prior to a final rejection;

(B) before appeal in an application not having a final rejection; *

(C) after final rejection **>, but before or on the same date of filing an appeal, upon a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented in compliance with 37 CFR 1.116(e); or

(D) after the prosecution is closed (e.g., after a final rejection, after appeal, or after allowance) if applicant files the affidavit or other evidence with a request for continued examination (RCE) under 37 CFR 1.114 in a utility or plant application filed on or after June 8, 1995; or a continued prosecution application (CPA) under 37 CFR 1.53(d) in a design application.<"

Thus, the declaration was not timely in any sense of the word and applicant failed to show good and sufficient reasons why it was not earlier presented. It was not until this petition was filed that applicant explained why the declaration was so late, but this in and of itself does not change the fact that the declaration was not timely

DECISION

The petition is **DENIED**. Any new or renewed petition must be filed within TWO MONTHS of the mailing date of this decision.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Christopher Low
Acting Director, Technology Center 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Patty Lee and Xuchen Zhang

Serial No.: 11/120,370 Art Unit: 1635

Filed: May 3, 2005 Examiner: Brian A. Whiteman

For: *INTRANASAL DELIVERY OF NUCLEIC ACID MOLECULES*

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR CONSIDERATION OF DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

Pursuant to 37 C.F.R. § 1.181, Applicants hereby petition the Director for consideration of the Declaration under 37 C.F.R. § 1.131 which was filed on October 19, 2007.

Facts Involved

A first Office action on the merits was mailed in this application on February 2, 2007. In this Office action, the Examiner rejected claims 1-10 under 35 U.S.C. § 102(a) as anticipated by Zhang, et al., *Jour. Biol. Chem.*, 279(11):10677-10684 (2004) ("Zhang").

In response to this Office action, Applicants filed an amendment and response together with a Petition for a Two-month Extension of Time for a small entity on July 9, 2007. In this amendment and response, Applicants indicated that they would submit shortly an executed

Declaration under 37 C.F.R. § 1.131 by Dr. Patty Lee and Xuchen Zhang, establishing that Zhang is not by "another", and therefore, Zhang is not available as prior art under 35 U.S.C. § 102(a). Applicants also indicated that the declaration would establish that Dr. Patty Lee and Xuchen Zhang conceived and reduced to practice compositions and methods as defined by the claims of the present application prior to December 18, 2003.

Due to delays in explaining what was required, unavailability of both inventors, collection and review of documents in support thereof, and obtaining authorization through the assignee, Yale University, this declaration was not available at time of filing of the response.

A final Office action was mailed on July 19, 2007, only ten days after Applicants filed their amendment and response to the first Office action on the merits. The final Office action maintained the rejection of claims 1-10 under 35 U.S.C. § 102(a) as anticipated by Zhang.

In response to the final Office action, Applicants tried to interview this case before filing a further response. This took some time to arrange but was believed to be a productive exchange. An amendment and response was then filed on October 19, 2007 together with an executed Declaration under 37 C.F.R. § 1.131 by Dr. Patty Lee and Xuchen Zhang. As indicated by Applicants in the response to the first Office action on the merits, this declaration established that Zhang is not by "another", and therefore, Zhang is not available as prior art under 35 U.S.C. § 102(a). This declaration also established that Dr. Patty Lee and Xuchen Zhang conceived and reduced to practice compositions and methods as defined by the claims of the present application prior to December 18, 2003.

Entry of the Declaration clearly removes at least one issue on appeal. A Notice of Appeal has been filed.

An Advisory Action was mailed on October 30, 2007. In the Advisory Action the Examiner indicated that the Declaration under 37 C.F.R. § 1.131 by Dr. Patty Lee and Xuchen Zhang would not being considered on the basis that it was not earlier presented. During a discussion with the examiner and his supervisor, the undersigned was initially told that the examiner could not consider the Declaration since it was submitted after final, then revised that statement to say it was discretionary and therefore the examiner did not have to consider the declaration.

