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COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

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APR 2 3 2008

OFFICE OF PETITIONS

In re Application of
Choon B. Shim et al.
Application No. 11/125,323
Filed: May 10, 2005
Attorney Docket No. QOVI-004/01US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 6, 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, ***this withdrawal is requested because the Assignee of the entire interest in the above-referenced application has changed, and the new Assignee, who we do not represent, has different counsel representing them in this matter*** do not meet any the conditions set forth in 37 CFR 10.40.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Schwegman, Lundberg, Woessner & Kluth**
P.O. Box 2938
Minneapolis, MN 55402

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

Mail Date: 04/20/2010

Applicant	: Choon B. Shim	: DECISION ON REQUEST FOR
Patent Number	: 7577239	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/125,323	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1088** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ELI LILLY & COMPANY
PATENT DIVISION P.O. BOX 6288
INDIANAPOLIS IN 46206-6288

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OFFICE OF PETITIONS

In re Application of	:	
Edward Louis Mattiuz et al	:	
Application No. 11/125,348	:	DECISION GRANTING PETITION
Filed: May 9, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. X-12809A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 9, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed May 1, 2007, 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 Data Management to be processed into a patent.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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SCHNEIDER ELECTRIC / SQUARE D COMPANY
LEGAL DEPT. - I.P. GROUP
1415 S. ROSELLE ROAD
PALATINE, IL 60067

Mail Date: 04/21/2010

Applicant	: Zhi Gao	: DECISION ON REQUEST FOR
Patent Number	: 7570074	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/125,352	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **452** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

OIPE
MAY 06 2008
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alfred Schaffner and Richard Goldmann

Serial No. : 11/125,358 Art Unit: 3732

Approved
24 July 2007
/RLewis/

Title: **DENTAL WEDGES**

Filing date : May 9, 2005

Examiner: Ralph A. Lewis

May 1, 2008 Attorney's Docket No.: ERT205R3

REQUEST FOR CORRECTION OF INVENTORSHIP IN A NON-PROVISIONAL APPLICATION UNDER 37 CFR 1.48(b)

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

SIR:

This patent application as filed named three inventors: Alfred Schaffner, Richard Goldmann and Gerold Borer.

In the course of prosecution of this application certain claims were rejected by the Examiner and then cancelled by the applicants.

The remaining claims had only inventive contributions by Alfred Schaffner and Richard Goldmann and had no inventive contributions by Gerold Borer.

It is respectfully requested that the name of Gerold Borer be removed from the list of inventors of the above-referenced application since the

subject matter of the claims to be issued was invented exclusively by the two other inventors, Alfred Schaffner and Richard Goldmann.

The request is accompanied by the petition fee in the amount of $130.00 in accordance with § 1.17(i) of 37 C.F.R.

Correction of the inventorship of the above-referenced application is respectfully requested.

Issuance of the patent exclusively in the names of Alfred Schaffner and Richard Goldmann is respectfully requested.

Respectfully submitted,
Alfred Schaffner and Richard Goldmann

By: Horst M Kasper

Horst M. Kasper, their attorney
13 Forest Drive, Warren, N.J. 07059
Tel.:(908)757-2839; Reg. No. 28,559
Attorney's Docket No.: ERT205

am

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JUL 27 2005

MERONI + MERONI
P.O. BOX 309
BARRINGTON IL 60011

In re Application of	:	
Keith A. Sauerland	:	
Serial No.: 11/125,361	:	DECISION ON PETITION
Filed: May 9, 2005	:	
For: Alarm for A Fluid-Dispensing/Receiving	:	
Receptacle	:	

This is in response to applicants' petition filed June 3, 2005 to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

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

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

Should there be any questions with regard to this letter please contact Frederick Schmidt by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (571) 272-2975 or by facsimile transmission at (571) 273-8300.

Frederick R. Schmidt, Director
Technology Center 3700

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Fish & Richardson, P. C.
1717 Main Street
Suite 500
Dallas, TX 75201

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AUG 2 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Kevin P. Shuma, et al.	:	
Application No. 11/125,377	:	DECISION GRANTING
Filed: May 9, 2005	:	PETITION
Attorney Docket No. 17646-170001/20000407	:	

This is a decision on the petition filed July 7, 2005, requesting that the above-identified application be accorded a filing date of May 9, 2005, rather than the presently accorded date of May 10, 2005. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on May 9, 2005 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt no. EV663118020US bears a handwritten "date-in" of May 10, 2005, it also includes a USPS receipt date stamp of May 9, 2005. Petitioner is alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is May 9, 2005, as noted on the USPS receipt date stamp.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513. However, in view of the conflicting dates on the label, a search of the USPS' Express Mail Track and Confirm database was made and confirms that the package bearing Express Mail label No. EV663118020US was accepted on May 9, 2005.

This application file is being returned to the Office of Initial Patent Examination (OIPE) for **correction of the filing date to May 9, 2005 and issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3223. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

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ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

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OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Masanori Shimizu et al	:
Application No. 11/125,392	:
Filed: May 9, 2005	:
Attorney Docket No. 10407-41U1 (A2030MT-US2)	:

This is a decision on the petition, filed March 30, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on March 20, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 2826 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

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FAY SHARPE, LLP
1100 SUPERIOR AVENUE
SEVENTH FLOOR
CLEVELAND, OH 44114

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In re Application of	:	
Richard Daigre	:	
Application No. 11/125,397	:	DECISION GRANTING PETITION
Filed: May 3, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No.7615-PCT-US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 3, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 17, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3657 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

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

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MAY 20 2010

OFFICE OF PETITIONS

In re Application of
Marco Paniconi et al.
Application No. 11/125,422
Filed: May 9, 2005
Attorney Docket No: 80398.P523C

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a)[1], filed March 30, 2010, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned March 5, 2010 for failure to pay the issue fee by March 4, 2010, in response to the Notice of Allowance mailed December 4, 2009. Accordingly, a Notice of Abandonment was mailed March 19, 2010. Petitioner argues non-receipt of the Notice of Allowance and thus failure to pay the issue fee timely was unavoidable.

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

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the

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[1]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

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

(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)).

> ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

A review of the file record discloses that the Notice of Allowance was mailed to the address of record. However, petitioner contends that it was not received. In support of this contention, copies of pages from the docket wherein receipt of the December 4, 2009 notice would have been entered, had it been received, accompanied the petition. The submissions provided, corroborate non-receipt of the Notice of Allowance mailed December 4, 2009. In view of the facts set forth in the petition, it was concluded that the Notice of Allowance mailed December 4, 2009 was never received.

All other requirements of 37 CFR 1.137(a)having now been met, this matter is being referred to the Publishing Division.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

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Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

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OFFICE OF PETITIONS

In re Application of	:	
Giovanni Coglitore et al.	:	
Application No. 11/125,423	:	DECISION ON PETITION
Filed: May 9, 2005	:	TO WITHDRAW
Attorney Docket No. RACK-015/01US 303393-2039	:	FROM RECORD

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 30, 2007.

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 March 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 Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Cooley Godward Kronish LLP**
Attn: Patent Group
Suite 1100
777-6th Street, NW
Washington, DC 20001

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO CA 94304-1018

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MAR 1 2 2008

OFFICE OF PETITIONS

In re Application of	:	
COGLITORE, Giovanni et al.	:	
Application No. 11/125,424	:	DECISION ON PETITION
Filed: May 09, 2005	:	TO WITHDRAW
Attorney Docket No. **443452001500**	:	FROM RECORD
	:	

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 30, 2007.

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

A review of the file record indicates that the power of attorney to MORRISON & FOERSTER LLP has been revoked by the assignee of the patent application on March 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **COOLEY GODWARD KRONISH LLP**
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON, DC 20001

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

Mail Date: 04/20/2010

Applicant	: Isaac D. Cohen	: DECISION ON REQUEST FOR
Patent Number	: 7596771	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/125,437	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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OFFICE OF PETITIONS

BAYER MATERIAL SCIENCE LLC
100 BAYER ROAD
PITTSBURGH PA 15205

In re Application of
Barksby et al.
Application No. 11/125,443
Filed: May 10, 2005
Attorney Docket No. PO8525
Title: High Molecular Weight Thermoplastic Polyurethanes Made from Polyols Having High Secondary Hydroxyl Content

DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition filed December 27, 2005, under 37 CFR. §1.47(a).

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

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on May 10, 2005, without a fully executed oath or declaration. Accordingly, on June 29, 2005, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring, for the purposes of this decision, an executed oath or declaration in compliance with § 1.63 and a surcharge for its late filing. This Notice set an extendable two-month period for reply of August 29, 2005. To make timely a four month extension of time and fee were submitted.

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

The instant petition does not satisfy requirements (1).

As to item (1), rule 47 applicant has failed to show that inventor Onder was ever presented with a copy of the application papers. Before a refusal can be alleged,

applicant must demonstrate a bona fide attempt was made to present a copy of application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See MPEP 409.03(d). The petition indicates that the papers were sent to attorney Joe Powell with Novecon. Rule 47 applicant has failed to indicate whether Mr. Powell ever indicated that he represented the interest of inventor Onder or inventor Onder requested correspondence be sent through attorney Powell. Petitioner has provided a mailing address for inventor Onder, yet there is no indication that a mailing was sent directly to inventor Onder. Rule 47 applicant's conclusion that inventor Onder's conduct constitutes refusal cannot be found where the application was never mailed to inventor Onder.

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BAYER MATERIAL SCIENCE LLC
100 BAYER ROAD
PITTSBURGH PA 15205

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APR 13 2006

OFFICE OF PETITIONS

In re Application of Nigel Barksby, Gary Allen and Kamal Onder Application No.11/125,443 Filed: May 10, 2005 Attorney Docket No. PO8525 Title of Invention: High Molecular Weight Thermoplastic Polyurethanes Made From Polyols Having High Secondary Hydroxyl Content	DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the renewed petition filed April 3, 2006, under 37 C.F.R. §1.47(a).

Petitioner has shown the non-signing inventor Onder 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 papers was sent to non-signing inventor's last known address. The non-signing inventor's failure to respond to the application mailing sufficiently establishes 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.

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Kamal Onder
8476 Timber Trail
Brecksville, OH 44141

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APR 13 2006

OFFICE OF PETITIONS

In re Application of
Nigel Barksby, Gary Allen and Kamal Onder
Application No.11/125,443
Filed: May 10, 2005
Attorney Docket No. PO8525
Title of Invention: High Molecular Weight Thermoplastic Polyurethanes Made From Polyols Having High Secondary Hydroxyl Content

: LETTER

Dear Mr. Onder:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

BAYER MATERIAL SCIENCE LLC
100 BAYER ROAD
PITTSBURGH PA 15205
ATTN: LYNDANNE M. WHALERI

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/125,480	05/09/2005	Eleanor L. Schuler	SCM-02-009CIP	3197

7590 03/13/2009

Ralph C. Francis
Francis Law Group
1942 Embarcadero
Oakland, CA 94606

EXAMINER
ALTER, ALYSSA MARGO

ART UNIT	PAPER NUMBER
3762	

MAIL DATE	DELIVERY MODE
03/13/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
03/13/2009 NFARMER 0000166497

CHECK Refund Total: $975.00

Adjustment date: 03/13/2009 NFARMER
05/12/2005 MBELETE1 00000034 11125480
02 FC:2111 -250.00 OP
04 FC:2201 -400.00 OP
05 FC:2202 -325.00 OP

FORM PET651G (Rev. 08/07)

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St. Onge Steward Johnston & Reens, LLC
986 Bedford Street
Stamford, CT 06905-5619

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
Cesare Fumo et al. :
Application No. 11/125,482 :
Filed: May 10, 2005 :
Attorney Docket No. 02140-P0011A :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 28, 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 final Office action mailed, June 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 September 20, 2007. A Notice of Abandonment was mailed on April 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Accordingly the RCE 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 1792 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.

Carl Friedman
Petitions Examiner
Office of Petitions

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SCHWEGMAN, LUNDBERG & WOESSNER/BSC-CRM
PO BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 05/24/2010

Applicant	: Julio C. Spinelli	: DECISION ON REQUEST FOR
Patent Number	: 7664549	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/125,501	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1175** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JLB CONSULTING, INC.
c/o INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS, MN 55402

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JUN 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Goldstein et al.	:	DECISION ON PETITION
Application No. 11/125512	:	
Filing or 371(c) Date: 05/10/2005	:	
Title of Invention: METHODS AND	:	
SYSTEMS FOR FACILITATING	:	
INVESTMENT IN CONSUMER	:	
INTEREST IN ONLINE MEDIA	:	

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))", filed February 12, 2007.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of a foreign or international application filed on May 8, 2006. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the foreign or international application.

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

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

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

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

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

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request indicating the projected publication date accompanies this decision on petition.

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

The application will be referred to Technology Center AU 3624 for examination in due course.

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

Derek L. Woods
Attorney
Office of Petitions

CC: JEFFREY L. BRANDT
148 LIMESTONE ROAD
RIDGEFIELD, CT 06877

Enclosure: Communication Regarding Rescission of Nonpublication Request

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/125,512	05/10/2005	Seth Goldstein	J115U001US00

CONFIRMATION NO. 2581

33893
JLB CONSULTING, INC.
c/o INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Date Mailed: 06/12/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 09/20/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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MAILED

JUN 29 2007

Technology Center 2100

Kenneth F. Kozik
Holland & Knight LLP
10 St. James Avenue, 11th Floor
Boston, MA 02116

In re Application of:
FALK et al.
Serial No.: 11/125,532
Filed: May 10, 2005

Title: SYSTEM FOR DEXRIBING TEXT FORMATS IN A FLEXIBLE, REUABLE WAY TO FACILITATE TEXT FILE TRANSFORMATIONS

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on November 29, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application, the petition and the required fees were not filed electronically using the USPTO's electronic filing system (EFS) or EFS-web.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

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Paper No.

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30 ROCKEFELLER PLAZA
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NEW YORK NY 10112-4498

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JUL 20 2007

OFFICE OF PETITIONS

In re Application of	:	
Gascoigne et al.	:	DECISION ON PETITION
Application No. 11/125,560	:	
Filed: May 10, 2005	:	
Atty Docket No. 065855.0346	:	
(AP36253)	:	

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. §1.181(a) filed March 9, 2007.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action mailed July 12, 2006. This Office action set a shortened statutory period for reply of one (1) month, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered timely obtained, the application became abandoned effective October 13, 2006. A courtesy Notice of Abandonment was mailed on February 22, 2007.

Petitioner states that applicants request withdrawal of the abandonment since the response was timely filed on October 12, 2006. In support thereof, petitioner submits a copy of the response as maintained to have been timely filed, showing a certificate of mailing dated October 12, 2006, and a copy of their itemized and date-stamped postcard, acknowledging receipt of a response by the Office on October 16, 2006.

Petitioner's evidence has been reviewed, and is persuasive. However, consideration of their evidence is unnecessary. Their response is present in the application with a date of receipt of October 16, 2006. Moreover, the response includes a certificate of mailing in compliance with 37 CFR 1.8 signed and dated

October 12, 2006. Thus, the response received October 16, 2006 is considered timely filed.

Accordingly, the Notice of Abandonment mailed February 22, 2007 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

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

No fee is required on petition under § 1.181.

Technology Center AU 3623 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration by the examiner of the response shown to have been timely filed on October 16, 2006 (by virtue of the certificate of mailing dated October 12, 2006).

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

Mail Date: 04/20/2010

Applicant	: Thomas O. Moreau	: DECISION ON REQUEST FOR
Patent Number	: 7664948	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/125,576	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1317** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON, MA 02108

Mail Date: 04/21/2010

Applicant	: Jeffrey P. Whittemore	: DECISION ON REQUEST FOR
Patent Number	: 7658219	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/125,583	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **498** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 SAMUEL SMITH
1263 EMORY ST
SAN JOSE, CA 95136

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OFFICE OF PETITIONS

In re Application of	:	
Bill Loh et al	:	DECISION ON PETITION
Application No. 11/125,600	:	TO MAKE SPECIAL UNDER
Filed: May 9, 2005	:	37 CFR 1.102(c)(1)
Attorney Docket No. RSBLO 11	:	

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

The petition is **GRANTED**.

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

The instant petition includes a copy of the drive license of one of the named inventors. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3754 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Bill Loh et al. :
Application No. 11/125,600 : ON PETITION
Filed: May 9, 2005 :
Attorney Docket No. RSBLO 11 :

This is a decision on the petition, filed January 13, 2007 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

A non-Final Office Action was mailed March 17, 2006. A response was due not later than June 17, 2006. A response in the form of an amendment was filed April 11, 2006. However, on April 20, 2006 the applicant was advised that the amendment filed was non-compliant under 37 CFR 1.121. The time for response was one month from the mailing of the April 20, 2006 Notice. No response having been filed, this application became abandoned May 23, 2006 and accordingly, a Notice of Abandonment was mailed November 13, 2006.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

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

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

A supplemental amendment is submitted with the petition to revive.

This matter is being referred to Technology Center 1761 for processing of the amendment filed January 13,2007.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ROBERT SAMUEL SMITH
1263 EMORY STREET
SAN JOSE, CA 95136

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OFFICE OF PETITIONS

In re Application of
Bill Loh et al.
Application No. 11/125,600
Filed: May 9, 2005
Attorney Docket No.: RSBLO 11

ON PETITION

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

The petition under 37 CFR 1.137 (b) is **GRANTED**.

This application became abandoned September 25, 2007 for failure to timely pay the issue fee on or before September 24, 2007. Accordingly, a Notice of Abandonment was mailed October 19, 2007.

The issue fee and petition fee have all been applied.

All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[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.

(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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MAR 16 2006

OFFICE OF PETITIONS

In re Application of Machold, et al. Application No. 11/125,604 Filed: May 9, 2005 Attorney Docket No. RADME-69661	: : : : :	DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 27, 2005, which is being treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of priority to provisional application no. 60/185,561.

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 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application(s),unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

> (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 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 amendment submitted concurrently with the instant petition as drafted is unacceptable, and therefore is not considered a proper reference under 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i). In this regard, the amendment does not specifically indicate which application claims priority to the provisional application. While it appears that petitioner is seeking to have application no. 09/563,946 claim priority to the provisional application, petitioner should submit an amendment so clarifying.

In view of the above, the amendment is not acceptable. Accordingly, a substitute amendment along with a renewed petition under 37 CFR §§ 1.78(a)(3) must be submitted.

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

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

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

Telephone inquiries concerning this matter should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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MAY 1 0 2006

OFFICE OF PETITIONS

In re Application of	:	
Machold, et al.	:	
Application No. 11/125,604	:	DECISION ON PETITION
Filed: May 9, 2005	:	
Attorney Docket No. RADME-69661	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 27, 2005, which is being treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of priority to provisional application no. 60/185,561.

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 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application(s),unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

> (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 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 amendment submitted concurrently with the instant petition as drafted is unacceptable, and therefore is not considered a proper reference under 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i). In this regard, the amendment does not specifically indicate which application claims priority to the provisional application. While it appears that petitioner is seeking to have application no. 09/563,946 claim priority to the provisional application, petitioner should submit an amendment so clarifying.

In view of the above, the amendment is not acceptable. Accordingly, a substitute amendment along with a renewed petition under 37 CFR §§ 1.78(a)(3) must be submitted.

A suggested format appears as follows:

> This application is a continuation application of U.S. Serial No. 10/628,055, filed July 5, 2003, now U.S. Patent No. 6,890,347; which is a division of U.S. Serial No. 09/563,946, filed May 2, 2000, now U.S. Patent No. 6,673,098, issued January 16, 2004; which claims the benefit of priority to U.S. Provisional Patent Application Serial No. 60/185,561, filed February 28, 2000; and which is a continuation-in-part of U.S. Serial No. 09/138,830, filed August 24, 1998, now U.S. Patent No. 6,620,188, issued September 16, 2003.

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

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

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

Telephone inquiries concerning this matter should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Frances Hicks
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Machold, et al.	:	
Application No. 11/125,604	:	DECISION ON PETITION
Filed: May 9, 2005	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. RADME-69661	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 24, 2006, which is being treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

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

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

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207. 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 3735 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.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/125,604	05/09/2005	3735	500	RADME-69661	21	9	2

CONFIRMATION NO. 3295

CORRECTED FILING RECEIPT

OC000000021143628

24201
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Date Mailed: 11/07/2006

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

Applicant(s)

Timothy R. Machold, Moss Beach, CA;
Nicole Denise Bloom, San Francisco, CA;
Alex T. Roth, Redwood City, CA;
Dave J. Scott, Santa Clara, CA;
Jose Alejandro, San Jose, CA;
Edward A. Oliver, Los Gatos, CA;

Assignment For Published Patent Application

Radiant Medical, Inc.

Power of Attorney: The patent practitioners associated with Customer Number **24201**.

Domestic Priority data as claimed by applicant

This application is a CON of 10/628,055 07/25/2003 PAT 6,890,347
which is a DIV of 09/563,946 05/02/2000 PAT 6,673,098
which claims benefit of 60/185,561 02/28/2000
and is a CIP of 09/138,830 08/24/1998 PAT 6,620,188

Foreign Applications

If Required, Foreign Filing License Granted: 06/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/125,604

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Disposable cassette for intravenous heat exchange catheter

Preliminary Class

607

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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February 19, 2008

Celia H. Leber
Fish & Richardson P.C.
P. O. Box 1022
Minneapolis, MN 55440-1022

Patent No.: 7,228,860 B2
Application No.: 11/125615
Inventor(s): Jan Andersson, et al.
Issued: June 12, 2007
Title: **INHALER WITH VIBRATIONAL POWDER DISLODGEMENT**

Re: Request for Certificate of Correction

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

A petition under C.F.R. 1.182 is required to correct the alleged errors in incorrect inventor's name or order of inventor's names, since inventor's names are printed solely in accordance with the typed/printed names (not the signatures), and since non-initialed and non-dated changes are not taken into consideration. Therefore, no correction is in order here under the provisions of Rule 1.322 and /or 1.323 (required fee currently $100), unless a petition is granted (See M.P.E.P. 605.04(b).

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

Any request under 37 CFR 1.182 (required fee currently $130.00) should be directed to the following address or facsimile number:

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

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

By fax: (571) 273-0025
ATTN: Office of Petitions

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

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext 113** or (703) 308-9390 ext.113

vt

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DLA PIPER US LLP
153 TOWNSEND STREET, SUITE 800
SAN FRANCISCO, CA 94107-1957

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OFFICE OF PETITIONS

In re Application of

RUSSELL, Michael J.
Application No. 11/125,616
Filed: May 9, 2005
Attorney Docket No. 2502695-991201

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 25, 2006.

The request is **APPROVED**.

A review of the file record indicates that DLA PIPER US LLP: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, DLA PIPER US LLP 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).

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 sole named signing inventor at the first copied address below until otherwise properly notified by the applicant.

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

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. RUSSELL**
715 FALCON AVENUE
DAVIS, CA 95616

cc : **JACKSON & CO. LLP**
2410 CAMINO RAMON, SUITE 120
SAM RAMON, CA 94583-4328

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JACKSON & CO. LLP
6114 LA SALLE AVENUE, SUITE 507
OAKLAND, CA 94611-2802

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OFFICE OF PETITIONS

In re Application of :
RUSSELL, Michael J. :
Application No. 11/125,616 : DECISION ON PETITION
Filed: May 9, 2005 : TO WITHDRAW
Attorney Docket No. 2502695-991201 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed October 10, 2006.

The request is **NOT APPROVED**.

A review of the file record indicates that Andrew V. Smith of JACKSON & CO. LLP does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **MICHAEL J. RUSSELL**
715 FALCON AVENUE
DAVIS, CA 95616

UNITED STATES PATENT AND TRADEMARK OFFICE

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ANDREW W LUDY
17 SHERWOOD WAY
LANDING NJ 07850

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OFFICE OF PETITIONS

In re Application of	:	
Cotton, et al.	:	
Application No. 11/125,628	:	ON PETITION
Filed: May 10, 2005	:	
Attorney Docket No. 1069	:	

This is a decision on the petition to revive under 37 CFR 1.137(a), filed April 24, 2006.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Corrected Application Papers mailed June 3, 2005. This Notice set a shortened period for reply of two (2) months to submit an abstract. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been timely received, the above-identified application became abandoned on August 4, 2005. A Notice of Abandonment was mailed on February 21, 2006.

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 set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the

Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With regards to item (3), petitioner states that he did not receive the June 3, 2005 Notice to File Corrected Application Papers. To establish nonreceipt of an Office action, a petitioner must: (1) include a statement that the Office action was not received; (2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and (3) include a copy of the **docket record** where the nonreceived Office action would have been entered had it been received and docketed.[3] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[4] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[5] Petitioner has not met requirements (2) or (3).

Alternative Venue and Other Matters:

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a

---

[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

[3] See MPEP 711.03(c)(II).

[4] MPEP 711.03(c)(II) (emphasis added).

[5] Id.

petition pursuant to **37 CFR 1.137(b)** on the basis of **unintentional** delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m), currently $750 for a small entity; and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ANDREW W LUDY
17 SHERWOOD WAY
LANDING NJ 07850

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JUL 13 2006
OFFICE OF PETITIONS

In re Application of	:	
Cotton, et al.	:	
Application No. 11/125,628	:	ON PETITION
Filed: May 10, 2005	:	
Attorney Docket No. 1069	:	

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

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Corrected Application Papers mailed June 3, 2005. This Notice set a shortened period for reply of two (2) months to submit an abstract. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been timely received, the above-identified application became abandoned on August 4, 2005. A Notice of Abandonment was mailed on February 21, 2006. Applicants filed a petition to revive under 37 CFR 1.137(a) on April 24, 2006. However, the petition was dismissed in a decision mailed on May 19, 2006.

With the instant petition, petitioner paid the petition fee and made the proper statement of unintentional delay. The required reply in the form of an abstract was previously filed on April 24, 2006.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

MORRISON & FOERSTER, LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of	:	
Jack E. Randall, et al.	:	
Application No. 11/125,941	:	DECISION ON PETITION
Filed: May 9, 2005	:	TO WITHDRAW
Attorney Docket No. 443452001100	:	FROM RECORD
	:	

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 3, 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 March 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.

April M. Wise
Petitions Examiner
Office of Petitions

cc: BILL GALLIANI
COOLEY GODWARD KRONISH, LLP
FIVE PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO, CA 94306-2155

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/125,656	05/10/2005	Shi Yang	5458-319	2635

20792 7590 12/30/2008
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

EXAMINER
FRANK, NOAH S

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
12/30/2008	PAPER

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 23313-1450
WWW.USPTO.GOV

Mailed:

In re Application of Yang et al.
Serial No.: 11/125,656
Filed: May 10, 2005

DECISION ON PETITION UNDER *37 CFR 1.48(a)*

Title: LOW VOLATILE ORGANIC COMPOUND STABLE SOLVENT-BASED POLYURETHANE COMPOSITIONS FOR COATINGS

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed January 22, 2008 to correct inventorship under 37 CFR 1.48(a) by adding the name of Glenn Petschke to the list of inventors of the instant application.

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.48(a) by (1) submitting a request to correct the inventorship that sets forth the desired inventorship change; (2) providing a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) providing a declaration of the actual inventors as required by 37 C.F.R. § 1.63; (4) providing the processing fee set forth in 1.17(i); and, (5) providing the written consent of the assignee.

The request is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

Mark Eashoo
Supervisory Patent Examiner
Art Unit 1796
Technology Center 1700

MYERS, BIGEL, SIBLEY, & SAJOVEC, P.A.
P. O. Box 37428
Raleigh, NC 27627

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Apr-07

MILLER NASH LLP
601 UNION STREET
SUITE4400
SEATTLE WA 98101-2352

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APR 2 7 2007

OFFICE OF PETITIONS

In re Application of	:	
William S. Nye	:	
Application No. 11/125,680	:	ON PETITION
Filed: 10 May, 2005	:	
Atty Docket No. 502670	:	

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on 18 January, 2007.

The petition is **GRANTED**.

The application became abandoned on 21 September, 2006, for failure to file a proper response to the final Office action mailed on 20 June, 2006, which set a three (3) month shortened statutory period for reply. A reply was filed on 17 October, 2006, but that reply was determined not to place the case in *prima facie* condition for allowance, and an Advisory Action was

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

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

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

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

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

mailed on 8 November, 2006. The present petition precedes the mailing of Notice of Abandonment.

The petition is accompanied by an amendment after final rejection. As the examiner has determined that the amendment is a proper reply and should be entered, the petition may be favorably considered.

The application is being referred to Technology Center Art Unit 3728 for further processing.

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

DIWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE ECLIPSE GROUP
10605 BALBOA BLVD., SUITE 300
GRANADA HILLS CA 91344

MAIL

FEB 16 2007

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
David Stephen GRISWOLD, et al.
Application No. 11/125,683
Filed: May 10, 2005
For: **APPARATUS AND METHOD FOR RAPID DETECTION OF UNIDIRECTIONAL BREAKS IN A NETWORK RING**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed August 17, 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.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
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JUN 24 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

CRAIN CATON & JAMES
FIVE HOUSTON CENTER
17TH FLOOR
HOUSTON TX 77010-4035

In re Application of
Jack Lees, et al.
Application No. 11/125,688
Filed: May 10, 2005
For: **SYSTEM AND METHOD FOR ANALYZING AND IMAGING AN ENHANCED THREE-DIMENSIONAL VOLUME DATA SET USING ONE OR MORE ATTRIBUTES**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition to make special filed May 10, 2005 pursuant to 37 C.F.R. §102(c) and M.P.E.P. § 708.02(VI): Energy.

A grantable petition under 37 C.F.R. §1.102(c), and M.P.E.P. §708.02, Section VI, must be accompanied by a showing that the application is 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. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), 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. Such petitions should be accompanied by statements under 37 C.F.R. § 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the invention materially contributes to category (A) or (B) set forth above.

The petitioner has met 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.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications

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OFFICE OF PETITIONS

Winstead Sechrest & Minick P.C.
P.O. Box 50784
Dallas TX 75201-0784

In re Application of	:	
DAVIS	:	
Application No. 11/125,691	:	DECISION ON PETITION
Filed: May 10, 2005	:	TO WITHDRAW
Attorney Docket No. 44313-P004US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2006 and re-submitted on July 31, 2006.

The request is **APPROVED**.

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

The request was signed by Robert C. Shaddox on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the sole named signing inventor at the address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed June 28, 2006 that requires a reply from the applicant.

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

Amelia Au
Petitions Examiner
Office of Petitions

cc: **Daniel E. Davis**
5221 E Harrison
Harlingen, TX 78550

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/125,691	05/10/2005	Daniel Edward Davis	44313-P004US

CONFIRMATION NO. 2806

OC000000020614794

Winstead Sechrest & Minick P.C.
P.O. Box 50784
Dallas, TX 75201-0784

Date Mailed: 09/28/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/18/2006.

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

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

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JUN 07 2007

OFFICE OF PETITIONS

In re Application of	:	
Daniel Edward Davis	:	
Application No. 11/125,691	:	DECISION ON PETITION
Filed: May 10, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. DAVI/0002	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 20, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed international Application No. PCT/US2003/007613, filed March 11, 2003, as set forth in the accompanying amendment.

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 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

This application is being forwarded to the examiner of Technology Center Art Unit 3654 for consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the above-noted, prior-filed PCT application.

Any inquiries concerning this decision may be directed to Andrea Smith at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/125,691	05/10/2005	3654	1550	DAVI/0002	10	3

CONFIRMATION NO. 2806

CORRECTED FILING RECEIPT

OC000000024233973

26290
PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

Date Mailed: 06/06/2007

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

Applicant(s)

Daniel Edward Davis, Harlingen, TX;

Power of Attorney: The patent practitioners associated with Customer Number **26290**.

Domestic Priority data as claimed by applicant

This application is a CIP of PCT/US03/07613 03/11/2003

Foreign Applications

If Required, Foreign Filing License Granted: 06/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/125,691

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Pipelayer crane excavator apparatus and methods

Preliminary Class

212

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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Buckley, Maschoff & Talwalkar LLC/
Intel Corporation
50 Locust Avenue
New Canaan, CT 06840

Mail Date: 04/21/2010

Applicant	: Alan M. Myers	: DECISION ON REQUEST FOR
Patent Number	: 7645368	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/125,720	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1282** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KIMBERLY-CLARK WORLDWIDE, INC.
Tara Pohlkotte
2300 Winchester Rd.
NEENAH, WI 54956

Mail Date: 04/21/2010

Applicant	: Walter G. Bauer	: DECISION ON REQUEST FOR
Patent Number	: 7651290	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/125,725	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **825** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 A. KENT
P.O. BOX 1431
DUNCAN, OK 73536

Mail Date: 04/20/2010

Applicant	: Michael J.R. Segura	: DECISION ON REQUEST FOR
Patent Number	: 7585818	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/125,732	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 2, 2009

TO SPE OF : ART UNIT 2856
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/125759/7392703

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. 120

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: _____

Hezron Williams 2856
SPE **Art Unit**

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MARSH, FISCHMANN & BREYFOGLE LLP
8055 East Tufts Avenue
Suite 450
Denver, CO 80237

Mail Date: 04/30/2010

Applicant	: Joseph V. Ranalletta	: DECISION ON REQUEST FOR
Patent Number	: 7611505	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/125,774	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1153** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CHURCH STREET STATION
NEW YORK, NY 10008-0770

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Tom Xiaohai He, et al.	:	
Application No. 11/125,780	:	DECISION ON PETITION
Filed: May 10, 2005	:	TO WITHDRAW
Attorney Docket No. 10527-783002	:	FROM RECORD
	:	

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 15, 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, "ownership transfer of listed patents and patent applications", does not meet any of the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary

evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

The request to withdraw less than all attorneys appointed by customer number 50638 cannot be approved. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number should be made by submitting a "Request for Customer Number Data Change" (PTO/SB/124) which will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest who appointed all of the practitioners associated with such Customer Number. See MPEP 403 Section I. Customer Number Practice.

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/125,782	05/10/2005	Janet A. Gutierrez-Uribe	120443-2001.1	2888

20999 7590 06/13/2008
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER
CHEN, CATHERYNE

ART UNIT	PAPER NUMBER
1655	

MAIL DATE	DELIVERY MODE
06/13/2008	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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Howard Lee
FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVE- 10th FL.
NEW YORK, NY 10151

JUN 1 3 2008

In re Application of	:	
GUTIERREZ-URIBE et al.	:	
Serial No.: 11/125,782	:	Decision on Petition
Filed : May 10, 2005	:	
Attorney Docket No.: 120443-2001.1	:	

This letter is in response to the Petition under 37 C.F.R. 1.181 and 37 C.F.R. 1.144 filed on April 29, 2008 requesting review of the restriction requirements and withdrawal of the finality of the Office Action mailed April 14, 2008.

BACKGROUND

On September 13, 2006, the examiner mailed a restriction requirement in which the original claims 1-20 were divided in 4 groups with further requirements to election of species.

On February 13, 2007, Applicants elected Group III, Claims 9-14, and "treatment, prophylaxis or amelioration of cancer" with traverse. The response added Claims 21-23. The response asserts there is no undue burden to examine the application as a whole and that Group I is drawn to the process and Group III is drawn to a product by process claim. The traverse further asserts that Claim 1 is a linking claim.

On March 14, 2007, the examiner mailed to applicants a non-final Office action examining Claims 9-14, 21-23. The Office Action Summary further indicates that Claims 1-8, 15-20 are withdrawn from consideration. The examiner rejected the claims on the basis of 35 U.S.C. 102 and 103.

On September 14, 2007, applicant filed amendments to the claims which added a Markush group of black beans to the elected claims and a response to the outstanding Office action.

On November 28, 2007, the examiner mailed a second restriction requirement requiring applicant to select a species for examination.

On January 25, 2008, the applicant re-elected Group III, Claims 9-14, 21-23 and elected particular species including the black bean species Negro Perla.

On April 14, 2008, the examiner mailed a final Office action rejecting claims directed to the elected species of Negro Perla.

This Petition under 37 C.F.R. 1.181 and 37 C.F.R. 1.144 was filed on April 29, 2008 requesting withdrawal of the finality of the Office Action mailed April 14, 2008.

DISCUSSION

The petition and file history have been carefully considered.

I. The petition asserts that the finality of rejection is premature because the amendment to the claims did not necessitate new grounds of rejection.

The first Office action mailed March 14, 2007 rejected the generic claims under 35 U.S.C. 102 and 103. The Office action examined Claim 12 on the merits, which is drawn to a composition for the treatment or amelioration of cancer.

This argument is convincing. The newly added enablement rejection included in the Office action mailed on January 25, 2008 appears to be directed to scope of enablement rejection. The scope of cancers that the specification appears to enable, according to the Office action, is for mammalian mammary, prostate, colon, hepatic, leukemia cancers. The limitation "for the treatment or amelioration of cancer" was previously presented in the originally examined claims, however, the claims were not subject to enablement rejection. Applicants' amendment to Claim 9 did not necessitate the new ground of rejection. Claim 12 appears drawn to similar scope and was already examined but had not been rejected for scope of enablement in the first office action on the merits. For these reasons, the rejection could have been earlier with regard to claim 12. Applicants are correct that the finality of the Office action mailed 14 April 2008 was premature.

II. The petition asserts the finality of the second restriction requirement is improper because the first Office action is prima facie evidence that elected invention was not a serious burden on the office.

The petition asserts that a search of the full scope of the invention was made in the first restriction/election requirement and thus, there is prima facie evidence that the second restriction requirement requiring election of one of the newly enumerated species within the scope of the claim is not undue burden.

This argument is not convincing. The MPEP clearly points out that a restriction requirement may be made at any time before final action as provided by 37 CFR 1.142(a). Moreover, 37 CFR 1.146 provides "if such application contains claims directed to more than a reasonable number of species, the examiner may require restriction of the claims to not more than a reasonable number of species before taking further action in the application." Applicants presented 12 species by amendment following the first Office action on the merits, of which

none were specifically recited in the originally elected claims. Thus, in response to applicants' amendment to the claims following the first Office action, the examiner requested applicant to select a species for examination under election of species practice due to the number of species presented.

MPEP 808.01(a) clearly permits an examiner to issue an election of species requirement in situations where "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."

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. For these reasons, the election of species requirement is found to be proper.

III. The petition asserts that the requirement for restriction/election is improper because there was no showing of burden.

The MPEP provides that restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

(a) the inventions have acquired a separate status in the art in view of their different classification;
(b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
(c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
(d) the prior art applicable to one invention would not likely be applicable to another invention;
(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

The examiner noted in the original restriction requirement that the inventions require a different field of search. Moreover, the examiner notes that "a search of one group is not coextensive with the search of the other groups. The response points to a different patent which permitted search of multiple subclasses in a single patent. It is noted that restriction is discretionary and an examiner may have deemed no serious burden to exist in a particular situation. Here, a search of the product and the process claim have a separate status in the art because they require a different field of search and the prior art applicable to one invention would not necessarily be applicable to the other. For example, the product claims elected may be distinct over the method claims because the product may have been made in a materially different manner but result in the same product.

Moreover, the applicant provided arguments with respect to linked inventions and the possibility of rejoinder. In the arguments provide by applicant, the response points to MPEP 809.03 to

support the concept of product by process claims being a type of linking claim. Upon review of the current MPEP 809.03, there is no mention of product by process claims being linking claims. The product is separately patentable from the method of making/using the product because the product may be made by or used in a materially different process.

Since applicants did elect the product, rejoinder of method claims requiring an allowable product claim would be considered when all of the elected claims are placed in condition for allowance. The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined. In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder**. Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

DECISION

The petition is **GRANTED-IN-PART** for the reasons set forth above.

The finality of the Office action mailed April 14, 2008 has been withdrawn.

The restriction requirements set forth on 13 September 2006 and 28 November 2007 are maintained. Claims 6, 9-20 remain withdrawn from consideration.

Should all claims to the elected invention become in condition for allowance, the Examiner will consider rejoinder of any claims to non-elected inventions, per MPEP 821.04.

Applicant remains under obligation to respond to the outstanding Office action mailed 14 April 2008, within the time periods set forth or as extendable under 37 CFR 1.136(a).

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.

George C. Elliott

George Elliott
Director, Technology Center 1600
jb/jg

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NEW YORK NY 10151

MAILED

JUN 23 2010

OFFICE OF PETITIONS

In re Application :
Janet A. Gutierrez-Uribe et al. :
Application No. 11/125,782 : DECISION ON APPLICATION
Filed: May 10, 2005 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. **120443-2001.1** :

This is in response to the PATENT TERM ADJUSTMENT PETITION AND STATEMENT UNDER 37 C.F.R. § 1.705(b) filed February 11, 2010. Applicant requests that the determination of patent term adjustment be corrected to 453 days (plus the number of days between the mailing date of the Notice of Allowance (3 February 2010) and the patent issuance date (to be determined after payment of the Issue Fee)), in part on the basis that the Office will take in excess of three years to issue this patent.

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

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

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

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

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

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d).

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

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

Anthony Knight
Director
Office of Petitions

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

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In re Application of	:	
PEREZ	:	
Application No. 11/125,789	:	DECISION ON PETITION
Filed: May 10, 2005	:	TO WITHDRAW
Attorney Docket No. 14172	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 16, 2006.

The request is **APPROVED**.

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

The request was signed by Catherine L. Gemrich.

Catherine L. Gemrich has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

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

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

for David Bucci
Petitions Examiner
Office of Petitions

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DEER PARK IL 60010

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OFFICE OF PETITIONS

In re Application of	:	
Patrick D. Jordan, et al.	:	
Application No. 11/125,791	:	DECISION ON PETITION
Filed: May 10, 2005	:	
Attorney Docket No. AS00010	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 7, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 8, 2008. The Notice of Abandonment was mailed July 23, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and information disclosure statement, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2617 for appropriate action by the Examiner in the normal course of business on the reply received

Chris Bottorff
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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P.O. Box 1450
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Brinks Hofer Gilson & Lione/Ann Arbor
524 South Main Street
Suite 200
Ann Arbor, MI 48104

Mail Date: 04/21/2010

Applicant	: P. Veeraraghavan Ramachandran	: DECISION ON REQUEST FOR
Patent Number	: 7601797	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/125,796	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1151** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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GAUTHIER & CONNORS, LLP
225 FRANKLIN STREET
SUITE 2300
BOSTON, MA 02110

Mail Date: 04/21/2010

Applicant	: Franz X. Kaertner	: DECISION ON REQUEST FOR
Patent Number	: 7593644	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/125,800	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1112** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Yahoo! Inc.
c/o Frommer Lawrence & Haug LLP
745 Fifth Avenue
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Graeme R. Dollar	: DECISION ON REQUEST FOR
Patent Number	: 7626991	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/125,809	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1240** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

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DEC 30 2005

OFFICE OF PETITIONS

In re Application of	:	
Westby et al.	:	
Application No. 11/125,816	:	ON PETITION
Filed: May 10, 2005	:	
Attorney Docket No. 2648.02US04	:	

This is a decision on the petition under 37 CFR §1.102(d), filed August 10, 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 II: Infringement.

The petition is **GRANTED.**

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

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

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

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2861 for expedited prosecution.

Amelia Au
Petitions Examiner
Office of Petitions

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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

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JAN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
CLAR	:	
Application No. 11/125,817	:	DECISION ON PETITION
Filed: May 9, 2005	:	
Attorney Docket No. 6662-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 29, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply in a timely manner to the Notice of Drawing Inconsistency With Specification, mailed July 19, 2006, which set a shortened statutory period or reply of (1) month or (30) days. Accordingly, the above application became abandoned on August 20, 2006 .

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that 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. Accordingly, the reply to the Notice of Drawing Inconsistency With Specification is accepted as having been unintentionally delayed.

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

This application is being referred to Publishing Division for processing into a patent.

David Bucci
Petitions Examiner
Office of Petitions

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S.C. JOHNSON COMMERCIAL MARKETS INC
8310 16TH STREET, M/S 510
PO BOX 902
STURTEVANT WI 53177-0902

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JUN 0 9 2005

OFFICE OF PETITIONS

In re Application of
Clifford E. Vaughn
Application No. 11/125,821
Filed: May 10, 2005
Attorney Docket No. JD-569A US

ON PETITION

This is a decision on the petition under 37 CFR 1.53 filed May 24, 2005 requesting that the above-identified application be accorded a filing date of February 16, 2005.

Petitioner alleges that the patent application and application for a Foreign Filing License were inadvertently hand delivered, together, to the Office of License and Review on February 16, 2005. The use of the wrong mailing address will not affect the filing date assigned to any application or correspondence received by the USPTO, except as specified in 37 CFR 1.1(a)(3)(v). See MPEP 501. However, since the application was never forwarded to the Office of Initial Patent Application and thus never accorded a filing date and application serial number, a copy was resubmitted May 10, 2005. The filing date accorded was May 10, 2005 and has been accorded 11/125,821 as the application serial number.

The issue however is that in order to have the above referenced application accorded a filing date of February 16, 2005, petitioner will have to establish that in fact, the patent application, inadvertently hand delivered to the Office of License and Review, was so delivered on February 16, 2005.

The Foreign License Grant is dated February 16, 2005, but nothing in the petition or supporting documentation submitted May 24, 2005 shows that the patent application was hand delivered to the U.S. Patent and Trademark Office on February 16, 2005. As pointed out by the petitioner,

37 CFR §1.53(b) delineates the requirements for obtaining a filing date:

> "The filing date...is the date on which a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.181(a) are filed in the Patent and Trademark Office."

Please note the application number accorded and be careful to forward future correspondences with respect to this application by the number noted above.

A petition fee in the amount of $400.00 has been charged to deposit account no. 50-0231, as per the authorization found in the petition.

Also, please clarify the correct correspondence address to be used. The above noted addressee is the addressee of record, which differs from that used in the petition. In the future, correspondence will only be sent to the addressee and the address of record and dual correspondences will not be issued.

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

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
JOHNSONDIVERSEY, INC.
8310 16TH STREET - M/S 509
STURTEVANT, WI 53177-0902

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8310 16TH STREET, M/S 510
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STURTEVANT WI 53177-0902

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OFFICE OF PETITIONS

In re Application of :
Clifford E. Vaughn :
Application No. 11/125,821 :
Filed: May 10, 2005 :
Attorney Docket No. JD-569A US :

ON PETITION

This is a decision on the request for reconsideration, filed August 11, 2005, under 37 CFR 1.53.

Petitioners argue that an application was filed February 16, 2005 but since there was no record of the application, petitioners filed a second copy on May 10, 2005 which became the instant application and accorded May 10, 2005, the day of receipt, as the filing date.

A petition filed May 24, 2005 to correct the filing date to February 16, 2005 was dismissed in a decision mailed June 9, 2005. The petition alleged that the patent application and application for a Foreign Filing License were inadvertently hand delivered, together, to the Office of License and Review on February 16, 2005. The petition was dismissed because while the use of the wrong mailing address will not affect the filing date assigned to any application or correspondence received by the USPTO, except as specified in 37 CFR 1.1(a)(3)(v)[1], petitioner had not provided proof that the patent application was hand delivered to the U.S. Patent and Trademark Office, Office of License and Review on February 16, 2005.

Comes now petitioner with the instant request for reconsideration.

The Office of License and Review has provided petitioner with a copy of the complete application filed on February 16, 2005. Petitioner has provided the copy as proof that the application while not filed with the Office of Initial Patent Examination, it was in fact filed with a USPTO office and thus entitled to the date of receipt in the USPTO.

37 CFR §1.53(b) delineates the requirements for obtaining a filing date:

> "The filing date...is the date on which a specification as prescribed by 35 U.S.C.

[1]See MPEP 501

112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.181(a) are filed in the Patent and Trademark Office."

In view thereof and since petitioner has submitted evidence which corroborates their assertion that the application was filed February 16, 2005, the petition is **GRANTED**.

However, since the petition was required to accord the requested filing date, the petition fee of $400.00 will not be refunded.

This matter is being referred to the Office of Initial Patent Examination for a correction of the filing date to February 16, 2005 and for further pre-examination processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

MAIL

AUG 0 5 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Mark Kaplan, et al.
Application No. 11/125,833
Filed: May 10, 2005
For: **INTEGRATED MOBILE APPLICATION SERVER AND COMMUNICATION GATEWAY**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed July 6, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:

(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No.

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

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AUG 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Lin et al.	:	
Application No. 11/125,837	:	ON APPLICATION FOR
Filed: May 10, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No.	:	
A0871.70002US01	:	
Title: ANTI-PSGL-1 ANTIBODIES	:	

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed March 6, 2009. Applicant submits that the correct patent term adjustment to be indicated on the patent is six hundred and eighty-seven (687) days, not two hundred and ninety (290) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

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

such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

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

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

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

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

---

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

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

Paper No.

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

In re Patent No. 7,604,800	: DECISION ON REQUEST FOR
Lin et al.	: RECONSIDERATION OF
Issue Date: October 20, 2009	: PATENT TERM ADJUSTMENT
Application No. 11/125,837	: and
Filed: May 10, 2005	: NOTICE OF INTENT TO ISSUE
Atty Docket No.: A0871.70002US01	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on December 16, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by seven hundred and ninety-nine (799) 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 seven hundred and ninety-nine (799) days is **GRANTED**.

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

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **seven hundred and ninety-nine (799) days.** Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,604,800 B2

DATED : **October 20, 2009** **DRAFT**

INVENTOR(S) : **Lin 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 396 days

Delete the phrase "by 396 days" and insert – by 799 days --

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UNITED STATES DEPARTMENT OF COMMERCE
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PERKINS COIE LLP/MSFT
P. O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Benyu Zhang	: DECISION ON REQUEST FOR
Patent Number	: 7630976	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/125,839	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **469** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE, SUITE 2800
SEATTLE WA 98101-2347

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FEB 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Cantlon et al.	:	
Application No. 11/125,840	:	DECISION ON PETITION
Filed: 05-10-2005	:	
Attorney Docket No. JORC124484	:	

This is a decision on the petition under 37 CFR 1.181, filed January 18, 2007, to withdraw the holding of abandonment for the above-identified application.

This application was held abandoned for failure to respond timely to the nonfinal Office Action mailed on May 5, 2006, which set a three-month shortened statutory period for reply. In the apparent absence of a timely filed response, the application was held abandoned and a Notice of Abandonment was mailed on November 14, 2006.

Petitioners assert that they filed a timely reply in response to the nonfinal Office action on November 9, 2006 (certificate of mailing dated Monday, November 6, 2006). A copy of the response in the form of an amendment and a request for an extension of time for response within the third month, bearing a certificate of mailing dated Monday, November 6, 2006, accompany the petition.

Upon a review of the record, the Office has located the amendment and the request for an extension of time for response within the third month (and fee), filed on November 9, 2006 (certificate of mailing dated Monday, November 6, 2006), in response to the nonfinal Office action. Accordingly, the petition is **granted**. The Notice of Abandonment was mailed in error and it is hereby withdrawn. The application is restored to pending status in view of the fact that a response was timely filed and received on November 9, 2006 (certificate of mailing dated Monday, November 6, 2006).

The matter is being referred to the Technology Center Art Unit 3723 for a review of the amendment submitted on November 9, 2006 (certificate of mailing dated Monday, November 6, 2006).

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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2855 PGA BLVD
PALM BEACH GARDENS, FL 33410

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OCT 14 2005

OFFICE OF PETITIONS

In re Application of
Robert Diaz et al
Application No. 11/125,851
Filed: May 9, 2005
Attorney Docket No. 2385.011

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 18, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED** due to the face that applicant Robert L. Diaz is only 64 years of age.

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.

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 3764 for action in its regular turn.

Denise Pothier
Petitions Examiner
Office of Petitions

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DEC 2 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Robert Diaz et al	:	DECISION ON PETITION
Application No. 11/125,851	:	TO MAKE SPECIAL UNDER
Filed: May 9, 2005	:	37 CFR 1.102(c)(1)
Attorney Docket No. 2385.011	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed November 16, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes copies of a birth certificate and a drive license. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to Technology Center AU 3764 for action on the merits commensurate with this decision.

Amelia Au
Petitions Examiner
Office of Petitions

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1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

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FEB 07 2007

OFFICE OF PETITIONS

In re Application of	:	
Paul M. Masters et al	:	
Application No. 11/125,852	:	ON PETITION
Filed: May 9, 2005	:	
Attorney Docket No. 021202-100210US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 9, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed June 1, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 2, 2005.

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

This matter is being referred to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions

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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
11/125,852	05/09/2005	Paul M. Masters	021202-100210US

CONFIRMATION NO. 2187

OC000000022356997

OC000000022356997

37490
Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

Date Mailed: 02/06/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/08/2006.

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

IRVIN DINGLE
OP (571) 272-3210

FORMER ATTORNEY/AGENT COPY

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/125,852	05/09/2005	Paul M. Masters	021202-100210US

CONFIRMATION NO. 2187

OC000000022357146

OC000000022357146

37490
Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

Date Mailed: 02/06/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/08/2006.

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

IRVIN DINGLE
OP (571) 272-3210

ATTORNEY/APPLICANT COPY

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FEB 14 2008

OFFICE OF PETITIONS

Trellis Intellectual Property Law Group, PC
1900 Embarcadero Road
Suite 109
Palo Alto, CA 94303

In re Application of	:	
W. James Scheuermann	:	
Application No. 11/125,852	:	DECISION ON PETITION
Filed: May 9, 2005	:	TO WITHDRAW
Attorney Docket No. 021202-100210US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 5, 2007.

The request is **APPROVED**.

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

The request was signed by Charles J. Kulas 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 an outstanding Office action mailed January 29, 2008 that requires a reply from the applicant.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **W. James Scheuermann**
21485 Saratoga Hills Road
Saratoga, CA 95070-5377

cc: **Marc Kaufman, Esq./Firm of Nixon Peabody**
401 – 9th Street, N.W.
Suite 900
Washington DC 20004

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/125,852	05/09/2005	W. James Scheuermann	021202-100210US

CONFIRMATION NO. 2187

POWER OF ATTORNEY NOTICE

OC000000028294910

37490
Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

Date Mailed: 02/13/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2007.

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

/tswilliams/

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

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FEB 07 2007

OFFICE OF PETITIONS

In re Application of :
W. James Scheuermann :
Application No. 11/125,854 : ON PETITION
Filed: May 9, 2005 :
Attorney Docket No. 021202-100220US :

This is a decision on the petition under 37 CFR 1.137(b), filed September 8, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed June 9, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 10, 2005.

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

This matter is being referred to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/125,854	05/09/2005	W. James Scheuermann	021202-100220US

CONFIRMATION NO. 2201

OC000000022359042

OC000000022359042

37490
Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

Date Mailed: 02/06/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/08/2006.

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

IRVIN DINGLE
OP (571) 272-3210

FORMER ATTORNEY/AGENT COPY

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/125,854	05/09/2005	W. James Scheuermann	021202-100220US

CONFIRMATION NO. 2201

OC000000022359090

OC000000022359090

37490
Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

Date Mailed: 02/06/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/08/2006.

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

IRVIN DINGLE
OP (571) 272-3210

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

Mail Date: 04/21/2010

Applicant	: Robert Harwell Thibadeau	: DECISION ON REQUEST FOR
Patent Number	: 7631198	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/125,861	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1072** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of

ALOIS, Raymond
Application No. 11/125,903
Filed: May 10, 2005
Attorney Docket No. **1429-3 CIP**

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 18, 2008.

The request is **APPROVED**.

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

The request was signed by Alan Sack on behalf of all attorneys of record who are associated with customer No. 23869. All attorneys/agents associated with the Customer Number 23869 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 Raymond Alois at the address indicated below.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **RAYMOND ALOIS**
P.O. BOX 441
BALDWIN NY 11510

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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
11/125,904	05/09/2005	2821	1200	H0008803-3140	3	20	4

CONFIRMATION NO. 2666

CORRECTED FILING RECEIPT

OC000000016504501

000128
HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

Date Mailed: 07/12/2005

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

Applicant(s)

Evgeni Ganev, Torrence, CA;
William H. Warr, Glendale, CA;

Assignment For Published Patent Application

Honeywell International, Inc.

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

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

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/125,904

Projected Publication Date: 11/09/2006

Non-Publication Request: No

Early Publication Request: No

Title

Valve control method and circuitry for power generation systems

Preliminary Class

315

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

GRANTED

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the

national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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142 S. Main Street
P.O. Box 560
Avilla, IN. 46710

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OFFICE OF PETITIONS

In re Application of
Christoph Link
Application No. 11/125,928
Filed: May 10, 2005
Attorney Docket No VOI0395.US

DECISION ON PETITION

This is a decision on the petition, filed June 5, 2007, under 37 CFR 1.181(a) 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 reply on or before January 27, 2007, as required by the non-final Office action mailed October 26, 2006.

Petitioner asserts that the response was timely submitted by electronic transmission and received by the Office on January 26, 2007. Petitioner states that the Electronic Acknowledgement Receipt provided to the Office, evidences receipt on the noted date by the USPTO, of a response to the Office Action dated October 26, 2006. A review of the Electronic Acknowledgement Receipt confirms that on January 26, 2007 an Amendment after non-final action was electronically submitted for the instant application. Furthermore, a review of the record indicates that the original copy of the reference is now in the file.

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

Telephone inquiries concerning this decision should be directed to Thurman K. Page at (571) 272-0602.

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

David Bucci
Petitions Examiner
Office of Petitions

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JACKSON WALKER LLP
901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

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JAN 19 2010

In re Application of	:	
Robert F. Hofmann	:	
Application No. 11/125,932	:	DECISION ON PETITION
Filed: May 10, 2005	:	TO WITHDRAW
Attorney Docket No. TORQ-0008 (103336.00036)	:	FROM RECORD
	:	

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, 2009.

The request is **APPROVED**.

The request was signed by T. Ling Chwang on behalf of all of the practitioners of record.

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

All future correspondence will be directed to inventor Robert F. Hofmann 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: Robert F. Hofmann
3105 Toro Ring
Austin, TX 78746-2432

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/125,932	05/10/2005	Robert F. Hofmann	TORQ-0008 (103336.00036)

CONFIRMATION NO. 2325

POWER OF ATTORNEY NOTICE

25555
JACKSON WALKER LLP
901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

OC000000039654765

Date Mailed: 01/19/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/16/2009.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/125,932	05/10/2005	Robert F. Hofmann	TORQ-0008 (103336.00036)

CONFIRMATION NO. 2325

POA ACCEPTANCE LETTER

Robert F. Hofmann
3105 Toro Ring
Austin, TX 78746-2432

OC000000039654815

Date Mailed: 01/19/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/16/2009.

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

/idingle/

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

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MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

Mail Date: 04/21/2010

Applicant	: John Shepherd	: DECISION ON REQUEST FOR
Patent Number	: 7606648	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/125,936	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1155** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

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FEB 20 2008

OFFICE OF PETITIONS

In re Application of	:	
Giovanni Coglitore et al.	:	
Application No. 11/125,942	:	DECISION ON PETITION
Filed: May 9, 2005	:	TO WITHDRAW
Attorney Docket No. 443452001300	:	FROM RECORD
	:	

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 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 Charles D. Holland on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Giovanni Coglitore**
13262 Via Blanc
Saratoga, CA 95070

cc: **Bill Gallani**
Cooley Godward Kronish LLP
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/125,942	05/09/2005	Giovanni Coglitore	443452001300

CONFIRMATION NO. 3057

POWER OF ATTORNEY NOTICE

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

OC000000028382014

Date Mailed: 02/19/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/30/2007.

- 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.

/tswilliams/

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

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United States Patent and Trademark Office
P.O. Box 1450
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Valeo Climate Control Corp.
Intellectual Property Department
4100 North Atlantic Boulevard
Auburn Hills MI 48326

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OFFICE OF PETITIONS

In re Application of	:	
Stehanie Talaucher et al	:	
Application No. 11/125,967	:	DECISION ON PETITION
Filed: May 10, 2005	:	TO WITHDRAW
Attorney Docket No. TFR0325	:	FROM RECORD
	:	

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 05 2006.

The request is **APPROVED**.

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

The request was signed by Thomas P. Liniak attorney/agent of record on behalf of himself.

Thomas P. Liniak has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to Charles Smoot at 571-272-3299.

David Bucci
Petitions Examiner
Office of Petitions

Cc: Liniak, Berenato & White
6550 Rock Spring Drive, Ste. 240
Bethesda, MD 20817

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Alexandria, VA 22313-1450
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA, GA 30339-5948

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AUG 1 8 2005

OFFICE OF PETITIONS

In re Application of :
Tseng, Yeh, and Sun :
Application No. 11/125,992 : DECISION REFUSING STATUS
Filed: May 10, 2005 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 250122-250 :
For: DATA DRIVING CIRCUIT FOR ORGANIC LIGHT EMITTING DIODE DISPLAY

This is a decision on the petition under 37 CFR 1.47(a) filed May 10, 2005.

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

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on May 10, 2005, and was accompanied by the instant petition under 37 CFR 1.47(a).

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (2) as set forth above.

As to item (2), Section 409.03 of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent part, that:

(A) All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602 § 605.01, and § 1414) and (2) make

> oath or declaration on behalf of the nonsigning inventor as required by 37 CFR 1.64. An oath or declaration signed by all of the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

The declaration filed with the petition is defective in light of the above-cited section of the MPEP. inventor Yeh has signed in the signature block of the non-signing inventor, inventor Tseng that gives the impression that inventor Yeh is the only inventor that has signed in behalf of inventor Tseng. Where there is at least one joint inventor available, all of the available inventors must sign on their own behalf and on behalf of the nonsigning inventor(s). This is properly effected by a declaration executed by the available inventors in their own signature blocks with a blank signature block for the non-signing inventor. A proper declaration must accompany any renewed petition filed.

Deposit account 20-0778 will be charged $200.00 for the instant petition fee.

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

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

By FAX: (571) 272-8300
Attn: Office of Petitions

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA, GA 30339-5948

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OCT 14 2005

OFFICE OF PETITIONS

In re Application of
Tseng, Yeh, and Sun
Application No.: 11/125,992
Filed: May 10, 2005
Attorney Docket No: 250122-250
For: **DATE DRIVING CIRCUIT FOR ORGANIC LIGHT EMITTING DIODE DISPLAY**

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the renewed petition under 37 CFR 1.47(a), filed September 27, 2005.

The renewed petition is **GRANTED**.

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

The above-identified application was filed on May 10, 2005, and was accompanied by a petition under 37 CFR 1.47(a). The petition was dismissed by a decision mailed August 18, 2005. The instant renewed petition was filed on September 27, 2005.

Petitioner has shown that inventor Tseng has 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.

This application will be directed to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JACKSON WALKER LLP
901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

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In re Application of	:	
Robert F. Hofmann	:	
Application No. 11/125,996	:	DECISION ON PETITION
Filed: May 10, 2005	:	TO WITHDRAW
Attorney Docket No. TORQ-0006 (103336.00032)	:	FROM RECORD

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, 2009.

The request is **APPROVED**.

The request was signed by T. Ling Chwang on behalf of all of the practitioners of record.

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

All future correspondence will be directed to inventor Robert F. Hofmann 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: Robert F. Hofmann
3105 Toro Ring
Austin, TX 78746-2432

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/125,996	05/10/2005	Robert F. Hofmann	TORQ-0006 (103336.00032)

CONFIRMATION NO. 2350

POWER OF ATTORNEY NOTICE

25555
JACKSON WALKER LLP
901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

OC000000039627795

Date Mailed: 01/19/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/16/2009.

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

/idingle/

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

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UNITED STATES 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
11/125,996	05/10/2005	Robert F. Hofmann	TORQ-0006 (103336.00032)

CONFIRMATION NO. 2350

POA ACCEPTANCE LETTER

Robert F. Hofmann
3105 Toro Ring
Austin, TX 78746-2432

OC000000039627839

Date Mailed: 01/19/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/16/2009.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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KATHLEEN M HARLESTON
THE HARLESTON LAW FIRM
909 TALL PINE ROAD
MT PLEASANT SC 29464

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AUG 0 7 2006
OFFICE OF PETITIONS

In re Application of	:	
Fechter	:	
Application No. 11/125,998	:	DECISION ON PETITION
Filed: May 10, 2005	:	TO WITHDRAW
Attorney Docket No. 4018	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 2, 2006.

The request is **NOT APPROVED**.

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

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

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

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

Amelia Au
Petitions Examiner
Office of Petitions

cc: Cary E. Fechter
2270 Ashley Crossing Drive
Suite 160
Charleston, SC 29414

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KATHLEEN M HARLESTON
THE HARLESTON LAW FIRM
909 TALL PINE ROAD
MT PLEASANT SC 29464

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APR 10 2007

OFFICE OF PETITIONS

In re Application of
Cary E. Fechter
Application No. 11/125,998
Filed: May 10, 2005
Attorney Docket No. 4018

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 August 10, 2006 and renewed petition filed December 8, 2006.