Action Requested

Applicants request that the Director instruct the Examiner to review and make of record the Declaration under 37 C.F.R. § 1.131 filed on October 19, 2007. Applicants clearly indicated in the response to the first Office action on the merits that they would be shortly submitting a Declaration under 37 C.F.R. § 1.131 by Dr. Patty Lee and Xuchen Zhang establishing that Zhang is not by "another", and that Dr. Patty Lee and Xuchen Zhang conceived and reduced to practice compositions and methods as defined by the claims of the present application prior to December 18, 2003. However, the Examiner issued a final Office action a mere ten days after the amendment and response to the first Office action on the merits was filed. Ten days is an unusually short time for issuing an Office action following an amendment and response, and preempted the submission of the declaration by the Applicants. Although the Examiner was clearly aware of the Applicant's intent to file a Declaration under 37 C.F.R. § 1.131, no attempt

was made to contact the Applicant's representative prior to the mailing of the final Office action nor was the undersigned led to believe that the declaration would not be considered, either in the office action nor during the interview.

It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-3129.

Respectfully submitted,

/Patrea L. Pabst/

Patrea L. Pabst
Reg. No. 31,284

Date: November 19, 2007

PABST PATENT GROUP LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, Georgia 30361
(404) 879-2151
(404) 879-2160 (Facsimile)

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DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Weder, Donald E.	:	
Application No. 11/120,383	:	ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No. 8404.231	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application, (2) the petition fee, and (3) a proper statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 12/231,092.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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BERNARD F. ROSE
SQUIRE, SANDERS & DEMPSEY L.L.P.
ONE MARITIME PLAZA, SUITE 300
SAN FRANCISCO CA 94111-3492

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OCT 0 1 2007

OFFICE OF PETITIONS

In re Application of	:	
OLSSON, ROBER et al.	:	
Application No. 11/120,397	:	DECISION ON PETITION
Filed: March 03, 2005	:	TO WITHDRAW
Attorney Docket No. **65167.00013**	:	FROM RECORD
	:	

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 08, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to SQUIRE, SANDERS & DEMPSEY L.L.P., has been revoked by the assignee of the patent application on March 30, 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 Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **VISTA IP LAW GROUP LLP**
2040 MAIN STREET, 9TH FLOOR
IRVINE, CA 92614

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Deirdre L. Conley
GENENTECH, Inc.
1 DNA Way
South San Francisco, CA 94080

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JUL 0 7 2006
OFFICE OF PETITIONS

In re Application of:
Fred de Sauvage, et al.
Application No.: 11/120,399
Filed: May 2, 2005
Atty's Docket No.: P1803R1C1

DECISION ON PETITION UNDER
37 CFR 1.137(a)

This decision is in response to applicant's petition for revival of the present international application pursuant to 37 CFR 1.137(a) filed May 3, 2006 in the United States Patent and Trademark Office (USPTO). For the reasons discussed below the petition is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. No petition fee is required.

The above-identified application became abandoned for failure to respond in a timely manner to the Office action mailed August 19, 2005, which set a statutory period for reply of two (2) months. As detailed in the "Notice of Abandonment Under 37 CFR 1.53 (f) or (g)" mailed April 21, 2006, the above-identified application became abandoned at midnight on October 20, 2005.

On May 3, 2006, applicant filed the petition for revival under 37 CFR 1.137(a) considered herein arguing that the notice to file missing parts was never received. As such, the petition is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment and the $500.00 petition fee will be refunded to deposit account number 07-0630.

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides that a petition requesting relief based on the grounds that an Office action was not received must be accompanied by a statement that (1) the Office action was not received, (2) attests that a search of the file jacket indicates the Office action was not received, (3) attests that a search of counsel's docket records indicates the Office action was not received and (4) the Petition must also be accompanied by copies of the docket records where the non-received Office action would have been entered. (See also, Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971). With the filing of the present petition and attachments applicant has satisfied all four items and it is proper to **GRANT** applicant's petition at this time.

Further, a review of USPTO records for this application finds that the sequence listing supplied in a computer readable format with the present petition has found to be technically good and entered into the database.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for continued processing.