The request is **APPROVED**.

A review of the file record indicates that Kathleen M. Harlseston of the Harleston Law Firm: (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, Kathleen M. Harleston has/have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The request to change the correspondence address of record has been accepted. All future communications from the Office will be directed to the first copied address below until otherwise properly notified by the applicant.

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

There are no pending office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: CARY E. FECHTER, MD
2270 ASHLEY CROSSING DRIVE
SUITE 160
CHARLESTON, SC 29414

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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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RADER FISHERMAN AND GRAUER, PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS, MI 48304-0610

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JUL 15 2008
OFFICE OF PETITIONS

Applicant: Sirrine
Appl. No.: 11/125,999
Filing Date: May 10, 2005
Title: VEHICLE VIBRATION ANALYZER
Attorney Docket: 65856-0073
Pub. No.: US 2006/0255923 A1
Pub. Date: November 16, 2006

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 10, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors as the wrong specification and drawings were published.

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

The request for corrected publication, received on August 10, 2007, was not timely filed under 37 CFR 1.221(b).

The patent application publication was published with the contents of another application. Due to the nature of the errors in this publication, the office will *sua sponte* publish a corrected patent application publication. The corrected patent application publication will be published in due course, unless the application is allowed and the patent issues before the application is republished.

---

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

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

The amendment received by the Office and was improperly scanned into this application and published has been removed from the application.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted or **a complete copy 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 Polutta at (571) 272-7709.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 04/28/2010

Applicant	: Vyacheslav B. Birman	: DECISION ON REQUEST FOR
Patent Number	: 7607808	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/126,033	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **536** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

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OFFICE OF PETITIONS

In re Application of
Steinle et al.
Application No. 11/126,051
Filed: May 9, 2005
Attorney Docket No. 10191/4278

DECISION ON PETITION

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed June 12, 2008, to revive the above-identified application.

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

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

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of March 21, 2007. The non-final Office Action set a three (3) month shortened statutory period for reply. No extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 22, 2007.

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

As to item (3), the Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Director to have been "avoidable." 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 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).

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

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

Petitioner has failed to meet (1). Petitioner has failed to describe the system used for recording an Office action received at the correspondence address of record. In addition, petitioner has not established that the system in place was sufficiently reliable.

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

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

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

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DEC 1 5 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Steinle et al. :
Application No. 11/126,051 :
Filed: May 9, 2005 :
Attorney Docket No. 10191/4278 :

This is a decision on the petition under 37 CFR 1.181, filed October 29, 2008, to withdraw the holding of abandonment. However, this petition is properly treated as a renewed petition under 37 CFR 1.137(a) to revive the above-identified application.[1]

The petition is **GRANTED.**

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of March 21, 2007. The non-final Office Action set a three (3) month shortened statutory period for reply. No extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 22, 2007. A petition under 37 CFR 1.137(a) was dismissed on August 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of an amendment (2) the petition fee of $510.00; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

This application is being referred to Art Unit 2111 for processing of the reply submitted with the petition.

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

Charlema Grant
Petitions Attorney
Office of Petitions

---

[1] Petitioners initially filed a petition under 37 CFR 1.137(a) which was not grantable. The petition when filed on June 12, 2008 was filed almost seven months from the mailing of the Notice of Abandonment. Petitions filed under 37 CFR 1.181 after two months from the mailing of the Notice of abandonment are untimely. Petitioners cannot now avail themselves of 37 CFR 1.181. Further petitioner signed a statement under 37 CFR 1.137(a) stating that the abandonment was unavoidable.

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United States Patent and Trademark Office
P.O. Box 1450

Alexandria, VA 22313-1450
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Pauley Petersen & Erickson
Suite 365
2800 W. Higgins Road
Hoffman Estates, IL 60195

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NOV 2 2 2005

OFFICE OF PETITIONS

In re Application of :
Andreas Brenner :
Application No. 11/126,056 : DECISION REFUSING STATUS
Filed: May 10, 2005 : UNDER 37 CFR 1.47(b)
Attorney Docket No. FEL-141 :
For: **CONTAINER WITH INLINER BAG AND ONE-WAY DISPENSER VALVE**

This is a decision on the petition under 37 CFR 1.47(b), filed November 7, 2005.

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

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(b).

The above-identified application was filed on May 10, 2005, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on June 8, 2005, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration and payment of the filing fee. The instant petition was filed on November 7, 2005, with a request for an extension of time within the third month.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

(5) proof of proprietary interest, and

(6) a showing (statement) that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The instant petition lacks item (1) as set forth above.

As to item (1), the instant petition does not provide sufficient evidence that a complete copy of the application papers was sent to the non-signing inventor. Further to this point, Section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent part, that:

> [a] refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application paper should be sent to the last known address of the non-signing inventor . . .
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

While the instant petition states that inventor Brenner has refused to join the prosecution of the application, it is not clear whether inventor Brenner was provided with a complete copy of the application papers, and not just the declaration. In order for inventor Brenner's refusal to have merit relative to the

instant petition, it must be clear that he was provided with a complete copy of the application papers or an effort was made to provide him with the same and he refused.

Further, petitioner indicates that inventor Brenner made an express refusal to Josef Felber, but no statement from Josef Felber accompanied the instant petition. As indicated in the MPEP section cited above, a statement should accompany the renewed petition from Mr. Felber, as the person to whom the alleged refusal was made, detailing the circumstances of the refusal.

It is also requested that petitioner provide translations in English of the material portions of the employment agreement and of the correspondence sent to inventor Brenner and his parents. The undersigned is not fluent in German making a proper review of the evidence impossible at this juncture.

The fee for the instant petition $200.00. Deposit account 19-3550 will be charged an additional $70.00 accordingly.

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

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

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

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Suite 365
2800 W. Higgins Road
Hoffman Estates, IL 60195

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JAN 30 2006

OFFICE OF PETITIONS

In re Application of :
Andreas Brenner :
Application No. 11/126,056 : DECISION ACCORDING STATUS
Filed: May 10, 2005 : UNDER 37 CFR 1.47(b)
Attorney Docket No. FEL-141 :
For: CONTAINER WITH INLINER BAG AND ONE-WAY DISPENSER VALVE

This is in response to the renewed petition under 37 CFR 1.47(b), filed January 23, 2006.

The renewed petition is **GRANTED**.

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

The above-identified application was filed on May 10, 2005, without an executed oath or declaration or filing fee. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on June 8, 2005, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. A petition under 37 CFR 1.47(b) was filed on November 7, 2005, and dismissed by a decision mailed November 22, 2005.

By the instant petition and evidentiary documents, petitioner has established that the sole inventor has refused to join the prosecution of the application and that the 37 CFR 1.47(b) applicant has sufficient proprietary interest to proceed with prosecution of the application without the sole inventor.

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

This application will be forwarded to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Andreas Brenner
Hoeldersteg 11
D-53757 Sankt Augustin Birlinghoven
GERMANY

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JAN 30 2006

OFFICE OF PETITIONS

In re Application of :
Andreas Brenner :
Application No. 11/126,056 : LETTER
Filed: May 10, 2005 :
Attorney Docket No. FEL-141 :
For: CONTAINER WITH INLINER BAG AND ONE-WAY DISPENSER VALVE

Dear Mr. Brenner:

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 sole inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Pauley Petersen & Erickson
Suite 365
2800 W. Higgins Road
Hoffman Estates, IL 60195

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: T. Alan Hatton	: DECISION ON REQUEST FOR
Patent Number	: 7598199	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/126,064	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1083** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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WILLIAMS, MORGAN & AMERSON, P.C.
10333 RICHMOND AVE.
SUITE 1100
HOUSTON, TX 77042

Mail Date: 04/21/2010

Applicant	: Michael J. Paquette	: DECISION ON REQUEST FOR
Patent Number	: 7586481	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/126,096	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1055** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

DONALD W. SPURRELL
P.O. BOX 970
JOHNSON CITY, TN 37605

In re Application of	:	
William M. ARNOLD	:	
Application No. 11/126,099	:	DECISION ON PETITION
Filed: May 10, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 24, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before June 8, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed March 6, 2009. Accordingly, the date of abandonment of this application is June 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 $755, (2) the petition fee of $810; 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 Monica A. Graves at (571) 272-7253.

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

Brian W. Brown
Petition Examiner
Office of Petitions

cc: **DONALD W. SPURRELL**
1205 WOODLAND AVENUE
JOHNSON CITY, TN 37601

UNITED STATES 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 28 2005

Geoffrey K. Cooper
Birdwell & Janke, LLP
Suite 1400
1100 SW Sixth Avenue
Portland, OR 97204

In re application of Larry D. Birdwell Application No. 11/126,106 Filed: May 09, 2005 For: SHIP EMPLOYING A BUOYANT PROPULSION SYSTEM	: : : :	**DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)**

This is a decision on the petition submitted on May 26, 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. Birdwell 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**.

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

KJD/mg 6/21/05

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
11/126,125	05/09/2005	2161	1630	SVL920050035US1	10	30	3

CONFIRMATION NO. 4498

CORRECTED FILING RECEIPT

OC000000017226948

47069
KONRAD RAYNES & VICTOR, LLP
ATTN: IBM54
315 SOUTH BEVERLY DRIVE, SUITE 210
BEVERLY HILLS, CA 90212

Date Mailed: 10/12/2005

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

Applicant(s)

Mary Ann Roth, San Jose, CA;
Tanveer Fathima Syeda-Mahmood, Cupertino, CA;
Lingling Yan, San Jose, CA;

Power of Attorney: The patent practitioners associated with Customer Number **47069**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 06/07/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/126,125

Projected Publication Date: 11/09/2006

Non-Publication Request: No

Early Publication Request: No

Title

Technique for relationship discovery in schemas using semantic name indexing

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.

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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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 FIFTH AVENUE
16TH FLOOR
NEW YORK, NY 10001-7708

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OCT 3 1 2008

OFFICE OF PETITIONS

In re Application of
Eiji Nishikawa, et al.
Application No.: 11/126,129
Filed: May 10, 2005
Attorney Docket No.: 03265D2/LH

ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 29, 2008 and supplemented on October 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 October 9, 2008, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2861 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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

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DEC 12 2007

OFFICE OF PETITIONS

In re Application of :
KAMIGUCHI et al. :
Application No. 11/126,141 : DECISION ON PETITION
Filed: 05/11/2005 :
Attorney Docket No. 392.1290C3 :

This is a decision on the petition under 37 CFR 1.181, filed October 3, 2007, 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 nonfinal Office action mailed on February 27, 2007, which set a three month shortened statutory period for reply. Extensions of time were permissible under 37 CFR 1.136(a). A reply was due on or before May 27, 2007. The Office mailed a Notice of Abandonment on September 20, 2007.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) of a Fee Transmittal and Amendment on April 17, 2007. A copy of the previously submitted reply accompanies the petition.

The Fee Transmittal and Amendment, which are acknowledged as having been received in the USPTO on April 17, 2007, are not of record in the application file and have not been located to date. However, MPEP 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 USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the reply was timely received in the USPTO but lost after receipt thereof.

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

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on April 17, 2007.

This matter is being referred to Technology Center Art Unit 1732 for appropriate action on the reply filed with the petition on October 3, 2007.

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

Mail Date: 04/21/2010

Applicant	: Won-Tae Kim	: DECISION ON REQUEST FOR
Patent Number	: 7596884	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/126,148	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **312** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/126,168	05/11/2005	Fumisada Maeda	271489US6CONT	3542

22850 7590 01/28/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
DORVIL, RICHEMOND

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
01/28/2008	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/126,168	05/11/2005	Fumisada Maeda	271489US6CONT	3542

7590 01/28/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
DORVIL, RICHEMOND

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
01/28/2008	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

Refund Ref:
01/25/2008 0030049647

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1004

FORM PET651G (Rev. 08/07)

Notice of Abandonment	Application No.	Applicant(s)	
	11/126,168	MAEDA ET AL.	
	Examiner	Art Unit	
	Dorvil, Richemond	2626	

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

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☑ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/Rick Clemons/ □□Administrative Assistant□□Art Unit: 3900

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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1950 ROLAND CLARKE PLACE
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OFFICE OF PETITIONS

In re Application of
Kazutoshi Yasunaga, et al.
Application No.: 11/126,171
Filed: May 11, 2005
Attorney Docket No.: P27814

ON PETITION

This is a decision in response to the petition, filed September 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 August 14, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2626 for further processing of the request for continued examination under 37 CFR 1.114, including consideration of the request for correction of inventorship under 37 CFR 1.48.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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1950 ROLAND CLARKE PLACE
RESTON, VA 20191

Mail Date: 04/20/2010

Applicant	: Toshiyuki Morii	: DECISION ON REQUEST FOR
Patent Number	: 7587316	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/126,171	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **419** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JUL 22 2005

OFFICE OF PETITIONS

In re Application of :
Hanai, et al. :
Application No. 11/126,176 :
Filed: May 11, 2005 :
Attorney Docket No. 249-379 :

ON PETITION

This is a decision on the papers styled, "Petition," filed June 23, 2005, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of May 11, 2005, including page 60 of the specification.

The application was filed on May 11, 2005. However, on June 15, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, but page 60 of the specification appears to have been omitted.

In response, on June 23, 2005, the instant petition and a copy of page 60 of the specification were submitted. The instant petition is accompanied by a copy of applicants' postcard receipt that acknowledges receipt of "89 Pages Specification" on May 11, 2005. A review of the application file indicates the presence of eighty-eight (88) pages of specification. It is assumed that page 60 of the specification was misplaced by the Office.

In view of the above, the petition is granted.

The petition fee will be refunded to deposit account no. 14-1140.

This application will be returned to OIPE for further processing with a filing date of May 11, 2005, using the copy of page 60 of the specification, supplied on June 23, 2005.

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

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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David Anthony Keena
39664 Ryan Rd
Sterling Heights MI 48310

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OFFICE OF PETITIONS

In re Application of David Anthony Keena Application No. 11/126188 Filing or 371(c) Date: 05/11/2005 Title of Invention: MACHINE DESIGNED FOR A MEANS OF MONITORING A MOTOR VEHICLE OPERATORS ACTIONS AND REACTIONS TO DRIVING CONDITION AS THEY DRIVE AND ALERT OTHER DRIVERS BEHIND THEM OF THEIR ACTIONS SUCH AS BRAKING, COASTING AND ACCELERATING. COMPILED DATA WILL BE DISPLAYED WITH A REAR LIGHTING DEVICE. (SMART LIGHT)	DECISION ON PETITION

This is a decision on the Petition for Reconsideration of Holding of Abandonment", filed August 29, 2007. The petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment ("Notice"), mailed March 26, 2007. The Notice set a one (1) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on April 27, 2007. A Notice of Abandonment was mailed August 21, 2007.

Applicant's Assertion

Applicant files the present petition and asserts that a timely reply to the Notice was filed within the specified 30 day period.

A review of Office records reveals that an Amendment was received by this Office on April 26, 2007.

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

No fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2612 for processing of the Reply.

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

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OFFICE OF PETITIONS

In re Application of	:	
Lai et al.	:	
Application No. 11/126,196	:	DECISION ON PETITION
Filed: 05/11/2005	:	
Attorney Docket No. MR3003-114	:	

This is a decision on the petition under 37 CFR 1.181, filed April 7, 2008, requesting withdrawal of the holding of abandonment in the above-identified application.

This application was held abandoned for failure to reply to the final Office action mailed March 7, 2007, which set a three-month shortened statutory period to reply. On February 6, 2008, the Office mailed a Notice of Abandonment.

Petitioners assert that the final Office action dated March 7, 2007, was not received. Petitioners request that the Office withdraw the holding of abandonment in the above-identified application, re-mail the Office action, and restart the period for reply.

A review of the written record indicates no irregularity in the mailing of the final Office action and in the absence of any irregularity, there is a strong presumption that the final 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.

As stated in Section 711.03(c)(I)(A) of the Manual for Patent Examining Procedure:

> 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).

After reviewing the documents submitted on petition, the Office concludes that petitioners did not receive the final Office action. The practitioner submitted a copy of the master docket for the firm where the final Office action would have been entered had it been received and docketed. Additionally, the practitioners at the firm attested to the fact that a search of the records indicated that the final Office action was not received at the correspondence address of record. Accordingly, the petition under 37 CFR 1.181 is granted.

Technology Center Art Unit 2116 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for re-mailing of the final Office Action. The three (3) month shortened statutory time period for responding to the final Office Action will be set to run from the re-mailing date of the final Office Action.

Inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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JAN 29 2008

OFFICE OF PETITIONS

In re Application of :
Haimoff :
Application No. 11/126,217 :
Filed: May 11, 2005 :
Attorney Docket No. 26778U :
For: MULTI-SHELF COLLAPSIBLE TABLE

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application, filed November 23, 2007.

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

This application was held abandoned for failure to respond in a timely manner to the non-final Office action mailed on April 18, 2007, which set an extendable three month period for reply. The Office has no record of receiving an extension of time or a reply to the April 18, 2007 non-final Office action in application no. 11/126,217. Therefore, the Office considered the application abandoned on July 19, 2007. A Notice of Abandonment was mailed on November 15, 2007.

Petitioner asserts that a proper response in the form of a petition for a two month extension of time and required fee and an amendment was timely filed on September 18, 2007. Petitioner explains that through inadvertent error, petitioner listed the application number as 10/126,217 on the September 18, 2007 amendment and petition for extension of time. Therefore, the petition for extension of time and amendment were not associated with application no. 11/126,217's file.

A review of the copy of the amendment and petition for extension of time shows that petitioner cited application no. 10/126,217. A review of the contents of the application no. 10/126,217 reveals that the September 18, 2007 petition for extension of time and amendment are present.

Even though petitioner cited the wrong application number on the petition for extension of time and amendment, under MPEP 502, " A minor error in the identification of the application can be corrected by the group provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application

number." The undersigned believes that a relatively simple review of Office records would have yielded the correct application number to enable the Office to match the September 18, 2007 correspondence with this application file. A cross-referencing of any of the accurate identifiers found on the petition for extension of time and amendment with Office databases would have revealed the typographical error.

The undersigned will request that the September 17, 2007 petition for extension of time and amendment be removed from the file of application no. 10/126,217 and placed in the file of the above-identified application.

The September 18, 2007 amendment was timely filed. Accordingly, the petition is **GRANTED**, the Notice of Abandonment is hereby vacated, and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center AU 3637 for consideration of the amendment filed on September 18, 2007.

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

Shirene Willis Brantley

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

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ALEXANDRIA, VA 22314

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JUL 24 2007

OFFICE OF PETITIONS

In re Application of	:
Masami Sukeda et al	:
Application No. 11/126,239	: DECISION GRANTING PETITION
Filed: May 11, 2005	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. NIT-465	:

This is a decision on the petition, filed July 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 June 26, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2856 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\july10\126239.wpd

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

DATE 7-24-07 APPLICATION NUMBER 11/126239

DOC CODE OMDS DOC DATE 7-24-07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

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

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

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Date : July 24, 2007

TO : Director, Office of Patent Publication

FROM : Office of Petitions

SUBJECT : Withdrawal from Issue of **Application No. 11/126,239**

Applicant(s) : Masami Sukeda et al
Application No. : 11/126,239
Filed : May 11, 2005

The above-identified application has been assigned Patent No. 7,252,003 and an issue date of August 7, 2007.

It is hereby directed that this application be withdrawn from issue at the request of the applicant. Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of August 7, 2007:

"All reference to Patent No. 7,252,003 to Masami Sukeda et al of Japan for METHOD OF EVALUATING CONNECTED PORTIONS, METHOD OF CONNECTING ELECTRICAL WINDING CONDUCTORS AND APPARATUS THEREFOR appearing in the Official Gazette of August 7, 2007 should be deleted since no patent was granted."

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Paul Harrison
Deneise Boyd
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie)
Duane Davis (CDS)
Bradley Harris
Kimberly Terrell
Kay Pinkney
Betty Powell

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Mail Date: 04/20/2010

Applicant	: Hai-Wen Chen	: DECISION ON REQUEST FOR
Patent Number	: 7646886	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/126,261	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1324** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SEP 25 2007

OFFICE OF PETITIONS

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

In re Application of Laurent Oliver et al. Application No. 11/126,274 Filed: May 11, 2005 Attorney Docket No.: 09286-0004-00000 Title: SYSTEM FOR RAISING AQUATIC ANIMALS	:	DECISION ON PETITION UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed on July 11, 2007, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

BACKGROUND

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed December 8, 2006, which set a shortened statutory period to reply for one month. A five-month extension of time under the provisions of 37 C.F.R. § 1.136(a) was received on June 8, 2007. No responses were received. Accordingly, the above-identified application became abandoned on June 9, 2007.

RELEVANT PORTION OF THE MPEP

Section 503 of the MPEP, entitled Application Number and Filing Receipt, sets forth, in part:

> RETURN POSTCARD
>
> If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-

addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

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

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

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the postcard initialed by the person receiving the items.

Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as prima facie evidence of receipt of that item in the USPTO.

ANALYSIS

With the present petition, Petitioner has asserted that a response was mailed on June 8, 2007, along with the extension of time.

Petitioner has submitted a copy of this submission, along with a postcard receipt that evinces that a "response to restriction requirement" was received in the Office of Initial Patent Examination (OIPE) on June 8, 2007.

Petitioner has requested that the holding of abandonment in the above-identified application be withdrawn. It is clear that a response was timely submitted. Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a submission was timely submitted.

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

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response that was received with the present petition can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

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

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 04/20/2010

Applicant	: Christophe Preguica	: DECISION ON REQUEST FOR
Patent Number	: 7602738	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/126,293	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1143** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SEP 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Hanai et al.	:	
Application No. 11/126,298	:	CORRECTED DECISION
Filed: May 11, 2005	:	ON PETITION
For: METHOD OF MODULATING THE	:	
ACTIVITY OF FUNCTIONAL	:	
IMMUNE MOLECULES	:	

This is a decision on the Petition, filed June 17, 2005, requesting the above-identified application be accorded a filing date of May 11, 2005, including page 60 of the specification.

The application was filed on May 11, 2005. On June 3, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, page 60 of the specification appeared to have been omitted from the application.

Applicant responds with the instant petition wherein Applicant avers that page 60 of the specification was originally filed with the application on May 11, 2005, and was received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of two (2) return-receipt postcard, each acknowledging receipt of, *inter alia*, 99 pages of specification in the above-identified application by this Office on May 11, 2005.

A review of the return-receipt postcards reveals that Applicant is correct. The postcards acknowledge receipt of, *inter alia*, 99 pages of application in the above-identified application by this Office on May 11, 2005. Applicant has also re-filed page 60 of the specification.

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

Accordingly, the petition is granted.

The copy of page 60 of the specification, filed with the instant petition on June 17, 2005, will be used for examination purposes.

The petition fee has been refunded to deposit account 14-1140 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of May 11, 2005, and an indication that page 60 of the specification was included among 99 pages of application filed on May 11, 2005, using page 60 of the specification filed with the instant petition on June 17, 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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In re Application of	:	
Hanai et al.	:	DECISION ON APPLICATION
Application No. 11/126,298	:	FOR PATENT TERM ADJUSTMENT
Filed: May 11, 2005	:	
Attorney Docket No. Q104521	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705," filed December 2, 2009. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from one hundred fifty-nine (159) days to one hundred eighty-six (186) days.

The application for patent term adjustment is **DISMISSED**.

On September 2, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 159 days. On December 2, 2009, applicants timely submitted the instant application for patent term adjustment[1]. Applicants dispute the reduction pursuant to 37 CFR 1.704(c)(8) of 27 days for the filing of an Information Disclosure Statement (IDS) on March 20, 2008.

Applicants assert that the filing of the IDS on March 20, 2008, does not constitute a failure by applicants to engaged in reasonable efforts to conclude prosecution of the application under 37 CFR 1.704(c)(8) because it was accompanied by a

[1] The Office records show that the issue fee was also received on December 2, 2009.

statement under 37 CFR 1.704(d).[2] Accordingly, applicants maintain that the period of reduction of 27 days is not warranted.

Pursuant to 37 CFR 1.704(c)(8):

> Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed[.]

It is undisputed that applicants submitted an IDS on March 20, 2008, after filing an initial response to the non-final Office action on February 22, 2008. The record does not support a conclusion that the examiner expressly requested the IDS. Further, a review of the IDS, filed March 20, 2008, reveals that applicants did not include a proper statement under 37 CFR 1.704(d). Specifically, the statement under 37 CFR 1.704(d) provided by applicants reads:

> The undersigned hereby states, upon information and belief: That each item of information contained in the Information Disclosure Statement filed concurrently herewith **was cited** in **a** communication from a foreign patent office in a counterpart foreign application, and that **the** communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than

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[2] Pursuant to 37 CFR 1.704(d):

> A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

> thirty days prior to the filing of said Information Disclosure Statement.

(Emphasis added).

The Office reminds applicants that 37 CFR 1.704(d) was revised, effective May 24, 2004.[3] The required statement states, in pertinent part, that:

> [E]ach item of information contained in the information disclosure statement was **first** cited in **any** communication from a foreign patent office in a counterpart application and that **this** communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement.

(Emphasis added).

The statement accompanying the IDS, filed March 20, 2008, does not contain the language required by 37 CFR 1.704(d). Thus, applicants failed to engage in reasonable efforts to conclude prosecution of the application. Accordingly, the period of reduction of 27 days pursuant to 37 CFR 1.704(c)(8) is warranted.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance will remain **159 days**.

The $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in

---

[3] "Section 1.704(d) [was] amended to change 'cited in a communication' to 'first cited in any communication' in order to clarify that **the item must have been first cited in any communication from a foreign patent office in a counterpart application** instead of merely being cited in such a communication." 69 FR 21704 (Apr. 22, 2004) (Emphasis added).

the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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MAY 25 2010

OFFICE OF PETITIONS

In re Patent No. 7,708,992	:	
HANAI et al.	:	ON APPLICATION FOR
Issue Date: May 4, 2010	:	PATENT TERM ADJUSTMENT
Application No. 11/126,298	:	
Filed: May 11, 2005	:	
Attorney Docket No. Q104521	:	

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705" filed April 5, 2010, which is properly treated as a petition under 37 CFR 1.705(b), requesting reconsideration of the determination of patent term adjustment under 35 U.S.C. 154(b).

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

Petitioner is given **TWO (2) MONTHS** to respond to this decision. No extensions of time will be granted under § 1.136(a).

On September 2, 2009, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date was 159 days. On December 2, 2009, petitioner timely filed an "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705",[1] requesting that the initial determination of patent term adjustment be corrected from one hundred fifty-nine (159) days to one hundred eighty-six (186)

[1] Palm records indicate that the issue fee payment was received in the Office on December 2, 2009.

days. Specifically, petitioner disputed the reduction pursuant to 37 CFR 1.704(c)(8) of 27 days for the filing of an Information Disclosure Statement (IDS) on March 20, 2008.

On February 2, 2010, the Office mailed a decision dismissing the application for patent term adjustment. On April 5, 2010, petitioner filed the present request for reconsideration of patent term adjustment once again disputing the reduction of 27 days associated with the filing of the IDS on March 20, 2008. On May 4, 2010, the above-identified application matured into U.S. Patent No. 7,708,992 with a revised Patent Term Adjustment of 591 days.

It is noted that the present request for reconsideration of patent term adjustment was not filed within two months of the February 2, 2010 mailing date of decision dismissing the initial application for patent term adjustment pursuant to 37 CFR 1.181(f). As no extensions of time under 37 CFR 1.136 were permitted, the period for filing a request for reconsideration ended on April 2, 2010. Accordingly, it is appropriate to dismiss this petition as untimely filed under 37 CFR 1.705(b).

Moreover, consideration under 37 CFR 1.705(d) is not appropriate. As stated in MPEP 2730, § 1.703(d) provides that:

> If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. If the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section. Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues.

The issues raised should have been timely raised in a request for reconsideration under 37 CFR 1.705(b) within two months of the mailing date of the dismissal.

The Office acknowledges the previous submission of the $200.00 fee set forth in 37 CCFR 1.18(e). No additional fee is required.

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

C. T. Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions

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AUG 18 2005

OFFICE OF PETITIONS

In re Application of :
Hanai et al. :
Application No. 11/126,299 : CORRECTED DECISION
Filed: May 11, 2005 : ON PETITION
For: METHOD OF MODULATING THE :
ACTIVITY OF FUNCTIONAL :
IMMUNE MOLECULES :

This is a decision on the Petition, filed July 6, 2005, requesting the above-identified application be accorded a filing date of May 11, 2005, including page 60 of the specification.

The application was filed on May 11, 2005. On June 21, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, page 60 of the specification appeared to have been omitted from the application.

Applicant responds with the instant petition wherein Applicant avers that page 60 of the specification was originally filed with the application on May 11, 2005, and was received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of two (2) return-receipt postcard, each acknowledging receipt of, *inter alia*, 89 pages of specification in the above-identified application by this Office on May 11, 2005.

A review of the return-receipt postcards reveals that Applicant is correct. The postcards acknowledge receipt of, *inter alia*, 89 pages of application in the above-identified application by this Office on May 11, 2005. Applicant has also re-filed page 60 of the specification.

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

Accordingly, the petition is granted.

The copy of page 60 of the specification, filed with the instant petition on July 6, 2005, will be used for examination purposes.

The petition fee has been refunded to deposit account 14-1140 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of May 11, 2005, and an indication that page 60 of the specification was included among 89 pages of application filed on May 11, 2005, using page 60 of the specification filed with the instant petition on July 6, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/126,308	05/11/2005	Kenji Maeda	271734US3CONT	3421

7590 10/08/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
DEHGHAN, QUEENIE S

ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
10/08/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
10/07/2008 0030062035

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1006

Adjustment date: 10/07/2008 NFARMER
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02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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ROGER MARRS
15233 VENTURA BLVD.
SUITE 820
SHERMAN OAKS, CA 91403

COPY MAILED

MAY 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Bill Nguyen	:	DECISION ON PETITION
Application No. 11/126,311	:	TO WITHDRAW
Filed: May 11, 2005	:	FROM RECORD
Attorney Docket No. None	:	

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 12, 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 Roger Marrs, has been revoked by the applicant of the patent application on April 18, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Alicia Kelley at 571-272-6059.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: SELDON & SCILLIERI
12121 WILSHIRE BLVD.
SUITE 1300
LOS ANGELES CA 90025-1166

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JUL 12 2007

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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK NY 10036

In re Application of	:
Joel A. Hirsch	:
Serial No.: 11/126,313	: PETITION DECISION
Filed: May 11, 2005	:
Attorney Docket No.: 14200.2	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed June 11, 2007. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

The petition fee of $130.00 will be charged to applicant's Deposit Account No. 50-3355, as directed.

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile transmission at 571-273-8300.

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

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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA VA 22182

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FEB 19 2010

In re Application of	:	
Seo, et al.	:	
Application No. 11/126,341	:	DECISION ON APPLICATION
Filed: May 11, 2005	:	FOR
Atty Docket No.61610460US	:	PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT PURSUANT UNDER 37 CFR § 1.705," filed August 4, 2009, which is properly treated under 37 CFR 1.705(b). Applicants request that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be corrected from four hundred forty-three (443) days to seven hundred twenty-one (721) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the patent term adjustment determination at the time of the mailing of the notice of allowance is **seven hundred twenty-one (721) days** (721 days of Office delay - 0 days of applicant delay). A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

On May 4, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 443 days. Applicants timely filed the instant application for patent term adjustment.[1]

Applicants dispute the reduction of 278 days for applicant delay in filing an Information Disclosure Statement on October 25, 2006. Specifically, applicants state:

[1] PALM finance records indicate the issue fee was paid on August 4, 2009.

(1) May 11, 2005: The present application was filed with the USPTO.
(2) June 21, 2005: A Request for Corrected Filing Receipt was filed with the USPTO.
(3) January 11, 2006: The USPTO mailed a Notice to Provide a copy of an applicant's record under 37 CFR 1251 to support reconstruction of the application;
(4) January 20, 2006: Applicants' response to the Notice was filed with the USPTO;
(5) October 25, 2006: An Information Disclosure Statement (IDS) was filed.
(6) July 1, 2008: The USPTO mailed a Restriction Requirement.
(7) The Patent Term Adjustment History in PAIR indicates 278 days of Applicant delay from January 20, 2006 (date of Applicants' response to USPTO Notice of January 11, 2006) until October 25, 2006(filing of an IDS).

Applicants respectfully submit that the 278 days—from January 20, 2006 (date of Applicant' response to USPTO Notice of January 11, 2006) until October 25, 2006 (filing of an IDS)—indicated as Applicant delay is incorrectly indicated as Applicant delay.

Excerpt taken from the "Application for Patent Term Adjustment Under 37 CFR § 1.705", filed August 4, 2009, page 1-2.

Applicants' argument is well taken and is supported by a review of the file record. The record supports the conclusion that a response to the Notice Under 37 CFR 1.251—Pending Application was filed on January 20, 2006. It is noted that the response filed January 20, 2006, was complete and included a copy of the Request for Corrected Filing Receipt first filed June 21, 2005. It is further noted that the copy of Request for Corrected Filing Receipt was placed in the file record and accorded a filing date of June 21, 2005. It is evident that the Information Disclosure Statement filed October 25, 2006, was not a supplemental reply to the response filed January 20, 2006, such that a reduction to the patent term adjustment under 37 CFR 1.704(c)(8) would have been warranted. Thus, applicants did not fail to engage in reasonable efforts to conclude processing of the application by filing the Information Disclosure Statement on October 25, 2006. Accordingly, the period of reduction of 278 days is not warranted and is being removed.

The $200.00 fee as set forth in 37 CFR 1.18(e) was received. No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

Day : Wednesday

PALM INTRANET

Date: 2/17/2010
Time: 14:40:04

PTA Calculations for Application: 11/126341			
Application Filing Date:	05/11/2005	PTO Delay (PTO):	721
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	278
Post-Issue Petitions:	0	Total PTA (days):	721
PTO Delay Adjustment:	278		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
57	02/17/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	278		
42	05/04/2009	MAIL NOTICE OF ALLOWANCE			
41	04/28/2009	ISSUE REVISION COMPLETED			
40	04/28/2009	DOCUMENT VERIFICATION			
39	04/28/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
38	04/27/2009	NOTICE OF ALLOWABILITY			
36	02/25/2009	DATE FORWARDED TO EXAMINER			
35	01/20/2009	RESPONSE AFTER NON-FINAL ACTION			
34	10/20/2008	ELECTRONIC REVIEW			
33	10/20/2008	EMAIL NOTIFICATION			
32	10/20/2008	MAIL NON-FINAL REJECTION			
31	10/14/2008	NON-FINAL REJECTION			
28	07/09/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
27	10/25/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	07/09/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
25	08/30/2008	DATE FORWARDED TO EXAMINER			
24	07/23/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
23	07/09/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	07/02/2008	ELECTRONIC REVIEW			
21	07/01/2008	EMAIL NOTIFICATION			
20	07/01/2008	MAIL RESTRICTION REQUIREMENT	721		-1
19	06/23/2008	REQUIREMENT FOR RESTRICTION / ELECTION			

18	11/28/2007	CASE DOCKETED TO EXAMINER IN GAU			
17	11/28/2007	CASE DOCKETED TO EXAMINER IN GAU			
16.7	10/25/2006	ELECTRONIC INFORMATION DISCLOSURE STATEMENT		278	15
16	10/25/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	01/20/2006	RESPONSE TO NOTICE OF LOST IMAGE			
14	01/11/2006	MAIL NOTICE OF LOST IMAGE DOCUMENT			
13	01/10/2006	NOTICE OF LOST IMAGE DOCUMENT			
12	12/29/2005	CORRESPONDENCE ADDRESS CHANGE			
11	07/13/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	07/13/2005	CASE DOCKETED TO EXAMINER IN GAU			
9	05/11/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
8	06/06/2005	APPLICATION RETURN FROM OIPE			
7	06/06/2005	APPLICATION IS NOW COMPLETE			
6	06/06/2005	APPLICATION RETURN TO OIPE			
5	06/06/2005	APPLICATION DISPATCHED FROM OIPE			
4	06/06/2005	APPLICATION IS NOW COMPLETE			
3	05/24/2005	CLEARED BY OIPE CSR			
2	05/19/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	05/11/2005	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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JUN 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Shoji Furusako, et al.	:	
Application No.: 11/126,344	:	ON PETITION
Filed: May 11, 2005	:	
Attorney Docket No.: 1110-0327PUS1	:	

This is a decision on the petition, filed June 1, 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 29, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 1644 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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JUN 0 4 2009

OFFICE OF PETITIONS

In re Application of	:
Shoji Furusako, et al.	:
Application No. 11/126,344	: DECISION ON PETITION
Filed: May 11, 2005	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 1110-0327PUS1	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 1, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

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

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1644 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.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/126,344	05/11/2005	1644	3320	1110-0327PUS1	18	3

CONFIRMATION NO. 3345

CORRECTED FILING RECEIPT

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

OC000000036299827

Date Mailed: 06/05/2009

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

Applicant(s)

Shoji Furusako, Shizuoka, JAPAN;
Kamon Shirakawa, Shizuoka, JAPAN;
Jiro Hirose, Kanagawa, JAPAN;

Assignment For Published Patent Application

MOCHIDA PHARMACEUTICAL CO., LTD., Tokyo, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number 2292

Domestic Priority data as claimed by applicant

This application is a CIP of 10/534,257 05/10/2005 PAT 7,465,547
which is a 371 of PCT/JP03/14389 11/12/2003

Foreign Applications

JAPAN 2002-328866 11/12/2002
JAPAN 2003-330775 09/22/2003
JAPAN 2004-141600 05/11/2004

If Required, Foreign Filing License Granted: 07/25/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/126,344**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

NOVEL SOLUBLE CD14 ANTIGEN

Preliminary Class

530

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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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant	: Eun-ok Park	: DECISION ON REQUEST FOR
Patent Number	: 7619770	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/126,349	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1225** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JUL 2 9 2008

In re Application of	:	
Thomas Schindler, et al.	:	
Application No. 11/126,396	:	DECISION ON PETITION
Filed: May 11, 2005	:	
Attorney Docket No. 203 105 US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 7, 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, August 4, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 7, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1050 extension of time fee submitted with the petition on February 7, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

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

This application is being referred to Technology Center AU 3663 for appropriate action by the Examiner in the normal course of business on the reply received February 7, 2008.

April M. Wise
Petitions Examiner
Office of Petitions

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CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Kyeong Jin Kim	: DECISION ON REQUEST FOR
Patent Number	: 7606331	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/126,400	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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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WOODARD, EMHARDT,
MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

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SEP 29 2006

OFFICE OF PETITIONS

In re Application of	:	
Han H. Nee	:	
Application No. 11/126,412	:	
Filed: May 10, 2005	:	DECISION
Attorney Docket No. 7272-71	:	ON PETITION

This is a decision on the Response to Notice to File Missing parts of Nonprovisional Application, filed August 15, 2005, and Request for Corrected Filing Receipt, filed June 22, 2006, requesting that the above-identified application be accorded a filing date of May 10, 2005, rather than the presently accorded filing date of May 11, 2005.

Petitioner alleges that the application was deposited in Express Mail service on May 10, 2005. Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that May 10, 2005 was the date the correspondence was deposited Express Mail Post Office to Addressee.

In view of the above, the petition is **granted**. No fee is necessary.

This application file will be forwarded to the Office of Initial Patent Examination for correction of the filing date to May 10, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/28/07

TO SPE OF : **Technology Center** 2827

11/126420

SUBJECT : Request for Certificate of Correction on Patent No.: 7180809 B2

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

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Elisha Evans

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

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

Note your decision on the appropriate box.

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

Comments:

_____

_____

_____

_____

_____

SPE

2827
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

PATTERSON & SHERIDAN, LLP
APPLIED MATERIALS INC
595 SHREWSBURY AVE
SUITE 100
SHREWSBURY NJ 07702

COPY MAILED
JUL 21 2006
OFFICE OF PETITIONS

In re Application of	:	
Guangxiang Jin et al.	:	
Application No. 11/126,472	:	DECISION ON PETITION
Filing Date: May 11, 2005	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket Number:	:	
7017P01/ETCH/SILICON/JB1	:	
Title: ETCHING HIGH-KAPPA	:	
DIELECTRIC MATERIALS WITH GOOD	:	
HIGH-KAPPA FOOT CONTROL AND	:	
SILICON RECESS CONTROL	:	

This is a decision on the petition under 37 CFR §1.137(b)[1], filed March 16 2006, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed June 6, 2005, which set a shortened statutory period for reply of two (2) 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

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

became abandoned on August 7, 2005. A notice of abandonment was mailed on February 21, 2006.

With the present petition, Petitioner has submitted the petition fee, the proper statement of unintentional delay, a declaration, and the fee associated with the late submission of the same. A terminal disclaimer is not required. Petitioner has met all requirements for a grantable petition under 37 C.F.R. §1.137(b). As such, the petition is **GRANTED**.

The Office of Initial Patent Examination will be notified of this decision.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Four Penn Center
1600 John F. Kennedy Boulevard
2nd Floor
PHILADELPHIA PA 19103

MAILED
JUL 15 2010
OFFICE OF PETITIONS

In re Application of	:	
Bruce H. Levin	:	
Application No. 11/126,475	:	DECISION ON PETITION
Filed: May 11, 2005	:	
Attorney Docket No. E2912-00002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 1, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 7, 2009 which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 10, 2010. The Notice of Abandonment was mailed April 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1619 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

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OCT 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Densham, Daniel Henry	:	
Application No. 11/126,481	:	ON PETITION
Filed: May 11, 2005	:	
Attorney Docket No. GJE-89D1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 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 an Amendment and a Terminal Disclaimer, (2) the petition fee, and (3) a proper statement of unintentional delay.

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

This matter is being referred to Technology Center AU 1637 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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SEP 1 5 2005

OFFICE OF PETITIONS

In re Application of :
Yu, et al. :
Application No. 11/126,490 :
Filed: May 11, 2005 :
Attorney Docket No. 1356.49US01 :

DECISION GRANTING PETITION

This is a decision on the petition filed June 23, 2005, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of May 11, 2005, rather than the presently accorded filing date of May 10, 2005.

Petitioner alleges that the application was deposited with the Express Mail Service on May 11, 2005. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EV49584425US showing a "date-in" of May 11, 2005. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on May 11, 2005.

In view of the above, the petition is granted. The new filing date for the above-cited application is May 11, 2005.

The Office of Initial Patent Examination will further process the application with a filing date of May 11, 2005, and issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

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MAY 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Turovskiy et al.	:	DECISION ON PETITION
Application No. 11/126,531	:	TO WITHDRAW
Filed: May 10, 2005	:	FROM RECORD
Attorney Docket No. H-US-00500 (1544-7)	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 13, 2005.

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

A review of the file record indicates that the power of attorney to practitioners associated with Morrison & Foerster LLP, has been revoked by the assignee of the patent application on October 26, 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: TYCO HEALTHCARE GROUP LP
60 MIDDLETOWN AVENUE
NORTH HAVEN, CT 06473

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UNITED STATES DEPARTMENT OF COMMERCE
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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
11/126,536	05/11/2005	2873	1000	65761.000033	21	14	1

CONFIRMATION NO. 4577

CORRECTED FILING RECEIPT

OC000000017082421

27682
J. MICHAEL MARTINEZ DE ANDINO ESQ.
HUNTON & WILLIAMS
RIVERFRONT PLAZA, EAST TOWER
951 EAST BYRD ST.
RICHMOND, VA 23219-4074

Date Mailed: 09/22/2005

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

Applicant(s)

Ronald D. Blum, Roanoke, VA;
Dwight P. Duston, Laguna Niguel, CA;
Dan Kutzman, Givat Ela, ISRAEL;

Assignment For Published Patent Application

E-Vision, LLC, Roanoke, VA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/626,973 07/25/2003 PAT 6,918,670
which is a CON of 09/602,013 06/23/2000 PAT 6,619,799
which claims benefit of 60/142,053 07/02/1999
and claims benefit of 60/143,626 07/14/1999
and claims benefit of 60/147,813 08/10/1999
and claims benefit of 60/150,545 08/25/1999
and claims benefit of 60/150,564 08/25/1999
and claims benefit of 60/161,363 10/26/1999

Foreign Applications

If Required, Foreign Filing License Granted: 06/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris

Convention, is US11/126,536

Projected Publication Date: 09/29/2005

Non-Publication Request: No

Early Publication Request: No

Title

System, apparatus, and method for correcting vision using an electro-active lens

Preliminary Class

351

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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NOV 09 2007

OFFICE OF PETITIONS

In re Application of	:	
Toyoharu Oohata	:	
Application No. 11/126,552	:	DECISION GRANTING
Filed: May 10, 2005	:	PETITION
Attorney Docket No. S1459.70025US01	:	

This is a decision on the petition, filed April 19, 2007, requesting that the above-identified application be accorded a filing date of May 10, 2005, rather than the presently accorded date of May 11, 2005. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail service on May 10, 2005. In support of this allegation, petitioner has submitted a copy of Express Mail label receipt number EV 492324261 US, which bears a hand-written "date-in" of May 10, 2005 and a U.S. Postal Service (USPS) date stamp of May 10, 2005. The above-noted Express Mail number appears on the originally filed application papers of this 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. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on May 10, 2005.

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

This application file is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to May 10, 2005 and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed Irvin Dingle at (571) 272-3210. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Frances Hicks

Frances Hicks
Petition 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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THE LAW OFFICES OF BORIS G. TANKHILEVICH
Suite A
536 N. Civic Drive
Walnut Creek CA 94597

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
John Arnold Connally	:	
Application No. 11/126,564	:	DECISION ON PETITION
Filed: May 10, 2005	:	
Attorney Docket No. A-1712/TANK-248	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before December 18, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed September 18, 2009. Accordingly, the date of abandonment of this application is December 19, 2009. The Notice of Abandonment was mailed January 5, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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

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

Terri Johnson
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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/126,589	05/11/2005	Walter Koellner	2004P08019US01	4344

28524 7590 03/30/2009
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER
GLASS, ERICK DAVID

ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
03/30/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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032009

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

In re Application of:	:	
Walter Koellner	:	DECISION ON PETITION
Serial No.: 11/126,589	:	TO WITHDRAW FINALITY OF OFFICE
Filed: May 11, 2005	:	ACTION
Attorney Docket No.: 2004P08019US01	:	

This is a decision on the petition under 37 C.F.R. 1.181, filed March 16, 2007, requesting that the finality of the Office action of January 26, 2007 be withdrawn.

The petition is DENIED.

Petitioner asserts that the Final Office action of January 26, 2007, impermissibly and improperly failed to provide a substantive response to the traversals of each of the claims 1-2 and 9-19 regarding a lack of a suggestion or motivation to combine the applied portions of the relied upon references to arrive at the claimed subject matter.

A review of the application file record indicates that a Final Office action was issued on January 26, 2007. The instant petition was filed on March 16, 2007, to request supervisory review of the propriety of the finality of the Office action of January 16, 2007. An appeal was also filed and an Examiner's Answer has issued. However, the appeal was remanded by the Board of Patent Appeals and Interferences (BPAI) because the petition has not been addressed and the status of the amendment filed March 16, 2007 has not been clearly identified.

The petition asserts that the Final Office action fails to establish a *prima facie* case of obviousness regarding claim 1. A mere statement or argument that the Office has not established a prima facie case of obviousness or that the Office's reliance on common knowledge is unsupported by documentary evidence will not be considered substantively adequate to rebut the rejection or an effective traverse of the rejection under 37 C.F.R. 1.111(b). Office personnel

addressing this situation may repeat the rejection made in the prior Office action and make the next Office action final. See MPEP § 706.07(a). The practical difference between a rejection and an objection is that a rejection, involving the merits of the claim, is subject to review by the BPAI, while an objection, if persisted, may be reviewed only by way of petition to the Director of the USPTO.

Under MPEP § 1201, The United States Patent and Trademark Office (Office) in administering the Patent Laws makes many decisions of a substantive nature which the applicant may feel deny him or her the patent protection to which he or she is entitled. The differences of opinion on such matters can be justly resolved only by prescribing and following judicial procedures. Where the differences of opinion concern the denial of patent claims because of prior art or other patentability issues, the questions thereby raised are said to relate to the merits, and appeal procedure within the Office and to the courts has long been provided by statute (35 U.S.C. 134).

Since petitioner's request for relief is related to the merits of the rejection of the claims under 35 U.S.C. 103(a), such relief may not be obtained through petition. Accordingly, the relief requested in the petition is inappropriate.

For the above-stated reasons, the finality of the Office action of January 26, 2007 is proper and the petition is denied.

The examiner will address the status of the amendment filed March 16, 2007 raised by the BPAI in the remand of February 19, 2009. From there, the application will be returned to the BPAI for a decision on appeal.

Any inquiry regarding this decision should be directed to Walter Benson, Supervisory Patent Examiner, at (571) 272-2227.

John Cabeca, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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HOLLINGSWORTH & FUNK
8500 Normandale Lake Blvd
SUITE 320
MINNEAPOLIS, MN 55437

Mail Date: 04/21/2010

Applicant	: Jaeho Kim	: DECISION ON REQUEST FOR
Patent Number	: 7580740	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/126,594	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **628** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/126,614	05/11/2005	Masaharu Sakamoto	JP920040052US1	4632

54856 7590 05/20/2008
LOUIS PAUL HERZBERG
3 CLOVERDALE LANE
MONSEY, NY 10952

EXAMINER
VO, TED T

ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
05/20/2008	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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MAY 2 0 2008

TECHNOLOGY CENTER 2100

LOUIS PAUL HERZBERG
3 CLOVERDALE LANE
MONSEY NY 10952

In re Application of: Sakamoto et al.
Application No. 11/126,614
Filed: May 11, 2005
For: **UNIFIED MODELING LANGUAGE (UML) DESIGN METHOD**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 22, 2008 to make the above-identified application special.

The request and petition are **DISMISSED**.

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 fail to include:

A. Item 2 above. Specifically,

1) Applicant is required to **submit a copy of the allowable/patentable claim(s)** from **the JPO application(s)** ***to which priority under 35 U.S.C. 119(a) has been validly claimed*** (refer items 1 and 2 above) along with an English translation thereof and **a statement that the English translation is accurate.**

The petition equates claims 20-22 of the instant application to patentable claims 4-6 of the corresponding Japanese application. The petition filed 4/22/08 also contains translation of reasons for refusal, in which claims 4 and 6 were rejected, and claim 5 was indicated allowable. Translation Certificate filed with the petition states that "the following is, to the best of my knowledge and belief, a true and correct translation of the document(s) listed below in a form that best reflects the intention and meaning of the original text"and provides "JP9-2004-0052" as the Description of Documents translated.

It is not clear whether the translated JP application claims being submitted with the petition, the same claims that were finally rejected by JPO as indicated by the translated Reasons for Refusal Document, in which claims 4 and 6 were rejected and claim 5 was indicated allowable. Clarification is required.

Accordingly, the Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Mano Padmanabhan

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/126,614	05/11/2005	Masaharu Sakamoto	JP920040052US1	4632

27431 7590 06/25/2008
SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE, CA 92618

EXAMINER
VO, TED T

ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
06/25/2008	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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JUN 25 2008

TECHNOLOGY CENTER 2100

SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of: Sakamoto et al.
Application No. 11/126,614
Filed: May 11, 2005
For: **UNIFIED MODELING LANGUAGE (UML) DESIGN METHOD**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 22, 2008, and the request for reconsideration of adverse decision filed June 4, 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).

In response to the petition decision mailed on May 20, 2008, applicant submitted a renewed petition including a document that contained the allowable claims with a certification of accuracy of translation. Accordingly, the request to participate in the PPH pilot program and petition comply with the above requirements, and the above-identified application has been accorded "special" status.

The request and petition are **GRANTED**.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Mano Padmanabhan

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/05/09

TO SPE OF : ART UNIT 2827

SUBJECT : Request for Certificate of Correction for Appl. No.: 11126644 Patent No.: 7489584 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: The replacement drawing set filed 11/20/2008 was for the application number 11/273,691 (now Patent No. 7,475,231) as printed on the drawing sheets. The drawing for this application should be the replacement drawing set filed 2/5/2009 or the original drawing set as filed, date 5/11/2005.

/Gene N. Auduong/
GENE N. AUDUONG
PRIMARY EXAMINER

SPE

2827
Art Unit

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DICKINSON WRIGHT PLLC
38525 WOODWARD AVENUE
SUITE 2000
BLOOMFIELD HILLS MI 48304-2970

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JUL 09 2008

OFFICE OF PETITIONS

NOTICE

In re Patent No. 7,296,852 :
Issue Date: November 20, 2007 :
Application No. 11/126,646 :
Filed: May 11, 2005 :
Attorney Docket No. 642940-067 :

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

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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
11/126,652	05/11/2005	1614	1100	AD7120 US NA		22	1

CONFIRMATION NO. 4437

CORRECTED FILING RECEIPT

OC000000016837577

23906
E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Date Mailed: 08/23/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

I-Hwa Lee, Wilmington, DE;
Karlheinz Hausmann, Auvernier, SWITZERLAND;

Power of Attorney: The patent practitioners associated with Customer Number **23906**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/570,546 05/12/2004

Foreign Applications

If Required, Foreign Filing License Granted: 06/23/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/126,652

Projected Publication Date: 12/01/2005

Non-Publication Request: No

Early Publication Request: No

Title

Films comprising a liquid-absorbant inner layer, an antimicrobial material and an impermeable outer layer

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 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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BRIDGESTONE AMERICAS HOLDING, INC.
1200 FIRESTONE PARKWAY
AKRON, OH 44317

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JUL 21 2008

OFFICE OF PETITIONS

In re Application of :
Xiaorong WANG et al. :
Application No. 11/126,657 :
Filed: May 11, 2005 :
Attorney Docket No. P03084US2A :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 06, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 25, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 27, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of September 25, 2007 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

The application file is being referred to Technology Center AU 1796 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

Cc: **SHAUN J. FOX**
JONES DAY
NORTH POINT
901 LAKESIDE AVENUE
CLEVELAND, OHIO 44114

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VIRTUAL LEGAL, P.C.
MICHAEL A. KERR
P.O. BOX 22028
CARSON CITY, NV 89721

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SEP 29 2008

In re Application of	:	
Darrell BISHOP, et al	:	
Application No. 11/126,669	:	DECISION ON PETITION
Filed: May 11, 2005	:	TO WITHDRAW
Attorney Docket No. BIS-05.001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 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 Michael A. Kerr on behalf of all attorneys of record.

All 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 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: DARRELL BISHOP
753 MARRON WAY
GARDNERVILLE, NV 89460

cc: STEVE REYNOLDS, PRICE TAG PRO
2814 N. CARSON STREET
CARSON CITY, NV 89706

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John F. Letchford
Archer & Greiner, P.C.
One Cenennial Square
Haddonfield, NJ 08033

In re Application of	:	
George E. Alliss	:	
Application No. 11/126,672	:	DECISION ON PETITION
Filed: May 11, 2005	:	TO WITHDRAW
Attorney Docket No. TOR023.10016	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 25, 2006.

The request is **APPROVED**.

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

The request was signed by John F. Letchford on behalf of all attorneys of record who are associated with Customer No. 41716.

All attorneys/agents associated with the Customer No. 41716 have been withdrawn.

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

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

There is an outstanding Office action mailed September 25, 2006 that requires a reply from the applicant.

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

Terri Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **George E. Alliss**
82 Sandpit Road
Lumberton, NC 28358

cc: **Alex Phinn**
275 Lower Morrisville Road
Fallsington, PA 19054

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
11/126,672	05/11/2005	George E. Alliss	TOR023.10016

CONFIRMATION NO. 4481

OC000000021363793

OC000000021363793

41716
JOHN F. LETCHFORD
ARCHER & GREINER, P.C.
ONE CENENNIAL SQUARE
HADDONFIELD, NJ 08033

Date Mailed: 11/27/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/25/2006.

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

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/28/07

TO SPE OF : **Technology Center** 2824

11/126677

SUBJECT : Request for Certificate of Correction on Patent No.: 7177226 B2

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

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

Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**

If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**

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

Thank You For Your Assistance

Elisha Evans

Certificates of Correction Branch

Tel. No. 703-308-9390 EXT 110

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

Note your decision on the appropriate box.

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

Comments:

OK TL 9/25/07

RICHARD T. ELMS
SUPERVISORY PATENT EXAMINER
~~TECHNOLOGY CENTER 2800~~ 9/25/07
SPE

2824
Art Unit

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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DIW Feb-08

MICHAEL S. LEONARD
EVEREST INTELLECTUAL PROPERTY LAW GROUP
P.O. BOX 708
NORTHBROOK IL 60065

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FEB 05 2008
OFFICE OF PETITIONS

In re Application of Mitsuaki Morita Application Number: 11/126678 Filing Date: 05/11/2005 Attorney Docket Number: 112780-047	: : : : : :	DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the petition filed on January 7, 2008, which is treated as a petition to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit a response to the non-final Office action mailed on February 20, 2007, which set a three-(3) month shortened statutory period for reply. Notice of Abandonment was mailed on September 25, 2007.

Petitioner asserts that the non-final Office action mailed on February 20, 2007, was never received. In support, petitioner's registered patent practitioner has provided a copy of his docket report, showing that the non-final Office action was not received.

In the absence of any irregularity in the mailing of the non-final Office action, there is a strong presumption that the Office action was properly mailed to 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 the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the non-final Office action was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and

docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c). 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.

The petitioner has made a sufficient showing of nonreceipt of the Office action. Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Receipt of the amendment filed in response to the Office action is acknowledged. As a response to the outstanding Office action has been filed, it is not necessary to remail the Office action mailed on February 20, 2007.

Receipt is acknowledged of the Terminal Disclaimer filed with the present petition.

MPEP 711.03(c) states,

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

Accordingly, the Terminal Disclaimer will not be entered, but will be retained in the application file. The Terminal Disclaimer fee will be refunded.

The petition is **GRANTED.**

The application is referred to Technology Center Art Unit 3681 for further processing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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OFFICE OF PETITIONS

In re Application of	:	
Morita, Mitsuaki	:	
Application No. 11/126,678	:	ON PETITION
Filed: May 11, 2005	:	
Attorney Docket No. 23697-0042001/NF-2829	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

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

As the Power of Attorney was only recently given to the petitioner, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

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

This matter is being referred to Technology Center AU 3655 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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MINNEAPOLIS, MN 55440-1022

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MAR 23 2010

OFFICE OF PETITIONS

In re Patent of Morita	:	DECISION ON REQUEST
Patent No. 7,578,763	:	FOR RECONSIDERATION OF
Issue Date: August 25, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/126,678	:	AND NOTICE OF INTENT TO
Filing Date: May 11, 2005	:	ISSUE CERTIFICATE OF
Atty. Docket No. 23697-0042001/NF-2829	:	CORRECTION

This is a decision on the petition filed on October 26, 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 two hundred fifty-six (256) 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 two hundred fifty-six (256) days is **GRANTED**.

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

The application is being forwarded to the Certificates of 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 **two hundred fifty-six (256)** 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.	:	7,578,763 B2
ISSUE DATE	:	August 25, 2009
INVENTOR(S)	:	Morita

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 32 days.

Delete the phrase "by 32 days" and insert - by 256 days--

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SUITE 1500
HOUSTON TX 77056

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JUL 1 0 2009

OFFICE OF PETITIONS

In re Application of
Jong-Hoon Oh
Application No. 11/126,684
Filed: May 11, 2005
Attorney Docket No. 1524.025425
(INFN/SZ0139)

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1], filed June 18, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned May 1, 2009 for failure to timely pay the issue fee in response to the Notice of Allowance mailed January 30, 2009 which set a three month statutory period for response. Accordingly, a Notice of Abandonment was mailed May 28, 2009.

The Issue Fee, Publication Fee, Request for Continued Examination with fee and an Information Disclosure Statement have been filed in response.

Petitioner is advised that the issue fee paid in the present application cannot be refunded. However, if the application is allowed again, petitioner may request

[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)).

that the $1510.00 be applied towards the issue fee required by the new Notice of Allowance.[2]

The application is being forwarded to Technology Center 2187 for processing of the RCE.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[2]The request to apply the issue fee to the new Notice of Allowance must be made in writing and should be accompanied by the new Issue Fee Transmittal Form (PTOL-85(b)), along with a copy of this decision. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due at the time of payment must be submitted. Failure to timely request in writing that the previously paid issue fee be applied towards the new Notice of Allowance and payment of any balance due will result in the abandonment of the application.

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2350 EAST EL SEGUNDO BOULEVARD
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EL SEGUNDO CA 90245

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AUG 28 2008

OFFICE OF PETITIONS

In re Application of
Hsieh S. Hou
Application No. 11/126,705
Filed: May 10, 2005
Attorney Docket No.: D465

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed on July 28, 2008, to revive the above-identified application. This petition also pleads in the alternative under 37 CFR 1.137(b).

The petition under 37 CFR 1.137(a) is **DISMISSED**.
The petition under 37 CFR 1.137(b) is **GRANTED**.

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

This application became abandoned on March 27, 2008 for failure to file a response to the non-Final Office Action mailed December 26, 2007 which set a three month period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed July 25, 2008.

Petitioner asserts unavoidable and unintentional delay in filing a timely response to the December 26, 2007 non-Final Office Action due to significant medical problems experienced by the inventor during the April through June time period in 2008. Petitioners argue that these medical problems prevented the inventor, Dr. Hou, from being able to return to his normal work schedule, resulting in a delay in filing a response to the December 26, 2007 office action.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application

abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;

(2) the petition fee as set forth in § 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3), above.

SHOWING OF UNAVOIDABLE DELAY

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

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where

---

[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[2]

Petitioner asserts significant medical problems of the inventor during the April through June 2008 time period as the cause of unavoidable delay. A showing of "unavoidable" delay based upon medical incapacitation must establish that petitioner's incapacitation was of such nature and degree as to render petitioner unable to conduct business (*e.g.*, correspond with the Office) during the period between December 26, 2007 and March 26, 2008 . Such a showing must be supported by a statement from petitioner's treating physician, and such statement must provide the nature and degree of petitioner's incapacitation during this above-mentioned period.

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

The argument and the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a)

As petitioner has presented no showing of unavoidable delay, the petition will be dismissed.

Alternatively, since petitioner argues unintentional delay, and since all other requirements under 37 CFR 1.137(b) have been met, this matter is being forwarded to Technology Center 2624 for appropriate action on the amendment filed July 28, 2008.

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[2] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

A review of the record reveals that a four month extension of time was filed with the instant petition, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $820.00 extension of time fee submitted with the petition on July 28, 2008, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to deposit account no. 01-0428.

Petitioner's deposit account no. 01-0428 however will be charged in the amount of $255.00 for treatment of the petition under 37 CFR 1.137(a) and in the amount of $770.00 for treatment of the petition under 37 CFR 1.137(b).

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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TECHNOLOGY CENTER 3600

LAW OFFICES OF JOHN
D. GUGLIOTTA, PE. ESQ.
202 DELAWARE BUILDING
137 MAIN STREET
AKRON, OH 44308

In re application of	:	**DECISION ON PETITION**
Steven Tsengas	:	**TO MAKE SPECIAL**
Application No. 11/126,732	:	**(APPLICANT'S AGE)**
Filed: May 5, 2005	:	
For: CAT LITTER		

This is a decision on the petition submitted on May 12, 2005 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a declaration signed by Steven Tsengas 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**.

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

KJD/dcg: 7/20/05

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801 GRAND AVENUE
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OFFICE OF PETITIONS

In re Application of	:	
Berger et al.	:	DECISION NOTING JOINDER
Application No. 11/126,735	:	OF INVENTOR AND PETITION
Filed: May 11, 2005	:	UNDER 37 CFR 1.47(a) MOOT
Attorney Docket No. P06806US01	:	

This is in response to the petition under 37 CFR 1.47(a), filed on December 30, 2005 (certificate of mailing dated December 27, 2005). Applicant obtained an extension of time for filing a response within the fourth month.

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).

The declaration contains an alteration to the last name of inventor Nemec (listed as Nemel).[1] The Office notes that it is "improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the applicant.[2] Furthermore, the Office "will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration."[3]

Pursuant to Section 603 of the Manual of Examining Procedure:

> Deficiencies or inaccuracies in an oath or declaration may be corrected by a supplemental oath or declaration. The supplemental oath or declaration must (1) identify the entire inventive entity, and (2) be signed by all the inventors when the

[1] "Any interlineations, erasure, cancellation or other alteration of the application papers...should be dated and initialed or signed by the applicant on the same sheet of paper." 37 CFR 1.52(c)(1).