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

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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	:	
Fred DE SAUVAGE, et al	:	
Application No. 11/120,399	:	DECISION ON PETITION
Filed: May 2, 2005	:	TO WITHDRAW
Attorney Docket No. P1803R1C1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 29, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Leslie B. Overman on behalf of all attorneys of record who are associated with Customer No. 25213.

All attorneys/agents associated with the Customer Number 25213 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 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: FRED DE SAUVAGE
187 SHOOTING STAR ISLE
FOSTER CITY, CA 94404

cc: GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Daniel C. McKenna et al.
Application No. 11/120,400
Filed: May 2, 2005
Attorney Docket No.: 040819C2C1

This is a decision on the petition filed March 9, 2007 under 37 CFR 1.137(b), [1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed March 15, 2006. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned June 16, 2006. Accordingly, a Notice of Abandonment was mailed on October 19, 2006.

This matter is being referred to Technology Center 2616 for appropriate action on the amendment filed March 9, 2007.

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

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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STEVEN J. ADAMSON, PC
P.O. BOX 5997
PORTLAND OR 97228

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OFFICE OF PETITIONS

In re Application of	:	
Carl R. Frounkfelker	:	
Application No. 11/120,412	:	DECISION ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No. CRF002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 23, 2009, to revive the above-identified application.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed September 18, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3644 for appropriate action by the Examiner in the normal course of business on the reply received June 23, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

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Lockheed Martin c/o
DEMONT & BREYER, LLC
100 COMMONS WAY, Ste. 250
HOLMDEL, NJ 07733

Mail Date: 04/20/2010

Applicant	: Buddy R. Paul	: DECISION ON REQUEST FOR
Patent Number	: 7624669	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/120,419	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **486** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Merchant & Gould - ConAgra
P.O. Box 2903
Minneapolis, MN 55402

Mail Date: 04/21/2010

Applicant	: Guy R. Taylor	: DECISION ON REQUEST FOR
Patent Number	: 7604828	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/120,421	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1130** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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VISTA IP LAW GROUP LLP
12930 Saratoga Avenue
Suite D-2
Saratoga, CA 95070

Mail Date: 04/21/2010

Applicant	: David Zahniser	: DECISION ON REQUEST FOR
Patent Number	: 7587078	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/120,437	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1164** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Harry K. Woodward
Beyer, Weaver, LLP
P.O. Box 70250
Oakland, CA 94612-0250

In re Application of	:	
Min SHE et al.	:	
Application No. 11/120,468	:	DECISION ON PETITION
Filed: May 2, 2005	:	TO WITHDRAW
Attorney Docket No. UCALP052	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 31, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "The Assignee has chosen another firm to prosecute this application with the U.S. Patent Office", does not meet any of the conditions set forth in 37 CFR 10.40 as there is no indication that an assignee has intervened in this application in accordance with 3.71 and 3.73(b).

A courtesy copy of this decision is being mailed to applicant and to the address noted on the request. If the firm noted on the request desires to receive future communications in this application, the proper power of attorney documents must be submitted.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There currently are no pending office actions at this time.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Min SHE
104 Wilson Street
Albany, CA 94710

cc: O'Banion & Ritchey, LLP
Attn: John P. O'Banion
Wells Fargo Center
400 North Capitol Mall, Suite 1550
Sacramento, CA 95814

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JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL
SUITE 1550
SACRAMENTO, CA 95814

Mail Date: 04/22/2010

Applicant	: Min She	: DECISION ON REQUEST FOR
Patent Number	: 7629640	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/120,468	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2005	: 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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POPOVICH WILES & O'CONNELL, PA
650 THIRD AVENUE SOUTH
SUITE 600
MINNEAPOLIS, MN 55402

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OFFICE OF PETITIONS

In re Application of :
Rudy Mazzocchi et al :
Application No. 11/120,471 : ON PETITION
Filed: May 3, 2005 :
Attorney Docket No. MVA1001USC19

This is a decision on the petition, filed October 23, 2007 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 1, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3734 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).