[2] MPEP 605.04(a)(I).

[3] Id.

> correction relates to all the inventors or applicants (37 CFR 1.42, 1.43, or 1.47), **or by only those inventor(s) or applicants (37 CFR 1.42, 1.43, or 1.47) to whom the corrections relates.** See 37 CFR 1.67(a). A deficiency or inaccuracy relating to information required by 37 CFR 1.63(c) may also be corrected with an application data sheet (37 CFR 1.67(a)(3)).

Applicant should submit a supplemental oath or declaration or an ADS correcting inventor Nemec's last name prior to the first action on the merits or at such time as the examiner requires the correction.

The $200.00 petition fee is unnecessary and will be refunded to applicant's Deposit Account.

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

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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AUG 3 1 2006

OFFICE OF PETITIONS

In re Application of Dennis P. Crowley et al Application No. 11/126,762 Filed: May 11, 2005 Attorney Docket No. 16113-015001/GP-519-00-US	: : : : :	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed July 12, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on May 12, 2005. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of

such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of November 30, 2006, was mailed on August 24, 2006.

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

The file record discloses that a reply to non-final Office action of May 24, 2006, was received on August 24, 2006. Accordingly, this matter is being referred to Technology Center AU 2618 for appropriate action in the normal course of business on the reply received August 24, 2006.

Frances Hicks
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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PHILIP S. JOHNSON
JOHNSON & JOHNSON
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NEW BRUNSWICK, NJ 08933-7003

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AUG 14 2006

OFFICE OF PETITIONS

In re Application of	:
Carson, et al.	: DECISION ON PETITION
Application No. 11/126,771	:
Filed: May 11, 2005	:
Docket No.: PRD-2225SNP	:

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed June 21, 2006.

The petition is hereby **GRANTED**.

This application was held abandoned December 29, 2005 for failure to timely submit a proper reply to the non-final Office action mailed September 28, 2005. Notice of Abandonment was mailed June 12, 2006.

Petitioners allege that a response to the outstanding Office action was timely submitted January 30, 2006 via facsimile.

The Office received a communication on January 30, 2006. However, the communication was matched to the serial number identified thereon, namely, serial No. 11/***261***,771. The communication did not timely reach the correct application (11/***126***,771) due to petitioners' error. As a result of this error, the application was held abandoned.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the transmittal accompanying the correspondence. The Office elects, in this instance, to treat applicant's transposition of numbers as a correctable minor error as permitted under MPEP 502. However, applicants are reminded that minor errors, such as occurred in the instant application, are to be avoided in the future by the careful review of correspondence prior to submission to the Office.

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

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

The reply submitted January 30, 2006 required a one month extension of time which has been duly charged to petitioners' deposit account.

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FAY SHARPE LLP
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JUN 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Tong et al.	:	
Application No. 11/126784	:	
Filing or 371(c) Date: 05/11/2005	:	
Attorney Docket Number:	:	
A3381-US-NP XERZ 2 00984	:	ON PETITION

This is a decision on the "Petition To Withdraw Holding of Abandonment," filed March 12, 2008. The petition is properly treated under 37 CFR 1.181(a). See, MPEP 711.03(c).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office Action, mailed August 2, 2007. The Office action set a three (3) month period for reply. No reply having been received, the application became abandoned on September 3, 2007. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

With the present petition, Applicant has demonstrated non-receipt of the Office action by a preponderance of the evidence. Applicant has also filed a response to the Office action.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn. No petition fee has been charged and none is due.

The application will be referred to the Technology Center Art Unit 1795, for processing of the response, and for continued examination in due course..

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

Derek L. Woods
Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

General Electric Company
Global Research
Patent Docket RM Bldg. K1-4A59
Niskayuna, NY 12309

In re Application of	:	
Liang Jiang et al.	:	
Application No. 11/126,793	:	DECISION ON PETITION
Filed: May 10, 2005	:	
Attorney Docket No. 122349-1	:	

This is a decision on the paper filed May 28, 2009 which will be treated as a petition under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a proper reply in a timely manner to the non-final Office action mailed September 4, 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 5, 2008. A Notice of Abandonment was filed on April 1, 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 after non-final, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

This application is being referred to Technology Center AU 2855 for appropriate action by the Examiner in the normal course of business on the reply received May 28, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

Mail Date: 06/08/2010

Applicant	: Liang Jiang	: DECISION ON REQUEST FOR
Patent Number	: 7654734	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/126,793	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **460** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

FISH & RICHARDSON P.C.
CITIGROUP CENTER
153 EAST 53RD STREET 52ND FLOOR
NEW YORK, NY 10022-4611

In re Patent No. 7,429,653
Issued: September 30, 2008
Application No. 11/126,797
Filed: May 11, 2005
Attorney Docket No. 00530-0180002 / 624.06

: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)" filed December 1, 2008, requesting that the patent term adjustment determination for the above-identified patent be changed from three hundred sixty-six (366) days to four hundred thirty-two (432) days.

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

On September 30, 2008, the above-identified application matured into US Patent No. 7,429,653 with a patent term adjustment of 366 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).[1]

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

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that in view of the decision in Wyeth, they are entitled to a total patent term adjustment of 432 days, which includes an additional 142 days due to exceeding three year pendency.

The 142-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on May 11, 2005 and the patent having been issued on September 30, 2008, three years and 142 days later. Patentees assert that in addition to this 142 day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a), of 404 days for the failure by the Office to mail at least one of a notification under 35 U.S.C. 132, pursuant to 37 CFR 1.702(a)(1) and (a)(2).

[1]It is noted that November 30, 2008 was a Sunday and the instant Application For Patent Term Adjustment was filed on the first business day thereafter.

Under 37 CFR 1.703(f), patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR 1.702 reduced by the period of time equal to the period of time during which patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. In other words, it is the period of Office delay reduced by the period of applicant delay. Patentees do not dispute the period of reduction of 38 days for applicant delay.

Patentees agree that the total period of Office delay is the sum of the period of Three Years Delay to the issuance of the Patent (142 days) and the period of Examination Delay (404 days) to the extent that these periods of delay are not overlapping. Patentees contend that 76 days of the period of delay of 404 days for the Office's failure to mail at least one of a notification under 35 U.S.C. 132 (October 25, 2007 to August 7, 2008) overlaps with the Three Year Delay period (May 11, 2005 to May 11, 2008). Patentees assert that this overlapping period is the 76 days running from February 25, 2008 to May 11, 2008.

Accordingly, patentees submit that the total period of Office Delay is 432 days, which is the sum of the period of Three Year Delay (142 days) and the period of Examination Delay (404 days), reduced by the period of overlap (76 days). As such, patentees assert entitlement to a patent term adjustment of 432 days (142 + 404 reduced by 76 overlap -38 for applicant delay).

Thus, as of the issuance of the patent on September 30, 2008, the application was pending three years and 142 days after its filing date. The Office agrees that the action detailed above was not taken within the specified time frame, and thus, the entry of a period of adjustment of 366 days is correct. At issue is whether patentees should accrue 142 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 404 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 142 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

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

Likewise, 35 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in §

> 1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

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

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

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

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

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

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 11, 2005, to the date the patent issued on May 11, 2008. Prior to the issuance of the patent, 404 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 142 days for Office delay in issuing the patent overlap with the 404 days of Office delay. During that time, the issuance of the patent was delayed by 404 days, not 404 + 142 days. The Office experienced 404 days of examination delay. Otherwise, the Office took all actions set forth in 37 CFR 1.702(a) within the prescribed time frames. Nonetheless, given the 404 days of Office delay and the time allowed within the time frames for processing and examination, as of the date the patent issued, the application was pending three years and 142 days. The Office did not delay 404 days and then an

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

additional 142 days. Accordingly, 404 days of patent term adjustment (not 404 and 142 days) was properly entered since the period of delay of 142 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 404 days attributable to grounds specified in § 1.702(a)(1). Entry of both periods is not warranted. Thus, 404 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 142 days over three years to the issuance of the patent.

Accordingly, at issuance, the Office properly entered 366 days of patent term adjustment.

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

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

Kery A. Fries

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

11/126798

DATE 4/17/07

APPLICATION NUMBER ~~10/237,267~~

DOC CODE Pet Dec

DOC DATE 5/2/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

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

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

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Gladys H. Monroy
Morrison & Foerster, LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

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MAY 02 2007

OFFICE OF PETITIONS

In re Application of	:	
Malaya Chatterjee et al.	:	
Application No. 11/126,798	:	DECISION ON PETITION
Filed: May 10, 2005	:	TO WITHDRAW
Attorney Docket No. 304142000301	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 29, 2006.

The request is **APPROVED**.

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

The request was signed by Gladys H. Monroy on behalf of all attorneys of record with the firm of Morrison & Foerster, LLP. All attorneys/agents associated with the firm have been withdrawn.

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

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first named inventor Malaya C. Chatterjee. A courtesy copy of this decision will be mailed to Richard Myers with the firm of Sites & Harbison as indicated in 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.

A Requirement for Restriction/Election was mailed on March 1, 2007. Failure to respond within the set or extended time period will result in the abandonment of this application.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Maylaya Chatterjee
2400 The Woods Lane
Lexington, KY 40502

cc: Richard Myers, JD
Sites & Harbison
424 Church Street, Ste. 1800
Nashville, TN 37219

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TOLER LAW GROUP
(FREESCALE)
8500 BLUFFSTONE COVE
SUITE A201
AUSTIN, TX 78759

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MAY 14 2009

OFFICE OF PETITIONS

In re Application of :
Michael R. May :
Application No. 11/126,832 :
Filed: May 11, 2005 :
Attorney Docket No. SIG000169

ON PETITION

This is a decision on the petition, filed May 13, 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 22, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2611 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/126,839	05/11/2005	1731	1130	11474.0369	2	20	3

CONFIRMATION NO. 5560

UPDATED FILING RECEIPT

OC000000016835261

26712
HODGSON RUSS LLP
ONE M & T PLAZA
SUITE 2000
BUFFALO, NY 14203-2391

Date Mailed: 08/22/2005

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

Applicant(s)

Robert M. Leach, Grand Island, NY;
Jun Zhang, Getzville, NY;

Power of Attorney: The patent practitioners associated with Customer Number **26712**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/570,659 05/13/2004

Foreign Applications

If Required, Foreign Filing License Granted: 06/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/126,839

Projected Publication Date: 12/01/2005

Non-Publication Request: No

Early Publication Request: No

Title

Compositions and methods for treating cellulose-based materials with micronized additives

Preliminary Class

162

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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BERKELEY LAW & TECHNOLOGY GROUP, LLP
17933 NW Evergreen Parkway, Suite 250
BEAVERTON, OR 97006

Mail Date: 04/21/2010

Applicant	: Sven Skwirblies	: DECISION ON REQUEST FOR
Patent Number	: 7581175	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/126,852	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **776** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

Date Mailed : November 15, 2006
Patent No. : 7,097,202 B2
Ser. No. : 11/126854
Inventor(s) : Richard W. Levine
Issued : August 29, 2006
Title : VEHICLE AIR BAG MINIMUM DISTANCE APPRATUS, METHOD AND SYSTEM

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

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

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

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

Magdalene Talley
For Cecelia Newman, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 116

Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

CBN/mt

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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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

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AUG 2 2 2007

OFFICE OF PETITIONS

In re Patent No. 7,097,202 :
Issue Date: August 29, 2006 :
Application No. 11/126,854 : ON PETITION
Filed: May 10, 2005 :
Attorney Docket No. 15630/17 :

This is a decision on the petition filed December 4, 2006, which is being treated as a petition under 37 CFR 3.81(b) to correct the assignee's information on the front page of the above-identified patent by way of a certificate of correction.

The petition is **DISMISSED**.

Petitioner requests to correct the assignee's information to "Vehicle Safety Systems, Inc., Valhalla, NY (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). *See also* MPEP 1481.01.

U.S. Patent and Trademark Office assignment records disclose that an assignment from Vehicle Safety Systems, Inc. to Vehicle Safety Systems, Inc. was recorded on December 5, 2006, **after the date of issuance of this patent**. Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certificate of correction would not be proper.

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

Irvin Dingle
Petition Examiner
Office of Petitions

3-25-8

IFW

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

OIPE IAP22 MAR 24 2008 PATENT & TRADEMARK OFFICE

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

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

Application Information

Application Number	11/126,859	Confirmation Number	5040	Filing Date	2005-05-10
Attorney Docket Number (optional)	MOI 263	Art Unit	1797	Examiner	Dang
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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT L. RISPOLI
PRECISION COMBUSTION, INC.
410 SACKETT POINT ROAD
NORTH HAVEN, CT 06473

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JUN 02 2008

OFFICE OF PETITIONS

In re Application of :
PFEFFERLE, Williams C. :
Application No. 11/126,859 :
Filed: May 10, 2005 :
Attorney Docket No. **MOI 263** :

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 24, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by the attorney of record attesting that William C. Pfefferle is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 1797 for action on the merits commensurate with this decision.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/126,865	05/11/2005	Robert M. Schumacher	8285/748	5054

757 7590 10/12/2006
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER
HERNDON, HEATHER R

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 10/12/2006

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

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER

20061012

DATE MAILED:

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

Commissioner for Patents

Pursuant to applicant's request filed on 8-17-06, action by the Office is suspended on this application under 37 CFR 1.103(a) for a period of six (6) months. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Heather R Herndon
SPE
Art Unit: 2176

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/20/2010

Applicant	: Sang Van	: DECISION ON REQUEST FOR
Patent Number	: 7588754	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/126,878	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1163** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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LOUIS J. WILLE
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON, NJ 08543-4000

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OFFICE OF PETITIONS

In re Application of	:
B. Narasimhulu Naidu	:
Application No. 11/126,891	: DECISION GRANTING PETITION
Filed: May 11, 2005	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 10253 NP	:

This is a decision on the petition, filed November 6, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 6, 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 1624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov
DIW Aug-05

STEPHEN B. DAVIS
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

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OFFICE OF PETITIONS

In re Application of	:	
Chao et al.	:	
Application No. 11/126,915	:	DECISION GRANTING PETITION
Filed: 10 May, 2005	:	
Atty Dckt No. 10025 NP	:	

This is a decision in reference to the petition under 37 CFR 1.10(c), filed on 2 August, 2005, which is treated as a petition requesting that the above-identified application be accorded a filing date of 10 May, 2005, rather than the currently-accorded filing date of 11 May, 2005.

The petition is **granted**.

Petitioners assert that the application was deposited in Express Mail service on 10 May, 2005. In support of petitioners' contention that the application was deposited in Express Mail Post Office to Addressee Service on 10 May, 2005, petitioners supplied, with the present petition, a copy of Express Mail Customer Label No. EL983150950US (the same Express Mail number found on the itemized transmittal sheet filed with the original application papers located in the official file).

The Express Mail Customer Label shows a "date-in" of "51005." Additionally, the Express Mail Label bears an official USPS postmark dated 10 May, 2005.

In view of the above, the petition is granted. No petition fee is required.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of 10 May, 2005, not 11 May, 2005, and for issuance of a corrected Filing Receipt.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510

Mail Date: 04/21/2010

Applicant	: Naphtalie Packter	: DECISION ON REQUEST FOR
Patent Number	: 7594814	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/126,925	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1112** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

Seagate Technology c/o MOFO SF
425 Market Street
San Francisco, CA 94105

In re Application of	:	
Paco Flores et al.	:	
Application No. 11/126,932	:	DECISION ON PETITION
Filed: May 10, 2005	:	TO WITHDRAW
Attorney Docket No. 146712011700	:	FROM RECORD
	:	

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 **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Seagate Technology c/o MOFO SF has been revoked by the assignee of the patent application on July 5, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **Seagate Technology LLC**
c/o Novak Druce & Quigg LLP
1000 Louisiana, Suite 5350
Houston, TX 77002

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RICHARD WANG
12523 SCULLY AVE
SARATOGA, CA 95070

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JAN 1 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Wang, Richard Wei-Sheng	:	
Application No. 11/126,938	:	ON PETITION
Filed: May 11, 2005	:	
Title: SELF-ILLUMINATED STORAGE AND CARRYING CASE	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 20, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the application search fee and application examination fee; (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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

Mail Date: 04/21/2010

Applicant	: Yu Shi	: DECISION ON REQUEST FOR
Patent Number	: 7572493	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/126,960	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **359** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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POLSINELLI SHALTON FLANIGAN SUELTHAUS PC
700 W. 47TH STREET
SUITE 1000
KANSAS CITY, MO 64112-1802

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DEC 2 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Diane Babcock, et al.	:	
Application No. 11/126,966	:	DECISION ON PETITION
Filed: May 11, 2005	:	TO WITHDRAW
Attorney Docket No. 102150	:	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 16, 2008.

The request is **APPROVED**.

A review of the file record indicates that Brian B. Diekhoff of Polsinelli Shalton Flannigan Suelthaus, PC: (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, Polsinelli Shalton Flannigan Suelthaus, PC have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The request to change the correspondence address of record has been accepted. All future communications from the Office will be directed to the first copied address below until otherwise properly notified by the applicant.

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

There is an outstanding Office action mailed September 3, 2008 that requires a reply from the 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: DIANE BABCOCK
2677 SW REGAL DRIVE
LEE'S SUMMIT, MO 64082

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MAIL

OCT 19 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

BASCH & NICKERSON LLP
1777 PENFIELD ROAD
PENFIELD NY 14526

In re Application of:
MCCANDLISH, PETER D.
Application Serial No.: **11/126,970**
Filed: May 11, 2005
For: **METHOD AND SYSTEM FOR EXTENDING BINARY IMAGE DATA TO CONTONE IMAGE DATA**

DECISION
ON PETITION

This is a decision on the petition requesting withdrawal of the final action, filed July 24, 2009, pursuant to 37 CFR § 1.181.

Petitioner alleges that the examiner erred in holding the Office action mailed June 1, 2009 final and requests withdrawal of finality of the Office action.

PERTINENT BACKGROUND INFORMATION

A non-final Office action was mailed on December 2, 2008 rejecting all claims 1-19. Claims 1-13 were rejected under 35 USC 101 as not falling within one of the four statutory categories of invention. Claims 1, 2 and 14 were rejected under 35 USC 102(b) as being anticipated by Lee et al (US 6,259,823). Claims 3-8, 10-13 and 15-18 were rejected under 35 USC 103(a) as being unpatentable over Lee et al in view of Itoh (US 5,818,964). Claims 9 and 19 were rejected under 35 USC 103(a) as being unpatentable over Lee et al in view of Young (US 2002/0181797 A1). Also, all claims were provisionally rejected on the ground of non-statutory obviousness-type double patenting over all claims of copending US application 11/268,147.

Applicant filed an amendment on March 2, 2009 wherein claims 1, 3-4, 6-7, 9-11 and 14-19 were amended and claims 2, 5, 8, 12-13 were canceled. On March 4, 2009, Applicant filed a supplemental amendment wherein claims 1, 3-4, 6-7, 9-11 and 14-19 were pending and claims 14-19 were further amended.

On June 1, 2009, the Examiner issued a final Office action citing new grounds of rejection necessitated by amendment for claims 1, 3-4, 6-7, 9-11 and 14-19. Claims 1 and 14 were rejected under 35 USC 102(b) as being anticipated by Lee et al (US 6,259,823). Claims 3, 4, 6-7, 10-11 and 15-18 were rejected under 35 USC 103(a) as being unpatentable over Lee et al in view of Itoh (US 5,818,964). Claims 9 and 19 were rejected under 35 USC 103(a) as being unpatentable over Lee et al in view of Young (US 2002/0181797). Also, all pending claims were provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims in the copending US application 11/268,147.

Applicant filed a request for reconsideration after final on July 1, 2009, stating that the finality is improper and premature since the Examiner failed to address Applicant's arguments.

On July 24, 2009, Applicant filed another after final response amending claims 1 and 14 and also filed a petition to withdraw the premature finality of the final Office action dated June 1, 2009. The petition argued in the final rejection of June 1, 2009 the examiner did not consider the substance of the arguments made by applicant's traversal.

On July 24, 2009, the Examiner issued an Advisory Action in response to the request for reconsideration filed after final on July 1, 2009.

On September 1, 2009, Applicant filed a Request for Continued Examination (RCE) and an amendment amending claims 1 and 14. Also on this same date, an Advisory Action in response to the after final response filed July 24, 2009 stating the proposed amendment would not be entered upon appeal was mailed to Applicant.

DECISION

The issue of whether or not the examiner completely considered the substance of the arguments became moot with applicant's filing of an RCE on September 1, 2009. Accordingly, the RCE filed September 1, 2009 has been processed.

For the reasons set forth above, the petition to withdraw finality is **DISMISSED AS MOOT**.

The application will be forwarded to the examiner for appropriate action responsive to the RCE filed September 1, 2009.

Matthew Bella
Acting Director
Technology Center 2600
Communications

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United States Patent and Trademark Office
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MAY 18 2010

OFFICE OF PETITIONS

BASCH & NICKERSON LLP
1777 PENFIELD ROAD
PENFIELD NY 14526

In re Application of
Peter D. MCCANDLISH
Application No. 11/126,970
Filed: May 11, 2005
Attorney Docket No. 20040435-US-NP

DECISION ON PETITION

This is a decision on the petition, filed November 3, 2009, under 37 CFR 1.181 requesting the Director to exercise his supervisory authority and reconsider the decision of October 19, 2009, of the Acting Director, Technology Center 2600 (TC Director), which dismissed as moot the petition to withdraw the finality of the Office action mailed June 1, 2009.

The petition to overturn the TC Director's decision of October 19, 2009, is **DENIED**.

BACKGROUND

The instant application was filed on May 11, 2005. A final Office action was mailed on June 1, 2009. Applicant filed an after-final response on July 1, 2009, that was followed by the filing of a petition on July 24, 2009, requesting withdrawal of the finality of the Office action mailed on June 1, 2009. A Request for Continued Examination (RCE) was filed September 1, 2009. In a decision mailed October 19, 2009, the TC Director dismissed the petition as moot in view of the filing of the RCE. The instant petition was filed November 3, 2009, requesting the Director to exercise his supervisory authority and reconsider the TC Director's decision of October 19, 2009.

STATUTE, REGULATION, AND EXAMINING PROCEDURE

35 U.S.C. 132 Notice of rejection; reexamination

(a) *Whenever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application; and if after receiving such notice, the applicant persists in his claim for a patent, with or without amendment, the application shall be reexamined. No amendment shall introduce new matter into the disclosure of the invention.*

(b) *The Director shall prescribe regulations to provide for the continued examination of applications for patent at the request of the applicant. The Director may establish appropriate fees for such continued examination and shall provide a 50 percent reduction in such fees for small entities that qualify for reduced fees under section 41(h)(1) of this title.*

37 CFR§ 1.114 Request for continued examination

(d) *If an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered. If an applicant files a request for continued examination under this section after appeal, but prior to a decision on the appeal, it will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner. An appeal brief (§ 41.37 of this title) or a reply brief (§ 41.41 of this title), or related papers, will not be considered a submission under this section.*

OPINION

Petitioner is requesting reconsideration on the grounds that the finality of the Office action dated June 1, 2009, is not a moot issue. Petitioner further contends that the fees paid in filing the RCE were never due in the first instance due to the alleged improper finality, and therefore is refundable.

The requested relief from an Office action allegedly made prematurely final has already been realized by way of petitioner's filing of a proper RCE request on September 1, 2009, that itself withdrew the contested finality and reopened prosecution. As such, there is no remaining condition of finality of **that** Office action to review, or overturn. See 37 CFR 1.114(d).

Petitioner's contention that "Contrary to the position of the Acting Group Director, the issue as whether or not the Examiner completely considered the substance of Applicant's arguments is central to the filing of the Request for Continued Examination" is untenable in view of the availability of other options to the applicant. An alternative to the filing of the RCE, while the finality issue was being reviewed on petition, was for the applicant to have filed a Notice of Appeal and to have the appeal duly perfected by filing the Appeal Brief. This alternative would have permitted the requested review on the petition of the procedural issue of finality while it remained in place, as well as a review of the merits of the contested rejections by the Board of Patent Appeals and Interferences. However, by voluntarily filing the RCE, petitioner has terminated the very condition of which he complained, i.e., the alleged premature finality of the Office action of June 1, 2009. Hence the issue of the premature final rejection is moot. As it is the voluntary action of petitioners, not that of the USPTO, that resulted in the lack of review of the very issues that the petitioner sought to have addressed, it is reasonable to expect petitioner to accept the consequences of such action(s).

The fee for filing an RCE is authorized by 35 USC § 132(b) and required by 37 CFR 1.114 and 1.17(e). Petitioners obtained the results for which they paid the fees: finality was withdrawn, and the examination was continued. See, for example, the non final Office action of November 24, 2009. Again, petitioners have obtained exactly what they requested and paid for. The patent statute and the rules of practice before the USPTO do not permit an applicant to file a conditional request and fee for continued examination, and depending on the subsequent events, obtain a refund of the fee(s).

For the reasons set forth above, the Technology Center Director's decision to refuse petitioner's requests to withdraw the finality of Office action of June 1, 2009 as moot is not shown to be in clear error.

DECISION

A review of the record indicates that the Technology Center Director did not abuse his discretion or act in an arbitrary and capricious manner in the petition decision of October 19, 2009. The record establishes that the Technology Center Director had a reasonable basis to support his findings and conclusion.

The petition is granted to the extent that the decision of the Technology Center Director of October 19, 2009, has been reviewed, but is denied with respect to making any change therein. As such, the decision of October 19, 2009, will not be disturbed. The instant petition is **DENIED**[1]. The Director will undertake no further reconsideration or review of this matter.

This application is being referred to Technology Center 2600 for consideration of the response filed April 23, 2010.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571) 272- 4914.

Anthony Knight
Director,
Office of Petitions

[1] This decision is a final agency action within the meaning of 5 U.S.C. § 704 for purposes of seeking judicial review. See MPEP 1002.02.

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SCHLUMBERGER K.K.
2-2-1 FUCHINOBE
SAGAMIHARA-SHI, KANAOAWA-KEN 229-0-006
JAPAN

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AUG 2 2 2005

OFFICE OF PETITIONS

In re Application of Sanders, et al. Application No. 11/127,014 Filed: May 11, 2005 Attorney Docket No. 26.0276 US For: SEISMIC IMAGING AND TOMOGRAPHY USING SEABED ENERGY SOURCES	DECISION GRANTING PETITION

This is a decision on the petition, filed July 28, 2005(certificate of mailing date July 26, 2005), requesting, in effect, partial withdrawal of the Notice to File Missing Parts of Nonprovisional Application (Notice) insofar as it alleges that Figures 8A and 8B described in the specification were omitted. The petition will be treated under 37 CFR 1.53(e).

The application was filed on May 11, 2005. On June 27, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that Figures 8A and 8B described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that Figures 8A and 8B be accorded a filing date of May 11, 2005 on the basis that 18 sheets of drawing figures, including Figures 8A and 8B, were received in the Patent and Trademark Office (PTO) on May 11, 2005. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing May 11, 2005 as the date of receipt. The postcard lists, *inter alia*, that the filing included 18 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 18 sheets of drawing figures were filed on May 11, 2005. MPEP 503. A review of the originally filed sheets of drawings reveals that only 17 sheets are present. Page 8/18 is missing. Accordingly, the request is granted.

Pursuant to petitioners' authorization, the $400.00 petition fee will be credited to deposit account no. 50-1122.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **May 11, 2005**, using the sheet of drawings depicting Figures 8A and 8B submitted with the instant petition. Office records will be corrected to show that 18 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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TECHNOLOGY CENTER 3600

Schlumberger K.K.
2-2-1 Fuchinobe
Sagamihara-Shi, Kanagawa-Ken 229-006
Japan

In re Application of	:	PETITION TO
Michael Julian Sanders et al	:	ACCEPT COLOR
Application No. 11/127,014	:	DRAWINGS/PHOTOGRAPHS
Filed: May 11, 2005	:	
For: SEISMIC IMAGING AND TOMOGRAPHY USING SEABED ENERGY SOURCES		

This is a decision on applicant's petition under 37 CFR 1.184(A)(2) Filed May 11, 2005 to accept color drawings/photographs.

For the acceptance of color drawings in accordance with 37 CFR 1.184(A)(2), a petition is required which fulfills the following requirements:

(i) The appropriate fee set forth in 1.17(h),
(ii) three (3) sets of color drawings/photographs, and
(iii) amending the specification to contain the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings: "The file of this patent contains at least one drawing executed in color photography. Copies of this patent with color photographs will be provided by the Patent and Trademark Office upon request and payment of necessary fee."

The petition fails to met the requirements of 37 CFR 1.184(A)(2), particularly section (iii). However, an examiner's amendment has been entered to amend the specification in accordance with section (iii) of 37 CFR 1.184(A)(2).

The petition is **GRANTED**.

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Jack Keith at the number listed below.

Jack Keith
Supervisory Patent Examiner
Art Unit 3663
(571) 272-6878

jwk: 3/4/09

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JOHN F. LETCHFORD
ARCHER & GREINER, P.C.
ONE CENENNIAL SQUARE
HADDONFIELD NJ 08033

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NOV 1 4 2006

OFFICE OF PETITIONS

In re Application of
ALLISS
Application No. 11/127,015
Filed: May 11, 2005
Attorney Docket No. TOR023.10017

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 25, 2006.

The request is **APPROVED**.

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

The request was signed by John F. Letchford, the sole attorney of record. John F. Letchford has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed July 17, 2006 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: **George E. Alliss**
82 Sandpit Road
Lumberton, NC 28358

cc: **Alex Phinn**
275 Lower Morrisville Road
Fallsington, PA 19054

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/127,015	05/11/2005	George E. Alliss	TOR023.10017

CONFIRMATION NO. 4592

OC000000021205096

41716
JOHN F. LETCHFORD
ARCHER & GREINER, P.C.
ONE CENENNIAL SQUARE
HADDONFIELD, NJ 08033

Date Mailed: 11/13/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/25/2006.

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

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

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SEP 1 2 2005
Director's Office
Group 3700

Gerald R. Boss
Troutman Sanders LLP
600 Peachtree Street, NE
Suite 5200
Atlanta, Georgia 30308-2216

In re application of Zinn et al.	:	**DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR. 1.102(c)**
Serial Number: 11/127,038 Filed: May 11, 2005	:	

For: **STAGNATION POINT REVERSE FLOW SYSTEM COMBUSTOR FOR A COMBUSTION SYSTEM**

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

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

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OFFICE OF PETITIONS

In re Application of	:	
Lukhtanov et al.	:	
Application No. 11/127,040	:	ON APPLICATION FOR
Filed: May 10, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No. 17682A-007330US	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R. §1.705(b) filed February 9, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is six hundred eighty-two (682) days, not four hundred thirty-eight (438) days as calculated at the time of the mailing of the notice of allowance. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.703(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.703(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 1.702(a)(4) or applicant delay under 1.704(c)(10) until the

actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued. Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. As such, it is appropriate to dismiss as premature such a request.

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

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b). No additional fees are required for such consideration.

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

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/127,043	05/10/2005	Kyu-Woong Cho	54646/P849	4145

23363 7590 09/21/2009
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
LEWIS, BEN

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
09/21/2009	PAPER

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

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

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9/21/09

wk

In re application of :
Aiken et al. : DECISION ON
Serial No. 12/191,142 : PETITION
Filed: August 13, 2008 :
For: High Concentration Terrestrial Solar Array With III-V Compound Semiconductor Cell

This is a response to withdraw the abandonment of this application and is being considered as a PETITION UNDER RULE 37 C.F.R. 1.181(a) filed June 15, 2009. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed June 3, 2009, be withdrawn.

A requirement for information under 37 CFR 1.105 was mailed to Applicants on April 10, 2009. The Office determined that the extraordinary number of references (635) posed a serious burden on the Office. The Office requested under 37 CFR 1.105 that Applicants point out which references cited in the IDS's filed October 28, 2008; November 12, 2008; December 9, 2008; January 22, 2009 and March 19, 2009 describe an InGaP subcell; an InGaP subcell having a bandgap of 1.9 eV; describe an InGaP subcell having a thickness greater than 7000A and describe an InGaP subcell having a sheet resistance of about 250-330Ω/sq.

Applicants responded to the request on May 1, 2009. Applicants indicated that analyzing each of the references in the manner requested by the Examiner would require the Applicants to formulate legal opinions on the references and the claims and are outside the scope of a request under 37 C.F.R. 1.105.

In the course of examining or treating a matter in a pending the examiner may require the submission, from individuals identified under § 1.56(c), or any assignee, of such information as may be reasonably necessary to properly examine or treat the matter. Any reply to a requirement for information pursuant to this section that states either that the information required to be submitted is unknown to or is not readily available to the party or parties from which it was requested may be accepted as a complete reply. A reply, or a failure to reply, to a requirement for information under this section will be governed by §§ 1.135 and 1.136.

There must be a reasonable basis for the information required that would aid in the examination of an application or treatment of some matter. A requirement for information under 37 CFR 1.105 places a substantial burden on the applicant that is to be minimized by clearly focusing the reason for the requirement and the scope of the expected response. Thus, the scope of the requirement should be narrowly defined, and a requirement under 37 CFR 1.105 may only be made when the examiner has a reasonable basis for requiring information.

The terms "factual" and "facts" are included in 37 CFR 1.105 to make it clear that it is facts and factual information, that are known to applicant, or readily obtained after reasonable inquiry by

applicant, that are sought, and that requirements under 37 CFR 1.105 are not requesting opinions that may be held or would be required to be formulated by applicant. Where the factual information requested related to the subject application, and details thereof, applicant would be expected to make a reasonable inquiry under the circumstances to find the factual information requested (37 CFR 10.18(b) (2)). Applicant need not, however, derive or independently discover a fact, such as by experimentation, in response to a requirement for information. The purpose of 37 CFR 1.105 is to improve patent quality, and render better decisions, and not to put applicants in jeopardy of meeting their duties of candor and good faith in their replies to a requirement for information.

The information disclosure statements filed by the Applicants cite 142 US Patent Documents, 31 Foreign Patent Documents and 462 Non-Patent Documents, for a total of 635 documents. This extraordinary number of references poses a serious burden on the Office. The information disclosure statements filed by the Applicants contain several references that did not appear to be related to the claimed subject matter on the instant application (see pages 2-5, (a-g) cited in the Examiner request of April 10, 2009).

The position of the Examiner is reasonable. Applicants have not stated that either the information required to be submitted is unknown or is not readily available which may be accepted as a complete reply.

DECISION

The Petition is **DENIED** as to the withdrawal of abandonment.

/Gregory L Mills/
Gregory L. Mills, Acting Director
Technology Center 1700
Chemical and Materials Engineering

Michael T. Zoppo
EMCORE CORPORATION
1600 EUBANK BLVD, S.E.
ALBUQUERQUE NM 87123

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/127,043	05/10/2005	Kyu-Woong Cho	54646/P849	4145

23363 7590 09/21/2009
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
LEWIS, BEN

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
09/21/2009	PAPER

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

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

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9/21/09

In re application of
Cho
Serial No. 11/127,043
Filed: May 10, 2005
For: Catalyst for Fuel Cell And Fuel Cell Comprising The Same

DECISION ON PETITION

This is a decision on the request filed on May 29, 2009. The request is to have a Notice of Appeal, Pre-Appeal Brief Request for Review and a one month Petition for Extension of Time considered to have been timely filed on April 3, 2009, prior to the April 11, 2009 due date.

Applicant has provided copies of the documents that were deposited into a U.S. Post Office box on April 3, 2009. Along with the document copies, a copy of the return postcard that was enclosed with the submitted materials.

The copy of the post card is not legible. If a self-addressed postcard is submitted with a patent application, that postcard will be provided with both the receipt date and application number prior to returning it to the addressee.

It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO).

Applicant is requested to provide a legible copy of the post card that was submitted.

DECISION

The Petition is **DISMISSED**.

/Gregory L Mills/
Gregory L. Mills, Acting Director
Technology Center 1700
Chemical and Materials Engineering

Peter C. Hsueh
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/127,043	05/10/2005	Kyu-Woong Cho	54646/P849	4145

23363 7590 12/16/2009
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
LEWIS, BEN

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
12/16/2009	PAPER

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

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

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12/16/09

In re application of
Cho et al.
Serial No. 11/127,043
Filed: May 10, 2005
For: Catalyst for Fuel Cell And Fuel Cell Comprising The Same

DECISION ON PETITION

This is a decision on the request filed on October 8, 2009. The request is to have a Notice of Appeal, Pre-Appeal Brief Request for Review and a one month Petition for Extension of Time to have been timely filed on April 3, 2009, prior to the April 11, 2009 due date.

Applicant has provided copies of the documents that were deposited into a U.S. Post Office box on April 3, 2009. Along with the document copies, a copy of the return postcard that was enclosed with the submitted materials.

DECISION

The Petition is **GRANTED**.

The Notice of Appeal, Pre-Appeal Brief Request for Review and a one month Petition for Extension of Time is considered to have been timely filed on April 3, 2009, prior to the April 11, 2009 due date.

/JACQUELINE STONE/

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

Peter C. Hsuch
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C/O ALAN BOND ELECTROCHEMISTRY GROUP
CLAYTON CAMPUS
MELBOURNE VIC 3-800
AUSTRALIA

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SEP 0 6 2006
OFFICE OF PETITIONS

In re Application of	:	
Yong-Jun Tan	:	
Application No. 11/127,071	:	ON PETITION
Filed: 12 May, 2005	:	
Atty Dckt No. EASY DEPLOYMENT	:	
AND STORAGE AUTOMOBILE	:	
PROTECTION COVER	:	

This is a decision on the petition filed on 20 June, 2006, under 37 CFR 1.137(a)[1] to revive the above-identified applicatio.

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

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[1] A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the requiredreply 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 contined examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR1.17(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 unvoidable; and

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

letter entitled "Renewed Petition under 37 CFR 1.137(a)" or "Renewed Petition to withdraw the holding of abandonment," or as discussed below "Renewed Petition under 37 CFR 1.137(b)."

The application became abandoned on 26 October, 2005, for failure to file a timely and proper reply to the non-final Office action mailed on 25 July, 2005, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained. A reply was filed on 21 September, 2005. However, the reply was determined to be non-compliant, and a Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed on 8 December, 2005. An untimely reply was filed on 10 January, 2006. Notice of Abandonment was mailed on 31 May, 2006.

Petitioner asserts unavoidable delay in that the Notice mailed on 8 December, 2005, was not received until 2 January, 2006, because (a) it did not have petitioner's name in the address and (b) the "holiday period" caused delays in petitioner's receiving mail at the university where the mail was received.

The Commissioner may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Commissioner to be "unavoidable".[2] Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[3]

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[2] 35 U.S.C. § 133.

[3] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[4] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[5]

With regard's to petitioner's contention that he failed to timely receive the Notice of Non-compliant amendment, the showing of record does not rise to the level of unavoidable delay. At the outset, it is noted that the Notice was addressed to "School of Materials Science and Engineering, Nanyang Technological University, Singapore, SINGAPORE." This is the address which appears on the Application Data Sheet (ADS) filed on 12 May, 2005.

In this regard, MPEP 601.03 states, in pertinent part:

> 37 CFR 1.33(a) provides that the application must specify a correspondence address to which the Office will send notice, letters, and other communications relating to an application. The correspondence address must either be in an application data sheet (37 CFR 1.76) or in a clearly identifiable manner elsewhere in any papers submitted with the application filing. **>If more than one correspondence address is specified in a single document, the Office will establish one as the correspondence address and will use the address associated with a Customer Number, if given, over a typed correspondence address. Additionally, applicants will often specify the correspondence address in more than one paper that is filed with an application, and the address given in the different places sometimes conflicts. Where the applicant specifically directs the

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USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[4] See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

[5] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

> Office to use non-matching correspondence addresses in more than one paper, priority will be accorded to the correspondence address specified in the following order: (A) Application data sheet (ADS); (B) application transmittal; (C) oath or declaration (unless power of attorney is more current); and (D) power of attorney. Accordingly, if the ADS includes a typed correspondence address, and the declaration gives a different address (i.e., the address associated with a Customer Number) as the correspondence address, the Office will use the typed correspondence address as included on the ADS.

As the Office used the address contained on the ADS, the showing is that the Notice mailed on 8 December, 2005, was properly addressed, but that applicant did not timely receive it because the address petitioner provided to the Office did not include the required level of specificity in order for the mail to be properly directed to petitioner. A delay caused by the failure on the part of petitioner, or petitioner's representative, to provide the U.S. Patent and Trademark Office with a current correspondence address does not constitute an unavoidable delay.[6]

Additionally, delays due to failure to properly route mail after it is received at petitioner's workplace as a result of a holiday does not constitute unavoidable delay, but rather a preoccupation with other matters. Petitioner's preoccupation with other matters which took precedence over timely payment of the maintenance fee in the present patent does not constitute unavoidable delay.[7]

Furthermore, assuming, *arguendo*, the Notice mailed on 8 December, 2005, was never received, the delay would not be unavoidable:

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay.[8] A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to

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[6] See Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995).

[7] See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982).

[8] Id.

advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action.[9]
As such, the showing of record is that the abandonment resulted from the failure of petitioner to timely file a proper reply, not from an error on the part of the Office.

Lastly, it is noted that petitioner could have still filed a timely reply on 10 January, 2006, had the proper extension of time been obtained. In this regard, the Notice mailed on 8 December, 2005, stated that extensions of time were available. Petitioner's failure to request and pay for extensions of time when filing the reply does render the delay unavoidable.

Petitioner was not forced, but rather made a conscious decision to prosecute the application *pro se*, and therefore must be held accountable for his actions, or lack thereof, before the Office. There are numerous resources available to petitioner, as to the others who have chosen this path of prosecution, to obtain the necessary information to prosecute the application before the Office.

As the showing of record is insufficient to satisfy the requirements of a grantable petition under 37 CFR 1.137(a), the petition will be dismissed.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

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

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[9] See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994)(while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

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

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's reference.

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

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

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

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/64
Privacy Act Statement

PTO/SB/64 (07-06)
Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

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

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

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

1. Petition fee

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

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

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

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

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

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

I hereby certify that this correspondence is being:

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

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

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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United States Patent and Trademark Office
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YONG-JUN TAN
5 ISLAY COURT, MOUNT WAVERLEY
MELBOURNE, VICTORIA VIC 3149
AUSTRALIA

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OFFICE OF PETITIONS

In re Application of	:	
Yong-Jun Tan	:	
Application No. 11/127,071	:	ON PETITION
Filed: 12 May, 2005	:	
Atty Dckt No. EASY DEPLOYMENT	:	
AND STORAGE AUTOMOBILE	:	
PROTECTION COVER	:	

This is a decision on the petition filed on 2 October, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 26 October, 2005, for failure to file a timely and proper reply to the non-final Office action

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

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

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

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

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

mailed on 25 July, 2005, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained. A reply was filed on 21 September, 2005. However, the reply was determined to be non-compliant, and a Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed on 8 December, 2005. An untimely reply was filed on 10 January, 2006. Notice of Abandonment was mailed on 31 May, 2006. The petition under 37 CFR 1.137(a) filed on 20 June, 2006, was dismissed on 6 September, 2006.

The amendment filed on 10 January, 2006, will be treated as the required reply.

Receipt of the change of correspondence address filed on 31 October, 2006, is acknowledged. All correspondence will be mailed to the new address of record.

The application is referred to Technology Center 3612 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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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

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OFFICE OF PETITIONS

In re Application of	:	
Kunieda et al.	:	
Application No. 11/127,078	:	DECISION ON PETITION
Filed: 12 May, 2005	:	
Atty Docket No. 03560.002440.1	:	

This is a decision on the petition styled under 37 CFR 1.53(e), filed on 15 July, 2005, requesting that the above-identified application be accorded a filing date of 12 May, 2005, with Page 74 of the specification as a part of the original disclosure.

The petition is granted.

On 12 May, 2005, the application was filed.

Accordingly, on 8 June, 2005, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 12 May, 2005, but that Page 74 of the specification (description and claims) appeared to have been omitted.

In response, on 15 July, 2005, the present petition and a copy of Page 74 were filed. Petitioners argue that Page 74 of the specification was filed with the other application papers on 12 May, 2005, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp of 12 May, 2005, and identifies the application by the attorney docket number and acknowledges receipt of, *inter alia*, "Specifications, claims and abstract 88 pages." Petitioners request that the application, including Page 74 of the specification, be accorded a filing date of 12 May, 2005.

A review of the record reveals that no Page 74 of the specification have been located among the application papers received on 12 May, 2005. However, the evidence is convincing that the application papers deposited on 12 May, 2005, included Page 74 of the specification (written description), which was subsequently misplaced in the Office. Therefore, the application, including Page 74 of the specification, is entitled to a filing date of 12 May, 2005.

The "Notice" mailed on 8 June, 2005, is vacated.

In view of the above, the petition is granted. As the petition was necessitated by Office error, the petition fee is unnecessary and will be refunded to counsel's deposit account, No. 06-1205.

The application will be processed with the copy of Page 74 of the specification supplied on 15 July, 2005, as a part of the original disclosure.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 12 May, 2005, using the application papers filed on that date, and the copy of Page 74 of the specification supplied with the present petition.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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427 Laurier Avenue W.
Suite 1200
Ottawa, ON K1R 7Y2
CANADA

Mail Date: 04/21/2010

Applicant	: Wen Zhao	: DECISION ON REQUEST FOR
Patent Number	: 7593727	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/127,096	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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www.uspto.gov

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Ryohei Konuma	: DECISION ON REQUEST FOR
Patent Number	: 7604177	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/127,107	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 05/18/2010

Applicant : Ryohei Konuma
Patent Number : 7604177
Issue Date : 10/20/2009
Application No : 11/127,107
Filed : 05/12/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **925** 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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BERENATO, WHITE & STAVISH, LLC
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA MD 20817

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AUG 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert J. Lederman	:	
Application No. 11/127,112	:	DECISION ON PETITION
Filed: May 12, 2005	:	TO WITHDRAW
Attorney Docket No. 3514.217	:	FROM RECORD
	:	

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 10, 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. 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 all three certification boxes on the PTO/SB/63 have not been checked.

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: **OFFICE OF TECHNOLOGY TRANSFER**
NATIONAL INSTITUTES OF HEALTH
6011 Executive Blvd., Suite 325
MSC 7660
Bethesda, MD 20892-7660

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OFFICE OF PETITIONS

BERENATO, WHITE & STAVISH, LLC
6550 Rock Spring Drive
Suite 240
Bethesda, MD 20817

In re Application of	:	
Robert J. Lederman	:	
Application No. 11/127,112	:	DECISION ON PETITION
Filed: May 12, 2005	:	TO WITHDRAW
Attorney Docket No. 6137NHLBI-1-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 September 9, 2009.

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

A review of the file record indicates that the power of attorney to NIH-OTT has been revoked by the assignee of the patent application on August 31, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **NIH-OTT**
1560 Broadway
Suite 1200
Denver, CO 80238

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SHOOK, HARDY & BACON L.L.P.
(MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

Mail Date: 04/21/2010

Applicant	: James Dai	: DECISION ON REQUEST FOR
Patent Number	: 7647312	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/127,131	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **431** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/127,165	05/12/2005	Wieslaw Jerzy Szajnowski	1906-0149PUS1	5675

2292 7590 12/26/2007
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
VALONE, THOMAS F

ART UNIT	PAPER NUMBER
2858	

NOTIFICATION DATE	DELIVERY MODE
12/26/2007	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):

mailroom@bskb.com

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Michael K. Mutter
William D. Titcomb
BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of: Szajnowski Application No.: 11/127,165 Filed: May 12, 2005 For: Signal Processing Circuit	DECISION GRANTING PETITION UNDER 37 C.F.R. § 1.181

This is a decision on the petition under 37 CFR § 1.181, filed December 5, 2007. The petition requests that the Final Office Action issued May 29, 2007 be expunged from the record of application 11/127,165.

The petition is GRANTED.

Petitioner asserts that the Final Office Action issued May 29, 2007 contains inappropriate language. Accordingly, Petitioner requests that the Office Action be expunged from the file record of application 11/127,165. No fee is required for this petition.

Review of the Office Action issued May 29, 2007 reveals that the Office Action does contain inappropriate language. The Office Action has therefore been expunged from the official file of application 11/127,165. A new Office Action will be issued in due course.

Applicant is required to retain the expunged Office Action for the life of any patent which issues on the above identified application.

Inquiries regarding this decision should be directed to Supervisory Patent Examiner Andrew Hirshfeld at (571) 272-2168.

Janice Falcone

Janice Falcone
Director, Technology Center 2800
(571) 272 - 1550

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

In re Application of: KIKUCHI et al.
Application No. 11/127,204
Filed: May 12, 2005
For: CODING SYSTEM AND DECODING SYSTEM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 29, 2007, to make the above-identified application special.

The petition is **DISMISSED**.

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 failed item (4) above, since a first action on the merits was mailed to applicants on 7/31/2007.

Therefore, the Petition is **DISMISSED**.

Response must be faxed to Mano Padmanabhan at 571-273-4210 (RightFax) or 571-273-0308.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Mano Padmanabhan

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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OFFICE OF PETITIONS

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

In re Application of Yukinobu et al. Application No. 11/127,253 Filed: May 12, 2005 Attorney Docket No. 030265A	: : : : :	ON PETITION

This is a decision on the "Petition Under 37 CFR § 1.182 to Withdraw a Terminal Disclaimer" filed April 2, 2007.

The petition is **GRANTED**.

The examiner of record has determined the terminal disclaimer submitted on April 2, 2007 can be withdrawn.

This application is being forwarded to Technology Center 1700 for correction in the PALM database and file records consistent with this decision.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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P.O. Box 1450
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CONNOLLY BOVE LODGE & HUTZ LLP
SUITE 800
1990 M STREET NW
WASHINGTON, DC 20036-3425

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OFFICE OF PETITIONS

In re Application of :
Hidetoshi Kinoshita :
Application No. 11/127,258 : ON PETITION
Filed: May 12, 2005 :
Attorney Docket No.: 20402-00594-US2 :

This is a decision on the petition under 37 CFR 1.182, filed July 11, 2005, requesting that the above-identified application retain the presently accorded filing date with Figures 6 through 9, as described in the specification, as part of the original disclosure.

The petition is **dismissed**.

On May 12, 2005, the above-identified application was filed. However, on June 10, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of Nonprovisional Application", stating that application had been accorded a filing date of May 12, 2005, and advising applicant that Figures 6 through 9 appeared to have been omitted.

In response, on July 11, 2005, applicant filed the present petition. Applicant argues that the instant application is a divisional of a prior filed application and that the instant application incorporated by reference the entirety of the prior application, which contained Figures 6 through 9, therefore, the instant application was complete on filing.

The Notice permits applicant to either: (1) promptly establish prior receipt in the Office of the items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted items and accept the date of such submission as the application filing date. An applicant asserting that the missing items were in fact deposited in the Office 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 items in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted items with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such omitted items 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 (37 CFR 1.181(f)).

An applicant may incorporate by reference the prior application by including in the application-as-filed, a statement that such specifically enumerated prior application or applications are hereby incorporated by reference. The statement may appear in the specification or in the application transmittal letter. The inclusion of this incorporation by reference of the prior applications(s) will permit an applicant to amend the divisional application to include any subject matter in such prior application(s), <u>without the need for a petition.</u> <u>See</u> MPEP 201.06(c).

In view of the incorporation by reference of the prior application, Figures 6 through 9 are not new matter if they were a part of the disclosure of the prior application. Prior to the first action on the merits, petitioner should file a preliminary amendment requesting entry of Figures 6 through 9.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 12, 2005, using only the application papers present on filing. The copy of Figures 6 through 9 of the specification will not be processed for examination, but will be kept in the application file.

The petition fee will not be refunded as this petition was necessitated by the applicant's filing error, rather than an error on the part of the Office.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 12, 2005.

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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DIGITAL OPTICS CORPORATION
9815 David Taylor Drive
Charlotte, NC 28262

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OFFICE OF PETITIONS

In re Application of	:	
Michael R. Feldman, et. al.	:	
Application No. 11/127,284	:	ON PETITION
Filed: May 12, 2005	:	
Attorney Docket No. 280/061 C	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 24, 2006, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 8, 2005.

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

The Office also acknowledges receipt of $510 for a three (3) months extension of time filed on May 24, 2006. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $510 extension of time submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application file is being referred to Technology Center Art Unit 2878, for review of the amendment filed on May 8, 2006.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/127,284	05/12/2005	Michael R. Feldman	280/061 C	5643

30310 7590 03/20/2008
DIGITAL OPTICS CORPORATION
C/O LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE, SUITE 500
FALLS CHURCH, VA 22042

EXAMINER
YAM, STEPHEN K

ART UNIT	PAPER NUMBER
2878	

MAIL DATE	DELIVERY MODE
03/20/2008	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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In re Application of MICHAEL R. FELDMAN, ET AL.	:	
Application No.: 11/127,284	:	DECISION ON PETITION
Filed: May 12, 2005	:	UNDER 37 CFR 1.48(b)
For: INTEGRATED OPTICAL TRANSCEIVER	:	
AND RELATED METHODS	:	

This is a decision on the petition filed September 20, 2007, to correct inventorship under 37 CFR 1.48(b).

The petition is granted.

The inventorship in this application has been corrected to:

Michael R. Feldman
James E. Morris

/ Stephen Yam /
Stephen Yam
Primary Examiner
Art Unit 2878

Susan S. Morse
LEE & MORSE, P.C.
3141 Fairview Park Drive, Suite 500
Falls Church, VA 22042

Correction of Database Records

Applicant requested correction of priority on July 11, 2007, to include the parent application 10/231,483 to contain a claim of foreign priority under 35 U.S.C. 119 to PCT/US01/07053 and a claim of domestic priority under 35 U.S.C. 120 to Provisional Application No. 60/187,034. However, 35 U.S.C. § 119 requires a U.S. application to be filed within twelve months from the earliest date on which a foreign application was filed. It is unclear if Applicant intended instead to claim benefit under 35 U.S.C: 120 and 365(c) to the PCT application (see MPEP 1895, 1895.01) or as a national stage application under 35 U.S.C. § 371. However, Applicant has nevertheless failed to fulfill the requirements for continuation of a PCT application, as Applicant's reference to the parent international application did not indicate the relationship between the present Application and the PCT application as recited in MPEP 1895.01. Furthermore, nowhere in Applicant's application is any indication of the application as a national-stage application under 35 U.S.C. § 371.

It is further noted that Applicant's oath (filed May 12, 2005) attempts to claim foreign priority to "Title 35, United States Code, §19". However, no such section of Title 35 exists, and it appears that Applicant instead intended to claim benefit under 35 U.S.C. § 119.

Correction of Inventorship

Applicant petitioned for a correction of inventorship on September 20, 2007 to remove Joseph DeBartolo as a named inventor in the application. The petition to correct inventorship has been GRANTED.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN YAM whose telephone number is (571)272-2449. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571)272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Yam/
Primary Examiner, Art Unit 2878

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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OFFICE OF PETITIONS

In re Application of	:	
Craig R. Nelson, et al.	:	
Application No. 11/127,299	:	DECISION ON PETITION
Filed: May 12, 2005	:	TO WITHDRAW
Attorney Docket No. 082177-0318735	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 5, 2005.

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

A review of the file record indicates that the power of attorney to the attorney(s) associated with Customer Number 22428 has been revoked by the assignee of the patent application on December 5, 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 inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (571)272-3213. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

Conferee:

cc: LAWRENCE J. GOTTS
PILLSBURY WINTHROP SHAW PITTMAN LLP
1650 TYSON BLVD.
MCLEAN VA 22102

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET, NW
WASHINGTON, DC 20007

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Ashok SIDDHANTI	:	
Application No. 11/127,301	:	DECISION ON PETITION
Filed: May 12, 2005	:	TO WITHDRAW
Attorney Docket No. 041363-0102		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 25, 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 Customer Number 26371, as indicated.

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: ASHOK SIDDHANTI
7925 JONES BRANCH DR.,
SUITE 5300
MCLEAN, VA 22102

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WASHINGTON, DC 20007

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APR 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Ashok SIDDHANTI	:	
Application No. 11/127,301	:	DECISION ON PETITION
Filed: May 12, 2005	:	TO WITHDRAW
Attorney Docket No. 041363-0102	:	FROM RECORD
	:	

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 23, 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 Robert A. Saltzberg on behalf of the attorneys of record associated with Customer No. 22428.

The attorneys of record associated with Customer No. 22428 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ASHOK SIDDHANTI
7925 JONES BRANCH DR.
SUITE 5300
MCLEAN, VA 22102

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

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JAN 19 2007

OFFICE OF PETITIONS

In re Application of **ANDREASCH**, et al. Application No. 11/127,307 Filed: May 12, 2005 Attorney Docket No. 15540-041001 / 25890; TRU	DECISION GRANTING PETITION UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 17, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 8, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

Telephone inquiries should be directed to Monica A. Graves at (571) 272-7253. This application is being referred to Technology Center AU 2872 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Amendment.

Karen Creasy for

Frances Hicks
Petitions Examiner
Office of Petitions

cc: **FISH & RICHARDSON PC**
225 FRANKLIN STREET
BOSTON, MA 02110

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new 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 : 10-9-07

Paper No.: _____

TO SPE OF : **Technology Center** 2618

11/127320

SUBJECT : Request for Certificate of Correction on Patent No.: 7233771 B2

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

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

Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**

If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**

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

Thank You For Your Assistance

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

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

Note your decision on the appropriate box.

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

Comments:

The gap downlink to the repeater denotes that R-TG and the subframe gap to the uplink channel denotes T-TG. Then, it is the gap b/n downlink and uplink subframe that denotes T-TG

404

MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER
SPE

2618
Art Unit

OIPE IAP8
AUG 28 2007
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Proctor, Jr. et al.	**Patent No.: 7,233,771** **Issued: June 19, 2007**
Serial No.: 11/127,320	Atty. Dkt.: 27-011
Filed: May 12, 2005	
Title: **NON-FREQUENCY TRANSLATING REPEATER WITH DETECTION AND MEDIA ACCESS CONTROL**	

Commissioner for Patents
Alexandria, VA 22313-1450
Mail Stop: Certificate of Corrections

Date: August 28, 2007

REQUEST FOR CERTIFICATE OF CORRECTION

Sir:

Applicants hereby request that the above-identified Letters Patent be corrected to include the information in item (75) on the first page of the patent and in Figure 4 (Drawing Sheet 4 of 7) on the fifth page of the patent.

Specifically, the Letters Patent should be corrected as follows: (1) spelling of second inventor's last name to **Gainey**; and (2) include third inventor **Faisal M. Shad, Oakville, Ontario (CA)**. A Petition to Add an Inventor (Faisal Shad was originally omitted as a named inventor) was filed on August 4, 2006. A Supplemental Action by the U.S. Patent Office mailed on April 19, 2007, three months before the above-referenced patent was issued, reported that the application inventorship had been changed to accurately reflect Mr. Shad as inventor of subject matter being claimed.

In addition, the Letters Patent should be corrected as to **Figure 4** (Drawing Sheet 4 of 7), specifically the gap between the down link frame and up link frame, **reference numeral 404**, should be **labeled T-TG**.

Applicants also request that the attached Certificate of Correction be attached to all copies of the Letters Patent. To facilitate the above request, copies of the original Letters Patent, Figure 4 Replacement Sheet, original letter patent title page with correction, original Drawing Sheet 4 (Figure 4) with correction, and as-filed Supplemental Action dated April 19, 2007 and Request Under Rule 48 correcting inventorship are enclosed. Authorization is hereby given to charge any fee deficiencies or credit any overpayment to Deposit Account 50-1147.

Respectfully submitted,

David G. Posz
Reg. No. 37,701

08/30/2007 HMED1 00000021 7233771
01 FC:1811 100.00 OP

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
(703) 707-9110 / Customer No. 23400

AUG 30 2007

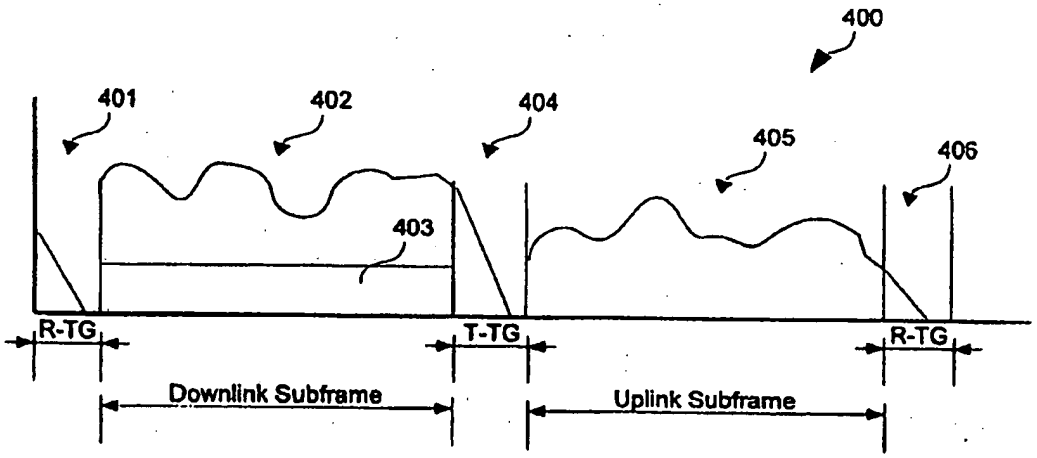

FIG. 4

AUG 30 2007

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

Mail Date: 04/21/2010

Applicant	: James R. Pfaltzgraff	: DECISION ON REQUEST FOR
Patent Number	: 7607232	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/127,334	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **179** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Kenneth A. Nelson
Bryan Cave LLP
Suite 2200
Two North Central Avenue
Phoenix AZ 85004-4406

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DEC 08 2008

OFFICE OF PETITIONS

In re Application of David Schwartz et al. Application No. 11/127,336 Filed: May 11, 2005 Attorney Docket No. 0180812	: : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 12, 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 November 20, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 21, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2833 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

11/127336 Examiner: FIGUEROA, FELIX GAU: 2833
Inventor: SCHWARTZ , DAVID, et al Classification: 439/131.000
Status: 161 - ABANDONED -- FAILURE TO RESPOND TO AN OFFICE ACTION
Title: CONNECTIVITY SYSTEM, METHOD OF ASSEMBLING SAME, AND DESK CONTAINING SAME

All tab report (77 items, sorted by Date DESC)

Img	Status	Doc Code	Document Type	Date	Pages	Annotations
	7	FOR	Foreign Reference	10/24/2008	11	
	7	FOR	Foreign Reference	10/24/2008	5	
	7	FOR	Foreign Reference	10/24/2008	10	
	7	FOR	Foreign Reference	10/24/2008	19	
	7	IDS.LET	Information Disclosure Statement Letter	10/24/2008	1	
	7	WFEE	Fee Worksheet (PTO-06)	10/24/2008	2	
	7	N417	EFS Acknowledgment Receipt	10/24/2008	3	
	7	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	10/24/2008	1	
	7	WFEE	Fee Worksheet (PTO-06)	06/30/2008	2	
	7	IDS.LET	Information Disclosure Statement Letter	06/30/2008	1	
	7	N417	EFS Acknowledgment Receipt	06/30/2008	2	
	7	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	06/30/2008	1	
	7	WFEE	Fee Worksheet (PTO-06)	06/12/2008	2	
	7	N417	EFS Acknowledgment Receipt	06/12/2008	2	
	7	CLM	Claims	06/12/2008	4	ok to enter upon granting of petition
	7	REM	Applicant Arguments/Remarks Made in an Amendment	06/12/2008	2	
	7	PET.OP	Petition for review by the Office of Petitions.	06/12/2008	1	
	7	ABN	Abandonment	05/30/2008	2	
	7	CTFR	Final Rejection	11/20/2007	8	abd 5/27/08
	7	A...	Amendment/Req. Reconsideration-After Non-Final Reject	10/12/2007	1	11/15/07

Burke, JoAnne

From: Figueroa, Felix (AU2833)
Sent: Monday, November 24, 2008 4:53 PM
To: Burke, JoAnne
Subject: RE: 11/127,336

ok to enter amendment

From: Burke, JoAnne
Sent: Monday, November 24, 2008 3:45 PM
To: Figueroa, Felix (AU2833)
Subject: 11/127,336

Hello my name is JoAnne Burke in the Office of Petitions,

Please consider the amendment/claims filed on June 12, 2008 to see if it would place the application in condition for allowance. If the amendment places the application in condition for allowance, annotate in e-dan ok to "ok to enter upon revival" with the date and your initials and send me an e-mail confirming your entry. If not complete Form PTOL-303 (advisory action), but do not mail the form to the applicant. Please bring the form to me within on week and I will mail it with the decision. I am located in MDW-7D34

Thank You

JoAnne Burke
OFFICE OF PETITIONS
571-272-4584

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ONE BAXTER PARKWAY
DF2-2E
DEERFIELD IL 60015

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MAR 2 7 2008

OFFICE OF PETITIONS

In re Application of Scott et al. Application No. 11/127362 Filed: 05/12/2005 Attorney Docket No. 6143-UT2 (4360-0003.01)	: : : : : : :	DECISION ON PETITION UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR § 1.78(a)(6), filed on November 13, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for benefit of priority to the prior-filed provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT**.

Petitioners state that on February 13, 2007, an Application Data Sheet (ADS) and an amendment to the first sentence of the specification following the title to include a reference to the prior-filed provisional applications were filed, followed by the filing of the present petition on November 13, 2007. While a reference to the prior-filed provisional applications was not included in an ADS present on filing, or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the transmittal letter filed with the application.

Where a claim for priority under 37 CFR § 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR § 1.78(a)(6).[1] In the present case, the Office noted

[1] *Note* MPEP 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

the claim for priority to the prior-filed provisional applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

In view of the above, the $1410.00 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

Any questions concerning this decision on petition may be directed to Senior Petitions Attorney 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 referred to Technology Center AU 1633 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 119(e) to the prior-filed applications.

Anthony Knight
Supervisor
Office of Petitions

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Polster, Lieder, Woodruff & Lucchesi, L.C.
12412 Powerscourt Dr. Suite 200
St. Louis, MO 63131-3615

Mail Date: 04/21/2010

Applicant	: Michael D. Gerdes	: DECISION ON REQUEST FOR
Patent Number	: 7594436	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/127,386	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **514** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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AKZO NOBEL INC.
LEGAL & IP
120 WHITE PLAINS ROAD, SUITE 300
TARRYTOWN, NY 10591

Mail Date: 04/20/2010

Applicant	: James H. Bray III	: DECISION ON REQUEST FOR
Patent Number	: 7674817	: RECALCULATION of PATENT
Issue Date	: 03/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/127,394	: OF WYETH
Filed	: 05/12/2005	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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ONE MARITIME PLAZA-FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

Mail Date: 04/21/2010

Applicant	: Riad Ghabra	: DECISION ON REQUEST FOR
Patent Number	: 7629873	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/127,398	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 0 2 2010

OFFICE OF PETITIONS

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

In re Patent No. 7,590,183
Issued: September 15, 2009
Application No. 11/127,401
Filed: May 12, 2005
Attorney Docket No. 04838-0092001

: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed on November 9, 2009, requesting that the patent term adjustment be corrected from 563 to 1054 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 adjusted by one thousand fifty- four (1054) days is **GRANTED**.

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

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand fifty-four (1054)** days.

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

/Kery A. Fries/

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

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,590,183 B2

DATED : September 15, 2009

INVENTOR(S) : Lawrence W. Yonge, III

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 (563) days

Delete the phrase "by 563 days" and insert – by 1054 days--

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United States Patent and Trademark Office
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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

COPY MAILED

APR 0 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Beverly L. Mangold et al.	:	
Application No. 11/127,435	:	DECISION ON PETITION
Filed: May 11, 2005	:	
Attorney Docket No. 022052-000210US	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed August 29, 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 September 30, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed

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

This application is being referred to Technology Center AU 1645 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: Kawai Lau
P.O. Box 5803
Bellevue, WA 98006

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 26 2009

OFFICE OF PETITIONS

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

In re Application of	:	
Beverly L. MANGOLD, et al	:	
Application No. 11/127,435	:	DECISION ON PETITION
Filed: May 11, 2005	:	TO WITHDRAW
Attorney Docket No. 022052-000210US	:	FROM RECORD
	:	

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 8, 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 there is no indication that the acts noted in the above-identified certifications 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: PATENTIQUE PLLC
P.O. BOX 5803
BELLEVUE, WA 98006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Morrison & Foerster, LLP
425 Market Street
San Francisco, CA 94105-2482

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SEP 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Matthew Dale Hilton et al.	:	
Application No. 11/127,447	:	DECISION ON PETITION
Filed: May 12, 2005	:	TO WITHDRAW
Attorney Docket No. X10533A	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed July 26, 2007.

The request is **NOT APPROVED**.

A review of the file record indicates that Peter J. Yim does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

A final Office action was mailed on June 5, 2007. Failure to timely reply will result in the abandonment of the application.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Eli Lilly & Company
Patent Division
P.O. Box 6288
Indianapolis, IN 46206-6288

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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WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN 46204-5137

COPY MAILED

MAY 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Matthew Dale Hilton et al	:	
Application No. 11/127,447	:	DECISION DISMISSING PETITIONS
Filed: May 12, 2005	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. X10533A	:	

This is a decision on the petition filed September 4, 2007, which is being treated 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 priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed Application Data Sheet (ADS.

The petition is **DISMISSED**

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

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The ADS submitted with the petition is not signed. See 37 CFR 1.33(b).

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment to correct the above matter is required.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

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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WOODARD, EMHARDT, MORIARTY,
MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN 46204-5137

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JUL 2 8 2008

OFFICE OF PETITIONS

In re Application of	:
Matthew Dale Hilton et al	:
Application No. 11/127,447	: DECISION ON PETITIONS
Filed: May 12, 2005	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 7040-416	:

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed June 17, 2008, 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 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, National Stage of International Application No. PCT/US00/08728 was 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 the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1651 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.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/127,447	05/12/2005	1651	1530	7040-416	1	1

CONFIRMATION NO. 6659

CORRECTED FILING RECEIPT

30565
WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

OC000000031218803

Date Mailed: 07/28/2008

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)

Matthew Dale Hilton, Indianapolis, IN;
Robert Joseph Strobel, Carmel, IN;
Penelope Jane Beverly Millar, Indianapolis, IN;
Dennis Nelson Thomas, Fairland, IN;
Andrew Richard Cockshott, Indianapolis, IN;
Brian Gerald Getman, Greenwood, IN;
Jack Richard Eastridge, Indianapolis, IN;
Cathleen Alice Cantwell, Indianapolis, IN;

Power of Attorney: The patent practitioners associated with Customer Number 30565

Domestic Priority data as claimed by applicant

This application is a DIV of 09/958,996 04/02/2002 PAT 6,919,188
which is a 371 of PCT/US00/08728 04/14/2000
which claims benefit of 60/129,431 04/15/1999

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 **US 11/127,447**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Pseudomycin production by pseudomonas syringae

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

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

COPY MAILED
OCT 0 5 2006
OFFICE OF PETITIONS

In re Application of	:
David Eckert, Evan Bontemps	: DECISION CORRECTING INVENTORSHIP
Paul Carey, Richard Goodwin,	: UNDER 37 CFR 1.48(a)
Keith Hatfield, Joseph Lorenz	: and
Keith Nevish, Edward Spang and	: DECISION ACCORDING STATUS
Glen Westerberg	: UNDER 37 CFR 1.47(a)
Application No. 11/127,449	:
Filed: May 12, 2005	:
Atty Docket No. 133056-0001	:

This is in response to both the PETITION FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. §1.48(a) and the PETITION TO PERMIT FILING BY OTHER THAN ALL THE INVENTORS UNDER 37 C.F.R. §1.47(a) both filed October 11, 2005.

The petition under §1.48(a) is **GRANTED**.

The petition under §1.47(a) is **GRANTED**.

The above-identified application was filed on May 12, 2005, with a declaration identifying the joint inventors as David Eckert, Evan Bontemps, Paul Carey III, Richard Goodwin, Keith Hatfield, Joseph Lorenz, Keith Nevish, Edward Spang, Thomas Terrien Jr., and Glen Westerberg. However, the declaration was missing the signatures of inventors Bontemps and Terrien. Accordingly, on June 13, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, requiring the missing signature and the surcharge for a late declaration. This Notice set a

two-month time limit for response with extensions of time obtainable under §1.136(a).

On October 11, 2005, applicants responded with the instant petitions under 1.48(a) and 1.47(a), made timely by an accompanying petition for extension of time within the second month (and fee).

Consideration of petition under 37 CFR 1.48(a)

The petition under § 1.48(a) was filed to amend the inventorship to delete Thomas F. Terrien, Jr. as a co-inventor.

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 (see § 3.73(b) of this chapter).

Petitioner has satisfied these requirements. The petition specifically requests the deletion of inventor Terrien. The petition includes a statement from inventor Terrien that the inventorship error occurred without deceptive intent. The petition includes a declaration pursuant to 1.47(a) executed by all of the actual inventors, except inventor Bontemps (which is granted below). Petitioner has paid the processing fee. The petition includes a statement signed by Scott Zeller, with a statement that he is authorized to sign on behalf of the assignee company, consenting to the change in inventorship. Petitioner states that the assignment reflecting this ownership is recorded at reel/frame 016563/0555.

In view thereof, the application is amended to delete inventor Terrien.

Consideration of petition under 37 CFR 1.47(a)

Rule 47 applicants assert that status under 1.47(a) is proper because inventor Bontemps refuses to join in the application. As previously stated, the petition includes a declaration pursuant to 1.47(a) executed by all of the actual inventors, except inventor Bontemps. By statement of facts of co-inventor David Eckert and declaration of patent attorney Thomas O'Konski, and supporting documentary evidence, applicants have shown that after having been presented with the application papers inventor Bontemps has expressly refused to join in the application.

The declaration filed October 11, 2005, has been reviewed and found in compliance with § 1.63. The petition includes the petition fee (of $200) and the last known address of inventor Bontemps.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MR. EVAN BONTEMPS
13E PISCASSIC STREET
NEWMARKET NH 03857

COPY MAILED
OCT 0 5 2006
OFFICE OF PETITIONS

In re Application of :
David Eckert, Evan Bontemps :
Paul Carey, Richard Goodwin, :
Keith Hatfield, Joseph Lorenz : LETTER
Keith Nevish, Edward Spang and:
Glen Westerberg :
Application No. 11/127,449 :
Filed: May 12, 2005 :
Atty Docket No. 133056-0001 :

Dear Mr. Bontemps:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

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THOMAS E. ANDERSON
GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKI PC
P. O. BOX 7021
TROY, MI 48007-7021

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FEB 20 2007

OFFICE OF PETITIONS

In re Application of	:	
Wen Li et al	:	
Application No. 11/127,458	:	DECISION GRANTING PETITION
Filed: May 12, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. TTC-17202/08	:	

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed June 15, 2005, which required 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. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 16, 2005. A Notice of Abandonment was mailed on February 21, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply (an executed oath and the $130 surcharge fee), (2) the $1,500 petition fee, and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of June 15, 2005 is accepted as having been unintentionally delayed.

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

This matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Frances Hicks
Petitions Examiner
Office of Petitions

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THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT – IP
SYCAMORE BUILDING – 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI, OH 45202

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In re Application of :
Keith Joseph Stone et al :
Application No. 11/127,472 : ON PETITION
Filed: March 12, 2005 :
Attorney Docket No. 9135C

This is a decision on the petition, filed December 10, 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 November 10, 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 3761 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

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

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3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

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MAR 2 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Machala, William	:	
Application No. 11/127,489	:	ON PETITION
Filed: May 11, 2005	:	
Attorney Docket No. 4600-4009	:	

This is a decision on the petition under 37 CFR §1.102(d), filed February 9, 2006, to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section II: Infringement.

The petition is **GRANTED.**

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

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

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

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3616 for expedited prosecution.

David Bucci
Petitions Examiner
Office of Petitions

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NEW YORK, NY 10281-2101

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MAR 2 2 2006

OFFICE OF PETITIONS

In re Application of
Machala, William
Application No. 11/127,489
Filed: May 11, 2005
Attorney Docket No. 4600-4009

ON PETITION

This is a decision on the petition under 37 CFR §1.102(d), filed February 9, 2006, to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section II: Infringement.

The petition is **GRANTED.**

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

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

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

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3616 for expedited prosecution.

David Ducci
Petitions Examiner
Office of Petitions

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MAY 3 1 2006
OFFICE OF PETITIONS

In re Application of William Machala Application No. 11/127,490 Filed: May 11, 2005 Attorney Docket No. 4600-4005US1	: : : : : :	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 April 14, 2006, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED**.

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

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

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

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

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

This matter is being referred to Technology Center AU 3677 for action on the merits commensurate with decision.

Amena Au
Petitions Examiner
Office of Petitions

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S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE, WI 53403-2236

Mail Date: 04/20/2010

Applicant	: Steven B. Mineau	: DECISION ON REQUEST FOR
Patent Number	: 7637393	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/127,492	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1266** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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53 West Jackson Blvd.
Chicago IL 60604

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OCT 23 2007

OFFICE OF PETITIONS

In re Application of	:	
Tullio Gonzaga	:	
Application No. 11/127,495	:	DECISION ON PETITION
Filed: May 12, 2005	:	
Attorney Docket No. 14153	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 22, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed August 22, 2006. Accordingly, the date of abandonment of this application is November 24, 2006. The Notice of Abandonment was mailed December 20, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $700 and the publication fee of $300, (2) the petition fee of $750; and (3) a proper statement of unintentional delay.

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

This application is being referred to Publishing Division for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

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MAY 1 2 2003

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
LOS ANGELES

Paper 7

JAN CAROL LITTLE
BLAKELY SOKOLOFF
TAYLOR & ZAFMAN LLP
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES CA 90025-1026

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OFFICE OF PETITIONS

42390
P 8837
intel

In re Application of
Parker, et al.
Application No. 09/607,782
Filed: 30 June, 2000
Attorney Docket No.: 042390.P8837

ON PETITION

This is a decision on the petition filed (with fee) on 17 December, 2001, and resubmitted via FAX on 8 January, 2002, under 37 C.F.R. §1.182[1] to change the name of name of the named inventor (Douglas Raymond Parker/Rachael Jade Parker).

The Office regrets the delay in addressing this matter.

For the reasons set forth below, the petition under 37 C.F.R. §1.182 is **GRANTED**.

In lieu of an affidavit of the inventor in question, signed by under both names, and stating, *inter alia*, that there was no deceptive intent in the submission of the name in the incomplete form, Petitioner has submitted with the instant petition a copy of the 2 May, 2001, Order of the Circuit Court of the State of Oregon, Washington County.

Petitioner is reminded to submit to the Assignment Division a corrected assignment document and cover sheet--as well as the appropriate fee--as set forth in 37 C.F.R. §1.21(h) for change of the assignment record.

Pursuant to Petitioner's authorization, the petition fee is being charged to Deposit Account 02-2666.

Consistent with the provisions of MPEP §605.04(c), the instant file is being forwarded to the

[1] The regulations at 37 C.F.R. §1.182 provide:
§ 1.182 Questions not specifically provided for.
All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Commissioner, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in §1.17(h).
[47 Fed. Reg. 41278, Sept. 17, 1982, effective date Oct. 1, 1982; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997]

ENTERED 5/22/03

RECEIVED MAY 2 2 2003 MAIL ROOM DEPT.

NO DOCKETING REQUIRED

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Office of Initial Patent Examination for the change in the records of the Office of the name of the first-named inventor from Douglas Raymond Parker to Rachael Jade Parker, consistent with the Order of the 2 May, 2001, Order of the Circuit Court of the State of Oregon, Washington County, and issuance of a corrected filing receipt. Thereafter the file is to be forwarded for further examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-9199.

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

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MARTIN J. JAQUEZ, ESQ.
JAQUEZ & ASSOCIATES
6265 GREENWICH DRIVE, SUITE 100D
SAN DIEGO CA 92122

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MAY 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Dylan J. Kelly et al	:	
Application No. 11/127,520	:	DECISION GRANTING PETITION
Filed: May 11, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. PER-007-CIP	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 1, 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 23, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Regarding the Rescission Of Previous Nonpublication Request submitted on May 1, 2009, petitioner is encouraged to note 37 CFR 1.137(f).

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

This application is being referred to Technology Center AU 2614 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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PATENT SERVICES
101 COLUMBIA ROAD
P.O. BOX 2245
MORRISTOWN NJ 07962-2245

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OCT 16 2009

OFFICE OF PETITIONS

In re Patent No. 7,553,564	:	
Issue Date: June 30, 2009	:	
Application No. 11/127,522	:	ON PETITION
Filed: May 10, 2005	:	
Attorney Docket No. H0007964-3136	:	

This is a decision on the petition filed July 28, 2009, under 37 CFR 3.81(b)[1] to include an additional assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

Mail Date: 04/21/2010

Applicant	: Thirumalai G. Palanisamy	: DECISION ON REQUEST FOR
Patent Number	: 7572313	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/127,524	: OF WYETH
Filed	: 05/10/2005	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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PATENT SERVICES
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P O BOX 2245
MORRISTOWN, NJ 07962-2245

Mail Date: 05/18/2010

Applicant : Thirumalai G. Palanisamy
Patent Number : 7572313
Issue Date : 08/11/2009
Application No : 11/127,524
Filed : 05/10/2005

: 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 **1006** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/127,544	05/11/2005	Stephen R. Hanson	22836-002003 / 5202C	6395

20985 7590 03/19/2008
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EXAMINER
SILVERMAN, ERIC E

ART UNIT	PAPER NUMBER
1618	

MAIL DATE	DELIVERY MODE
03/19/2008	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

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MAR 1 9 2008

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

In re Application of:	:
Stephen R. Hanson	:
Serial No.: 11/127,544	: PETITION DECISION
Filed: May 11, 2005	:
Attorney Docket No.: 22836-002003 / 5202C	:

This is in response to the petition under 37 CFR § 1.181, filed March 4, 2008, requesting that the finality of the Office action of February 7, 2008 be withdrawn.

BACKGROUND

More recently, the examiner mailed a non-final Office action on October 29, 2007, setting a three month statutory limit for reply. At the time of this non-final Office action, claims 1-30 and 34-85 were pending. Claims 8-11, 35, 43-45, 46-49 and 53-85 were withdrawn from consideration on the merits. Here, a correction has been made; the original Office Action Summary indicated that only claims 8-11, 35, 46-49 and 53-85 were withdrawn from the merits; however, it can be seen from the record that claims 43-45 were not examined, as these claims were directed toward non-elected species of anti-coagulant agents (claim 43), anti-fibrinolytic agents (claim 44) and an ACE inhibitor (claim 45) and thus, it appears that the omission of claims 43-45 on the Office Action summary dated October 29, 2007 was an inadvertent error on the part of the examiner. Claims 1-7, 12-30, 34, 36-42 and 50-52 were examined on their merits.

The examiner rejected:

1. Claims 1 - 7, 12 - 28, 30, 34, 36, 37, 39 - 41, and 50 - 52 under 35 U.S.C. 103(a) as being unpatentable over Kent (US 4,452,775) in view of Physician's Desk Reference 1998 (PDR),

2. Claims 40- 42 under 35 U.S.C. 103(a) as being unpatentable over Kent (US 4,452,775) in view of Physician's Desk Reference 1998 (PDR) and Bednar et al. (US 5,753,702).

3. Claim 38 under 35 U.S.C. 103(a) as being unpatentable over US 4,452,775 to Kent in view of Physician's Desk Reference 1998 (PDR) and in further view of Xu et al. (US 6,451,609), and

4. Claims 1 - 7, 12 - 23, and 29 under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 6,506,410) in view of PDR.

In response to the non-final Office action, applicants submitted a reply on December 20, 2007 which included arguments, remarks and amendments to the claims. Amendments to the claims included the cancellation of claims 16 and 53-85 and amendments to claims 1, 18 and 19.

The examiner mailed a final Office action on February 7, 2008, setting a three month statutory limit for reply. At the time of this final Office action, claims 1-15, 17-30 and 34-52 were pending, correcting the error on the Office Action Summary of February 7, 2008 which indicated that 1-15 and 17-52 were pending and were examined on their merits.

The examiner instituted the following new rejection:

1. Claims 1 - 15 and 17 - 52 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is noted that claims 31 – 33 were not pending at the time the final Office action was mailed, and hence, this rejection should have properly recited the rejected claims as 'claims 1-15, 17-30 and 34-52.'

Additionally, the examiner maintained the following rejections:

1. Claims 1 - 7, 12 - 28, 30, 34, 36, 37, 39 - 41, and 50 - 52 [*sic*, claim 16 was cancelled, and should not have been rejected] under 35 U.S.C. 103(a) as being unpatentable over Kent (US 4,452,775) in view of Physician's Desk Reference 1998 (PDR),

2. Claims 40- 42 under 35 U.S.C. 103(a) as being unpatentable over Kent (US 4,452,775) in view of PDR and Bendar et al. (US 5,735,702),

3. Claim 38 under 35 U.S.C. 103(a) as being unpatentable over Kent in view of PDR and Xu et al. (US 6,451,609),

4. Claims 1 -7, 12- 23, and 29 [*sic*, claim 16 was cancelled, and should not have been rejected] under 35 U.S.C. 103(a)as being unpatentable over Park et al. (US 6,506,410) in view of PDR.

It is noted that it is interpreted that the examiner rejoined the previously withdrawn claims 8-11, 35, 43-45 and 46-49 for examination on their merits due to the rejection of these claims under 35 U.S.C. 112, second paragraph; even though the examiner did not explicitly indicate such a rejoinder.

In response thereto, applicants filed this petition on March 4, 2008, requesting that the finality of the Office action of February 7, 2008 be withdrawn.

DISCUSSION

The petition as well as the file history have been carefully considered.

In the petition filed on March 4, 2008, applicant argues that the new rejection set forth by the examiner over claims 1 - 15 and 17 – 52 under 35 U.S.C. 112, second paragraph (please see correction of rejected claims above), as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, was a new rejection, not necessitated by applicant's amendments to the claims. Specifically, applicant asserts:

> In the instant Office Action, the Examiner newly has rejected claims 1-15 and 17-52 under 35 U.S.C. § 112, second paragraph. The Office Action alleges that the recitation "low normal levels" in claim 1 is not defined in the specification and that the skilled artisan would not know what levels are "low normal" as claimed. The Examiner alleges that the amendment of the claims necessitate the new ground of rejection. Applicant respectfully submits that, to the extent that this ground of rejection is proper, it could have been applied to claim 16 in the previous Office Action. In the response filed to the previous Office Action, claim 1 was amended to incorporate the limitation of claim 16 that the delivery system administers an amount of the agent effective to reduce platelet numbers to low normal levels in a subject. Claim 1 also was amended for clarity to state the agent is not a myeloproliferative leukemic (MPL) pathway inhibitory agent.

In the final Office action, the examiner indicated that claims 1-15 and 17-52 [*sic*, 1-15, 17-30 and 34-52] were rejected under 35 U.S.C. 112 Second paragraph for two reasons, one reason including the examiner's analysis that "Claim 1 recite [*sic*], in part "low normal levels". Absent a definition in the specification, the artisan would not know what levels are "low normal" as claimed" (see page 2 of the final Office action).

A review of claim 16 which was pending at the time the non-final Office action was mailed and of claim 1, as newly amended, is in order.

Claim 16, at the time of the non-final Office action stated:

> 16. The pharmaceutical composition of claim 5, wherein the delivery system administers an amount of the agent effective to reduce platelet numbers to **low normal levels** in a subject. (emphasis added)

It is noted that claim 16 was dependant upon claim 5 which is currently, and was, at the time the non-final Office action was mailed, dependant upon claim 1.

Claim 1, after applicant's amendments submitted on December 20, 2007 recited:

> 1. A pharmaceutical composition, comprising a platelet reducing agent that reduces platelet number, wherein-
> the composition is formulated in a controlled release delivery system such that the agent is released at a rate and in an amount effective to reduce platelet count in a subject with normal platelet count to at least a **low normal level** without significantly affecting platelet function; and the agent is not a myeloproliferative leukemic (MPL) pathway inhibitory agent. (emphasis added)

MPEP § 706.07(a) recites, in part:

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

It is evident that claim 16, which was considered on its merits by the examiner upon rendering the non-final Office action, specifically stated that the amount of the agent was effective in reducing platelets to 'low normal levels.' Hence, the examiner should have instituted the rejection under 35 U.S.C. 112, second paragraph, in the non-final Office action over claim 16 at that time, but failed to do so. Consequently, applicant was not provided proper fair warning in the non-final Office action that presenting the limitation 'low normal levels' into claim 1 would necessitate such a rejection, nor was applicant provided an appropriate opportunity to rebut or correct the indefiniteness of the phrase 'low normal levels' prior to the mailing of the final Office action.

MPEP § 706.07 commences by stating:

> Before final rejection is in order a clear issue should be developed between the examiner and applicant. *To bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied; and in reply to this action the applicant should amend with a view to avoiding all the grounds of rejection and objection....* Switching from one subject matter to another in the claims presented by applicant in successive amendments, or from one set of references to another by the examiner in rejecting in successive actions claims of substantially the same subject matter, will alike tend to defeat attaining the goal of reaching a clearly defined issue for an early termination, i.e., either an allowance of the application or a final rejection....The applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application. ...
> The examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal (emphasis added).

For the reasons set forth *supra*, it is decided that the rejection of claims 1-15, 17-30 and 34-52 under 35 U.S.C. 112 Second paragraph for the recitation of 'low normal level' was a new rejection presented by the examiner which was not necessitated by applicant's amendments to the claims. Accordingly, the final Office action of February 7, 2008 September 11, 2007 was improper and premature.

DECISION

The petition is **GRANTED.**

This application will be forwarded to the examiner for an action not inconsistent with 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.

Bruce Kisliuk
Director, Technology Center 1600

Seidel, Marianne

From: Hartley, Michael
Sent: Thursday, March 13, 2008 4:48 PM
To: Seidel, Marianne
Subject: RE: new petition 11/127,544 Draft

Looks ok to me

Mike agrees w/ grant.

From: Seidel, Marianne
Sent: Thursday, March 13, 2008 4:08 PM
To: Hartley, Michael
Subject: FW: new petition 11/127,544 Draft

Hi Michael- your thoughts on this decision please. thanks

O I P E IAP86
MAR 0 4 2008
PATENT & TRADEMARK OFFICE

Attorney's Docket No.: 119355-00003 / 5202C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Stephen R. Hanson	Art Unit	: 1615
Serial No.	: 11/127,544	Examiner	: Eric E. Silverman
Filed	: May 11, 2005	Conf. No.	: 6395
Title	: **METHODS AND COMPOSITIONS FOR TREATING PLATELET-RELATED DISORDERS**		

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION PURSUANT TO 37 C.F.R. §1.181 FOR RECONSIDERATION AND REMOVAL OF THE FINALITY OF THE OFFICE ACTION

Dear Sir:

Applicant hereby submits a Petition pursuant to 37 C.F.R. §1.181 for reconsideration and removal of the finality of the Office Action, mailed February 7, 2008, in connection with the above-captioned application. This Petition is filed within two months of the mailing of the final rejection.

Remarks begin on page 2 of this paper.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
"Express Mail" Mailing Label Number: EB 889663138 US
Date of Deposit: March 4, 2008
I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop Petitions, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Carlos Torres

REMARKS

Any fees that may be due in connection with the filing of this paper or with this application may be charged to Deposit Account No. 02-1818. If a Petition for Extension of Time is needed, this paper is to be considered such Petition.

It respectfully is submitted that the Office Action, mailed February 7, 2008, which was made Final, introduces a new ground of rejection of claims 1-15 and 17-52 under 35 U.S.C. §112, second paragraph, that was not necessitated by amendment and that could have been applied in a previous Office Action. Therefore, the Action should not have been made Final.

In the instant Office Action, the Examiner newly has rejected claims 1-15 and 17-52 under 35 U.S.C. §112, second paragraph. The Office Action alleges that the recitation "low normal levels" in claim 1 is not defined in the specification and that the skilled artisan would not know what levels are "low normal" as claimed. The Examiner alleges that the amendment of the claims necessitate the new ground of rejection.

Applicant respectfully submits that, to the extent that this ground of rejection is proper, it could have been applied to claim 16 in the previous Office Action. In the response filed to the previous Office Action, claim 1 was amended to incorporate the limitation of claim 16 that the delivery system administers an amount of the agent effective to reduce platelet numbers to low normal levels in a subject. Claim 1 also was amended for clarity to state the agent is not a myeloproliferative leukemic (MPL) pathway inhibitory agent. In particular, claim 1 was amended as follows to recite:

> ***A pharmaceutical composition, comprising a platelet reducing agent that reduces platelet number, wherein:***
> ***the composition is formulated in a controlled release delivery system such that the agent is released at a rate and in an amount effective to reduce platelet count in a subject with normal platelet count to at least a LOW NORMAL LEVEL without significantly affecting platelet function; and***
> ***the agent is not a myeloproliferative leukemic (MPL) pathway inhibitory agent.***
>
> (emphasis added)

Claim 16 as previously pending recited:

> ***The pharmaceutical composition of claim 5, wherein the delivery system administers an amount of the agent effective to reduce platelet numbers to LOW NORMAL LEVELS in a subject.*** (emphasis added)

Thus, claim 1 as amended recites the limitation of previously pending claim 16 that the delivery system administers an amount of the agent effective to reduce platelet numbers to at least a "low normal level" in a subject.

Claim 16 as previously pending was directed to a delivery system that administers an amount of an agent effective to reduce platelet numbers to "low normal levels" in a subject. Thus, to the extent this rejection is pertinent to pending claim 1, previously pending claim 16 could have been so-rejected in the last Office Action, because it included the recitation "low normal levels." Therefore, the new ground of rejection is not necessitated by the amendment of claim 1.

Failure to withdraw the finality of the Office Action denies the Applicant the right to amend the claims, if needed, and/or provide arguments to overcome this new rejection. Therefore, since the newly recited rejection of claims 1-15 and 17-52 under 35 U.S.C. §112, second paragraph, was not necessitated by amendment and could have been raised in a previous Office Action, the finality of the Office Action is improper.

* * *

In light of the above remarks, removal of the finality of the Office Action is respectfully requested.

Respectfully submitted,

Stephanie Seidman
Reg. No. 33,779

Attorney Docket No. 119355-003 / 5202C
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Stephanie Seidman
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OFFICE OF PETITIONS

WESTERNGECO L.L.C.
10001 RICHMOND AVENUE
HOUSTON TX 77042

In re Application of	:	
Paulsen	:	DECISION
Application No.: 11/127,546	:	
Filing Date: 12 May, 2005	:	
Attorney Docket No. 14.0256-US	:	

This is a decision on the petition, filed on 25 May, 2007, to withdraw the holding of abandonment and considered under 37 C.F.R. §1.181.

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.[1]

NOTE: **Confirming the telephone conversation of 20 September, 2007, with Petitioner's Office:**

Petitioner listed on filing of this application dual mailing addresses as associated with Petitioner/Applicant's Customer Number–the street address above and a post box address to which a copy of this decision is directed–and the addresses have what appear to be wholly inconsistent Zip Codes. This action is incompatible with Office practice (see: 37 C.F.R. §1.76 and MPEP

[1] NOTE: Monitoring of the status of applications on PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected. Status Inquiries filed at three (3) or four (4) month intervals provide a demonstration of diligence and attention in supporting a petition seeking relief under 37 C.F.R. §1.181.

§403). Petitioner must select one address at which to receive correspondence from the Office.

Petitioner is given one (1) month (not less than 30 days) from the mail date of this decision to correct this matter–and this period is not extendable.

For the reasons set forth below the petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the Restriction requirement mailed on 29 November, 2006, with reply due absent an extension of time on or before 29 December, 2006;
- the application went abandoned by operation of law after midnight 29 December, 2006;
- the Office mailed the Notice of Abandonment on 2 May, 2007;
- on 18 May, 2007, Petitioner filed the instant petition, and averred therein, *inter alia*, timely reply in the form of an Election filed electronically filed on 27 December, 2006, and submits copies of date-stamped electronic-filing receipt and of the averred reply in support of the statement.

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

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

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

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[3]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding

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circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;
(2) Returning papers;
(3) Precluding a party from filing a paper, or presenting or contesting an issue;
(4) Imposing a monetary sanction;
(5) Requiring a terminal disclaimer for the period of the delay; or
(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).
[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

[3] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[4]

Delays in responding properly raise the question whether delays are unavoidable.[5] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[6]

And the Petitioner must be diligent in attending to the matter.[7] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[8]))

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[9]

The commentary at MPEP §711.03(c) provides:

* * *

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

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a

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[4] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[5] See: *Changes to Patent Practice and Procedure*; *Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[6] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[7] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[8] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

[9] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

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

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

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

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

Moreover, the regulation places upon Petitioner a diligence requirement to seek relief within two (2) months of the act complained of.

It appears Petitioner has satisfied the showings required herein.

CONCLUSION

The petition as considered under 37 C.F.R. §1.181 is **granted**, and the 2 May, 2007, Notice of Abandonment is **vacated**.

The instant application is released to Technology Center 3600 for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[10]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

cc:
WESTERNGECO L.L.C.
P.O. BOX 2469
HOUSTON, TX 77252-2469

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

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

In re Patent No. 7,503,080	: DECISION ON REQUEST FOR
Issue Date: March 17, 2009	: RECONSIDERATION OF
Application No. 11/127,548	: PATENT TERM ADJUSTMENT
Filed: May 12, 2005	: and
Atty Docket No. 18475-055	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705" filed April 17, 2009. Patentees request that the patent term adjustment indicated in the patent be corrected from four hundred thirty-five (435) days to five hundred fifteen (515) days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).[1]

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 adjusted by five hundred fifteen (515) days and is **GRANTED**.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **five hundred fifteen (515)** days.

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

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

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[1]Reconsidered in light of the Court of Appeals for the Federal Circuit's decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,503,080 B2

DATED : March 17, 2009

INVENTOR(S) : Mark S. Link

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

On the cover page,

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

Delete the phrase "by 435 days" and insert – by 515 days--

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Robert A. Kent
2600 S. 2nd Street
Duncan, Ohio 73536-0440

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FEB 06 2008
OFFICE OF PETITIONS

Applicant: Saini
Appl. No.: 11/127,583
Filing Date: May 12, 2005
Title: "Degradable Surfactants and Method for Use"
Attorney Docket: 2003-Ip-012883U2
Pub. No.: US 2006/0258543-A1
Pub. Date: November 16, 2006

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 3, 2008, 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 wherein "Degradable Surfactants and Method for Use" is misprinted as "Degradable Surfactants and Method for Use Cross-reference to Related Applications" in the title of the invention.

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

The request for corrected publication, received on January 3, 2008, was not timely filed under 37 CFR 1.221(b).

The error on the front page of the publication wherein "Degradable Surfactants and Method for Use" is misprinted as "Degradable Surfactants and Method for Use Cross-Reference to Related Applications" in the title of the invention may be an Office error, but it is a not material Office

[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).

error under 37 CFR 1.221. The change in the title does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On June 10, 2005, a Filing Receipt was mailed by the Office, which improperly listed the title. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a Corrected Filing Receipt.

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

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

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

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

By facsimile: 571-273-8300

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT A. KENT
P.O. BOX 1431
DUNCAN, OK 73536

Mail Date: 04/20/2010

Applicant	: Rajesh K. Saini	: DECISION ON REQUEST FOR
Patent Number	: 7608567	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/127,583	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **779** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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INGRID MCTAGGART
3021 SE 56TH AVENUE
PORTLAND OR 97206

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OCT 01 2008

In re Application of	:	
Zena Marie Anagnostou	:	
Application No. 11/127,596	:	DECISION ON PETITION
Filed: May 10, 2005	:	
Attorney Docket No. ANA600	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 27, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant (37 CFR 1.121) Amendment mailed, October 11, 2006, which set a shortened statutory period for reply of one (1) months or 30 days whichever is longer from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136 (a) were obtained. Accordingly, the application became abandoned on November 12, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment After Non-Final Rejection, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

The Power of Attorney and Correspondence Address Indication Form filed May 27, 2008 has been accepted and made of record.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 3732 for appropriate action by the Examiner in the normal course of business on the reply received.

Brian Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
P.O. BOX 7037
ATLANTA GA 30357-0037

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OFFICE OF PETITIONS

In re Application of	:
Aaron Joseph Green	:
Application No. 11/127,603	: DECISION REFUSING STATUS
Filed: May 12, 2005	: UNDER 37 CFR 1.47(b)
Attorney Docket No. R02910900.1	:

This decision is in response to the petition filed October 27, 2005 (October 24, 2005 certificate of mail date) under 37 CFR 1.47(b), in response to the Notice to File Missing Parts "Notice" mailed June 24, 2005.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application, naming Aaron Joseph Green as the sole inventor, was filed on May 12, 2005 without an executed oath or declaration. Accordingly, on June 24, 2005 , a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring, an executed oath or declaration and a surcharge for its late filing. In response, the present petition was filed with a one month extension of time request.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks items (1) and (2).

In regards to item (1), petitioner has not provided sufficient proof that a copy of the complete application (specification including claims, drawings, if any, and the Declaration) was sent or given to the non-signing inventor.[1]

Petitioners have submitted a copy of a letter sent to the non-signing inventor. The evidence suggests however that the letter only contained the declaration and assignment and not the complete application (specification, including claims, drawings, if any, and the Declaration). The evidence also does not show that the non-signing inventor ever had the benefit of reviewing the application.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers to the non-signing inventors or details given in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Likewise, before a refusal can be alleged, petitioners must demonstrate that the non-signing inventor was sent or given a copy of the application papers. Petitioners must provide proof that the inventor refused to sign the declaration after being sent or given a copy of the application papers. If there is a written refusal, petitioners must provide a copy thereof with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration filed with the petition is blank in that it isn't executed by either the inventor or an assignee. Therefore, a declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee or the oath or declaration must be signed by an officer of the corporation (president, vice president, secretary, or treasurer) on behalf of and as agent for the non-signing inventor(s). The officer must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non-signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.[2]

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[1]MPEP 409.03(d)

[2]MPEP 409.03(b).

Please be advised that effective November 22, 2004, the petition fee was increased to $200.00. Although $130.00 was indicated on the transmittal, petitioner's deposit account has been charged in the amount of $200.00. See the Notice published in the Federal Register on September 21, 2004 and in the Official Gazette of the United States Patent and Trademark Office on October 12, 2004.

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

By mail: Mail Stop 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
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
P.O. BOX 7037
ATLANTA GA 30357-0037

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JAN 23 2006

OFFICE OF PETITIONS

In re Application of	:
Aaron Joseph Green	:
Application No. 11/127,603	: DECISION ACCORDING STATUS
Filed: May 12, 2005	: UNDER 37 CFR 1.47(b)
Attorney Docket No. R02910900.1	:

This decision is in response to the request for reconsideration filed January 9, 2006, under 37 CFR 1.47(b).

The petition is **GRANTED**.

The above-identified application, naming Aaron Joseph Green as the sole inventor, was filed on May 12, 2005 without an executed oath or declaration. Accordingly, on June 24, 2005 , a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring, an executed oath or declaration and a surcharge for its late filing. In response, a petition was filed on October 27, 2005, with a one month extension of time request, and was dismissed in a decision mailed November 9, 2005 because the petitioner had not provided sufficient proof that a copy of the complete application (specification including claims, drawings, if any, and the Declaration) was sent or given to the non-signing inventor,[1] and because an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 had not been presented.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

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[1] MPEP 409.03(d)

In response to the decision dismissing the petition filed October 27, 2005, a statement by the attorney of record indicates that a copy of the complete application was sent to the sole inventor on May 10, 2005 via email, and the oath or declaration executed by the Senior Vice President, General Counsel and Secretary, Stephen A. Hellrung, for the assignee and on behalf of the non-signing inventor Aaron Joseph Green was presented.

All requirements under 37 CFR 1.47(b) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center 3727 for examination in due course.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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STREETS & STEELE
13831 NORTHWEST FREEWAY
SUITE 355
HOUSTON TX 77040

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OFFICE OF PETITIONS

In re Application of	:	
Moriarty	:	
Application No. 11/127,606	:	DECISION
Filed:12 May, 2005	:	
Attorney Docket 92.1060 (SCHL-0037)	:	

This is a decision on the petition filed on 18 October, 2007, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

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

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

As to the Allegations
of Unintentional Delay

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

It appears that Petitioner has satisfied the requirements of the regulation, as set forth below:

BACKGROUND

The record reflects that:

Petitioner failed to reply timely and properly to a non-final Office action mailed on 30 March, 2007, with reply due absent extension of time on or before 30 June, 2007.

The application went abandoned by operation of law after midnight 30 June, 2007.

The Office mailed the Notice of Abandonment on 15 October, 2007

On 18 October, 2007, Petitioner filed the instant petition (with fee) alleging unintentional delay under 37 C.F.R. §1.137(b), included therewith, *inter alia*, a reply in the form of an amendment, \and made the statement of unintentional delay.

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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

STATUTES, REGULATIONS

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

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[2],[3]

---

[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). See specifically, the regulations at 37 C.F.R. §10.18.

[2] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[3] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure

CONCLUSION

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

The instant application is released to Technology Center/AU 3672 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Technology Center/AU in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center/AU OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

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

§1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/127,668	05/12/2005	2681	1000	8E07.1-210	6	20	3

CONFIRMATION NO. 6963

CORRECTED FILING RECEIPT

OC000000016701250

MEHRMAN LAW OFFICE, P.C.
One Premier Plaza
Suite 795
5605 Glenridge Drive
Atlanta, GA 30342

Date Mailed: 08/04/2005

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)

James William Maxwell, Atlanta, GA;

Power of Attorney:

Michael Mehrman--40086

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/660,928 03/11/2005

Foreign Applications

If Required, Foreign Filing License Granted: 06/23/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/127,668

Projected Publication Date: 09/14/2006

Non-Publication Request: No

Early Publication Request: No

Title

Mounting pedestal for a cellular signal enhancer

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

GRANTED

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations

especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Mail Date: 05/06/2010

Applicant	: Peter Bryan Malcolm	: DECISION ON REQUEST FOR
Patent Number	: 7669227	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/127,675	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1146** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SHELDON & MAK, INC
225 SOUTH LAKE AVENUE
9TH FLOOR
PASADENA, CA 91101

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OFFICE OF PETITIONS

In re Application of	:	
John Robert Schrieffer	:	
Application No. 11/127,682	:	DECISION ON PETITION
Filed: May 11, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 15575-1	:	37 CFR 1.102(c)
	:	

This is a decision on the petition under 37 CFR 1.102(c), filed March 31, 2006, to make the above-identified application special base on superconductivity technologies as set forth in M.P.E.P. § 708.02, Section IX.

The petition is **APPROVED**.

A grantable petition to make an application special under 37 CFR 1.102(c) and MPEP § 708.02, Section IX: Special Status for Patent Applications Relating to Superconductivity, must be accompanied by a statement that the invention involves superconductive materials. Examples of such inventions would include those directed to superconductive materials themselves as well as to their manufacture and application. No fee is required.

The instant petition includes a statement "it is for an invention relating to superconductive materials, their manufacture and application." Accordingly, the above-identified application has been accorded "special" status.

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

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

This application is being referred to Technology Center AU 1751 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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In re Application of

DASSLER, Alfred et al.
Application No. 11/127,689
Filed: May 11, 2005
Attorney Docket No. **668-P0001**

DECISION ON PETITION TO WITHDRAW FROM RECORD

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

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, (patent attorney and co-inventor left our firm and instructed us that this matter), 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 Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **SCOTT D. SMILEY**
5722 S. FLAMIGO RD., #232
FT. LAUDERDALE, FLORIDA 33330

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OFFICE OF PETITIONS

In re Application of

DASSLER, Alfred et al.
Application No. 11/127,689
Filed: May 11, 2005
Attorney Docket No. **668-P0001**

DECISION ON PETITION TO WITHDRAW FROM RECORD

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

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, (patent attorney and co-inventor left our firm and instructed us that this matter), 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 Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **SCOTT D. SMILEY**
5722 S. FLAMIGO RD., #232
FT. LAUDERDALE, FLORIDA 33330

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In re Application of	:	
DASSLER, Alfred et al.	:	
Application No. 11/127,689	:	DECISION ON PETITION
Filed: May 11, 2005	:	TO WITHDRAW
Attorney Docket No. **668-P0001**	:	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 21, 2008.

The request is **NOT APPROVED**.

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

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

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: **SCOTT D. SMILEY**
5722 S. FLAMINGO RD, #232
FT. LAUDERDALE, FLORIDA 33330

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In re Application of	:	
Dassler et al.	:	
Application No.: 11/127689	:	DECISION ON
Filing or 371(c) Date: 05/11/2005	:	PETITION
Attorney Docket Number:	:	
668-P0001	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action Under 37 C.F.R. § 1.181," filed October 9, 2008.

This Petition is hereby dismissed.

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

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed January 11, 2008. The Office action set a three (3) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on April 12, 2008. A Notice of Abandonment was mailed October 2, 2008.

The present petition

Applicant files the present petition and states that the application became abandoned due to technical failure during electronic communication with this Office. Applicant avers that a reply to the Office action was properly and timely submitted, but not received by this Office. In support of this assertion, Applicant files a Declaration of Scott Smiley in Support of Petition. A review of the Declaration reveals that, while parts of the Declaration are unreadable, the gist of the Declaration appears to be, in relevant part, that an amendment in response to the Office action was drafted and transmitted to this Office, and Applicant received an indicator that the transmission was successful.

Applicant also files a copy of the response. A review of the response reveals that it contains a Certificate of Mailing under 37 CFR 1.8, certifying that the correspondence was electronically transmited to this Office on April 11, 2008.

Office records do not indicate that the reply was received in this Office on or about April 11, 2008.

Applicable Law, Rules and MPEP

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

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

37 CFR 1.8(b)

Analysis and conclusion

Significant parts of the Declaration of Scott Smiley are illegible, and in particular paragraphs 1, 2 or 3, 5, 6, 9, and 10. As such, the Declaration fails to satisfy 37 CFR 1.8(b)(3). Applicant has also not provided a copy of the sending unit's transmission report, which would confirm the transmission.

The petition is dismissed without prejudice. Applicant should file a request for reconsideration of petition and include the necessary statement in compliance with 37 CFR 1.8(b)(3), and a copy of the sending unit's transmission report.

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

By mail: Director for Patents

PO Box 1450
Alexandria, VA 22313-1450

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

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

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

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

CC: MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD
#232
FORT LAUDERDALE, FL 33026

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090317

DATE : March 17, 2009

TO SPE OF : ART UNIT 2825

SUBJECT : Request for Certificate of Correction on Patent No.: 7496883

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:

/Jack Chiang/
Supervisory Patent Examiner, Art Unit 2825

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OFFICE OF PETITIONS

In re Application of :
Heren, et al. : LETTER REGARDING PTA
Application No. 11/127,695 :
Filed: May 12, 2005 :
Atty. Dkt. No12697-507 :

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT," filed December 20, 2007. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment October 3, 2007 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 120 days. Applicants advise the adjustment of 120 days may extend the term of the patent by too many days.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 98 days.

As indicated in the Determination of Patent Term Adjustment mailed October 3, 2007, an overall adjustment of 141 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1). The adjustment was properly reduced 21 days in accordance with 37 CFR 1.704(c)(7) in connection with the amendment filed May 17, 2007.

However, the Office neglected to assess a reduction in connection with the response to the Notice File Missing Parts of Nonprovisional Application (Notice) filed October 5, 2005. The Notice was mailed June 13, 2005. In accordance with 37 CFR 1.704(b), the reduction commenced September 14, 2005, the day after the date that is three months after the date that the Notice was mailed, and ended October 5, 2005, the date the response to the Notice was filed.

Accordingly, at the time of allowance, the application is entitled to an adjustment 98 days (adjustment for Office delays totalling 141 days less reductions for applicants delays totalling 43 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Patent Publication for issuance of the patent.

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

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

Enclosure: Copy of Adjustment PAIR Calculation

Day : Wednesday

PALM INTRANET

Date: 6/11/2008
Time: 10:03:54

PTA Calculations for Application: 11/127695			
Application Filing Date:	05/12/2005	PTO Delay (PTO):	141
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	21
Post-Issue Petitions:	0	Total PTA (days):	98
PTO Delay Adjustment:	-22		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
60	06/11/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		22	
53	10/03/2007	MAIL NOTICE OF ALLOWANCE			
52	10/01/2007	ISSUE REVISION COMPLETED			
51	09/28/2007	DOCUMENT VERIFICATION			
50	09/28/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
49	09/28/2007	NOTICE OF ALLOWABILITY			
48	09/24/2007	DATE FORWARDED TO EXAMINER			
47	09/21/2007	AMENDMENT AFTER FINAL REJECTION			
46	07/25/2007	MAIL FINAL REJECTION (PTOL - 326)			
45	07/23/2007	FINAL REJECTION			
44	05/21/2007	DATE FORWARDED TO EXAMINER			
43	05/17/2007	RESPONSE AFTER NON-FINAL ACTION		21	40
42	05/10/2007	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
41	05/10/2007	DATE FORWARDED TO EXAMINER			
40.1	04/26/2007	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
40	04/26/2007	RESPONSE AFTER NON-FINAL ACTION			
39	01/29/2007	MAIL NON-FINAL REJECTION			
38	01/22/2007	NON-FINAL REJECTION			
37	01/05/2007	DATE FORWARDED TO EXAMINER			
36	12/18/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
35	11/30/2006	MAIL RESTRICTION REQUIREMENT	141		-1
34	11/27/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
33	05/12/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			

32	10/05/2006	CASE DOCKETED TO EXAMINER IN GAU			
31	01/11/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
30	01/11/2006	CASE DOCKETED TO EXAMINER IN GAU			
29	05/12/2005	REFERENCE CAPTURE ON IDS			
28.7	05/12/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	05/12/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
27	10/18/2005	TRANSFER INQUIRY TO GAU			
26	10/14/2005	APPLICATION RETURN FROM OIPE			
25	10/14/2005	APPLICATION IS NOW COMPLETE			
24	10/14/2005	APPLICATION RETURN TO OIPE			
23	10/14/2005	APPLICATION RETURN FROM OIPE			
22	10/14/2005	APPLICATION IS NOW COMPLETE			
21	10/14/2005	APPLICATION RETURN TO OIPE			
20	10/14/2005	APPLICATION RETURN FROM OIPE			
19	10/14/2005	APPLICATION IS NOW COMPLETE			
18	10/14/2005	APPLICATION RETURN TO OIPE			
17	10/14/2005	APPLICATION RETURN FROM OIPE			
16	10/14/2005	APPLICATION IS NOW COMPLETE			
15	05/12/2005	DRAWING PRELIMINARY AMENDMENT			
13	10/14/2005	APPLICATION RETURN TO OIPE			
12	10/14/2005	APPLICATION RETURN FROM OIPE			
11	10/14/2005	APPLICATION IS NOW COMPLETE			
9	10/14/2005	APPLICATION RETURN TO OIPE			
8	10/14/2005	APPLICATION DISPATCHED FROM OIPE			
7	10/14/2005	APPLICATION IS NOW COMPLETE			
6	10/05/2005	ADDITIONAL APPLICATION FILING FEES			
5	10/05/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
3	06/06/2005	CLEARED BY OIPE CSR			
2	06/01/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	05/12/2005	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

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SEP 14 2005

OFFICE OF PETITIONS

In re Application of	:	
Obrador et al.	:	
Application No. 11/127,698	:	DECISION GRANTING PETITION
Filed: May 11, 2005	:	
Attorney Docket No. 200403526-1	:	

This is a decision on the petition filed July 21, 2005, requesting that the above-identified application be accorded a filing date of May 11, 2005, with page 8 of the specification as part of its original disclosure.

On May 11, 2005, applicants filed the above-identified application. On June 8, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts in Nonprovisional Application, stating that the application had been accorded a filing date of May 11, 2005, and advising applicants that page 8 of the specification appeared to have been omitted. Additionally, the Notice required applicants to submit an executed oath or declaration and a surcharge for its late filing.

On July 21, 2005, applicants submitted the present petition, a copy of page 8 of the specification, an executed declaration, a $130.00 surcharge, and a copy of applicants' return, date-stamped postcard receipt. The postcard receipt acknowledged receipt of 10 pages of specification, 5 pages of claims, and 1 page of abstract in the United States Patent and Trademark Office (USPTO) on May 11, 2005.

Upon review of the record, page 8 of the specification, deposited on May 11, 2005, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on May 11, 2005, included pages 8, which was subsequently misplaced in the USPTO. Therefore, the application, including page

8 of the specification, was complete on filing and will be granted a filing date of May 11, 2005.

Accordingly, the petition is granted.

The requirement for page 8 of the specification set forth in the Notice to File Missing Parts was sent in error and is hereby withdrawn. Accordingly, no petition fee is necessary.

The Office of Initial Patent Examination is instructed **to accord the application a filing date of May 11, 2005**, using the application papers submitted on that date, and page 8 of the specification submitted with the petition on July 21, 2005.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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SEP 17 2008

TECHNOLOGY CENTER 2100

SHIMOKAJI & ASSOCIATES, P.C.
8911 Research Drive
Irvine, CA 92618

In re Application of: Takafumi Kinoshita
Application No. 11/127,703
Filed: May 12, 2005
For: INFORMATION PROCESSING APPARATUS, INFORMATION SYSTEM, PROXY PROCESSING METHOD AND PROGRAM AND RECORDING MEDIUM THEREFOR

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 16, 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 Patent Office (hereinafter, 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 petition met all the criteria set above.

The request and petition are **GRANTED**

Telephone inquiries concerning this decision should be directed to Albert DeCady, Supervisory Patent Examiner, at 571-272-3819

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Albert DeCady
Supervisory Patent Examiner A. U. 2121

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/127,703	05/12/2005	Takafumi Kinoshita	JP920040048US1	7050

49389 7590 09/18/2008
PASTEL LAW FIRM
8 PERRY LANE
ITHACA, NY 14850

EXAMINER
REZA, MOHAMMAD W

ART UNIT	PAPER NUMBER
2136	

MAIL DATE	DELIVERY MODE
09/18/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARRELL HANEY
1301 WEST 96TH STREET
CHICAGO IL 60643

COPY MAILED

JUN 29 2006

OFFICE OF PETITIONS

In re Application of	:	
Haney, Marrell	:	
Application No. 11/127,708	:	ON PETITION
Filed: My 12, 2005	:	
Title: CAT MOBILE, A BATTERY POWERED PLAYGROUND CAR	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 10, 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, Marrell Haney. 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 3711 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON, MA 02108

Mail Date: 04/21/2010

Applicant	: Yun-Seok Kim	: DECISION ON REQUEST FOR
Patent Number	: 7651729	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/127,748	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1263** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Docket Clerk/HTCL
P.O. Drawer 800889
Dallas, TX 75380

Mail Date: 04/27/2010

Applicant	: Fei Tang	: DECISION ON REQUEST FOR
Patent Number	: 7616739	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/127,759	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1213** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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TIAJOLOFF & KELLY
405 LEXINGTON AVENUE, 37TH FLOOR
NEW YORK, NY 10174

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of :
James A. TURNER :
Application No. 11/127,787 :
Filed: May 11, 2005 :
Attorney Docket No. **57547-0454** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue/publication fees on or before June 23, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed March 23, 2009. Accordingly, the date of abandonment of this application is June 24, 2009.

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 petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and publication fee of $300, (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

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

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

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

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OFFICE OF PETITIONS

Applicant: Krieg et al.
Appl. No.: 11/127,797
Filing Date: May 11, 2005
Title: IMMUNOMODULATORY OLIGONUCLEOTIDES
Attorney Docket No.: C1039.70083US13
Pub. No.: US 2005/0248477 A1
Pub. Date: November 3, 2005, 2006

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on December 8, 2005, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DIW Jun-07

JEFFREY M. GREENMAN
BAYER PHARMACEUTICALS CORPORATION
400 MORGAN LANE
WEST HAVEN CT 06516

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JUN 05 2007

OFFICE OF PETITIONS

In re Patent No. 7,115,744	:	
Issued: 3 October, 2006	:	
Application No. 11/127,811	:	LETTER
Filed: 11 May, 2005	:	
For: METHOD FOR PRODUCING 8-	:	
METHOXY-QUINOLINE CARBOXYLIC	:	
ACIDS	:	

This is a decision on the paper styled as a petition for duplicate letters patent filed on 27 March, 2007.

The petition is **dismissed** for the reason stated below.

The petition is not properly signed. 37 CFR 1.4 requires that all papers filed in the USPTO must be signed by either a registered patent attorney or the inventor(s). The person who signed the petition does not appear to be an authorized party as required by 37 CFR 1.4.

Since it is U.S. Patent and Trademark Office practice to assure mailing of all papers on the date indicated, there is a strong presumption that papers duly addressed and indicated as mailed, such as the Letters Patent in this application, are timely delivered to the addressee. To overcome this presumption, a verified statement with supporting evidence, such as any records which would disclose the receipt of other correspondence mailed from the U.S. Patent and Trademark Office on or about 3 October, 2006, but fail to disclose receipt of the Letters Patent mailed on that date, should be promptly submitted. Further, copies of records on which receipt of the Letters Patent would have been entered had it been received are required.

However, if the loss of the Letters Patent was not the fault of the U.S. Patent and Trademark Office or if petitioner simply

wishes to avoid overcoming the above-noted presumption, a petition may be filed under 37 CFR 1.182 accompanied by a petition fee of $400.00 requesting a duplicate Letters Patent. Upon receipt of the petition and petition fee, the request for a duplicate Letters Patent will be granted.

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

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

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

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

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

D Wood

Douglas I. Wood
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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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

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JUN 1 8 2008

In re Application of	:	
CORBITT, Dwayne R. et al.	:	
Application No. 11/127,812	:	DECISION ON PETITION
Filed: May 11, 2005	:	TO WITHDRAW
Attorney Docket No. **5126-0102PUS1**	:	FROM RECORD
	:	

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 07, 2008.

The request is **NOT APPROVED.**

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, (we are unable to continue representing the applicant), 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 Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DWAYNE R. CORBITT**
6 COLT LANE
BELL CANYON, CA 91307

cc: **MR. RIO SMITH, TWIST'N MIX DRINK, INC.**
c/o HEADSTART ENTERTAINMENT
6725 SUNSET BLVD., SUITE 470
HOLLYWOOD, CA 90028

UNITED STATES PATENT AND TRADEMARK OFFICE

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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

CORBITT, Dwayne R. et al.
Application No. 11/127,812
Filed: May 11, 2005
Attorney Docket No. **5126-0102PUS1**

DECISION ON PETITION
TO WITHDRAW
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 August 26, 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 James M. Slattery on behalf of all attorneys of record who are associated with customer No. 02292. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed April 28, 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: **DWAYNE R. CORBITT**
6 COLT LANE
BELL CANYON, CA 91307

cc: **MR. RIO SMITH**
TWIST'N MIX DRINK, INC.
c/o HEADSTART ENTERTAINMENT
6725 SUNSET BLVD., SUITE 470
HOLLYWOOD, CA 90028

UNITED STATES PATENT AND TRADEMARK OFFICE

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EXXONMOBILE RESEARCH AND ENGINEERING COMPANY
PO BOX 900
1545 ROUTE 22 EAST
ANNANDALE NJ 08801-0900

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OFFICE OF PETITIONS

In re Application of	:	
Varadaraj, et al.	:	
Application No. 11/127,825	:	ON PETITION
Filed: May 12, 2005	:	
Attorney Docket No. GJH-0537	:	

This is a decision on the renewed petition to revive under 37 CFR 1.137(a), filed March 31, 2006.

The renewed petition under 37 CFR 1.137(a) is **GRANTED.**

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed June 16, 2005. This Notice set an extendable period for reply of two (2) months to submit an executed oath or declaration, together with the surcharge for its late filing. No reply having been received, the application became abandoned on August 17, 2005. A Notice of Abandonment was mailed on March 15, 2006.

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(d). Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent

person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

Moreover, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."[2]

Petitioner has supplied a copy of a Auto-Reply Facsimile Transmission, showing that a reply was timely filed on August 8, 2005.

In view of the above, it is concluded that petitioner has met his burden of establishing that the delay was unavoidable.

Receipt of the executed declaration and the surcharge for its late filing is acknowledged.

The application is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

FREUDENBERG-NOK GENERAL PARTNERSHIP
LEGAL DEPARTMENT
47690 EAST ANCHOR COURT
PLYMOUTH, MI 48170-2455

In re Application of
Eric Herrera, et. al.
Application No. 11/127,836
Filed: May 12, 2005
Attorney Docket No. 05-0018 (8470-000123)

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 13, 2009, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on February 6, 2009. A Notice of Abandonment was mailed on September 16, 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 supplemental appeal brief; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

It is noted that the address given in the present petition differs from the correspondence address of record. If appropriate, a change of correspondence address should be filed. A courtesy copy of this decision is being mailed to petitioner. Thereafter, all future correspondence will be mailed to the address of record until otherwise instructed.

This application file is being referred to Technology Center Art Unit 3637 for review of the supplemental appeal brief filed with the present petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Ryan W. Massey
Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJR.: 02-06

Paper No: __

WOMBLE CARLYLE
SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA GA 30357-0037

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FEB 10 2006
OFFICE OF PETITIONS

In re Application of
Green :
Application No. 11/127,838 : ON PETITION
Filed:12 May, 2005 :
Attorney Docket No. R029 10910.1 :

This is a decision on the papers submitted and considered as a petition filed on 27 October, 2005, and resubmitted on 12 January, 2006, under 37 C.F.R. §1.47.

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

NOTES:

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

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

BACKGROUND

The record indicates:

- the instant application was filed on 12 May, 2005, without, *inter alia*, a fully executed oath/declaration;

- on 24 June, 2005, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months (as well as the basic filing fee and replacement drawings);

- on 27 October, 2005, Petitioner James A. Witherspoon (Reg. No. 36,723) filed, *inter alia*, the instant petition, along with a discussion of the history of the application, an averment that the entire application was sent to sole but non-signing inventor Aaron Joseph Green (Mr. Green), however, a copy of the transmittal letters of August 24 (to an old address) and September 27, 2005, evidence that only the oath/declaration and an assignment were transmitted to Mr. Green; further, the oath/declaration is unsigned, and there does not appear to be an indication of how Petitioner ascertained and/or came to reasonably believe that the Deer Run, Oregon, Ohio, address is a current/valid address for Mr. Green–thus Petitioner fails to evidence satisfying the requirements of 37 C.F.R. §1.47.

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

> **§ 1.47 Filing when an inventor refuses to sign or cannot be reached.**
> (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.
> * * *

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

> **§1.63 Oath or declaration.**
>
> (b) In addition to meeting the requirements of paragraph (a)of this section, the oath or declaration must also:

> (1)Identify the application to which it is directed;
>
> (2) State that the person making the oath or declaration has reviewed and understands the contents of the application, Including the claims, as amended by any amendment specifically referred to in the oath or declaration; and
>
> (3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in §1.56.

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

> **409.03(b) No Inventor Available**
>
> Filing under 37 C.F.R. 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application. These provisions allow a "person" with a demonstrated proprietary interest to make application "on behalf of and as agent for" an inventor who "can-not be found or reached after diligent effort" or who refuses to sign the application oath or declaration. The word "person" has been construed by the U.S. Patent and Trademark Office to include juristic entities, such as a corporation. Where 37 C.F.R. 1.47(a) is available, application cannot be made under 37 C.F.R. 1.47(b).
>
> In addition to other requirements of law (35 U.S.C. 111(a) and 115), an application deposited pursuant to 37 C.F.R. 1.47(b) must meet the following requirements:
>
> (A) The 37 C.F.R. 1.47(b) applicant must make the oath required by 37 C.F.R. 1.63 and 1.64 or 1.175. Where a corporation is the 37 C.F.R. 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not

authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 C.F.R. 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 C.F.R. 1.47(b).

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

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

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

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

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

Thus, a registered practitioner signing on behalf of the assignee, must state affirmatively that the practitioner is authorized to so sign. (MPEP §409.03(b)).

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

The commentary at MPEP §409.03(d) provides:

409.03(d) Proof of Unavailability or Refusal

INVENTOR CANNOT BE REACHED

Where inability to find or reach a nonsigning inventor "after diligent effort" is the

reason for filing under 37 C.F.R. §1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 C.F.R. §1.47.

Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 C.F.R. §1.47. 37 C.F.R. §1.43 may be available under these circumstances. See MPEP §409.02. Such a petition under 37 C.F.R. §1.47 will be dismissed as inappropriate.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

REFUSAL TO JOIN

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 C.F.R. §1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP §106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 C.F.R. §1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 C.F.R. §1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Thus, not only must a copy of the entire application must be sent to the last known address of the non-signing inventor (or the estate representative) with a request that he/she sign the declaration for the patent application–and evidence of that transmittal submitted–but also a reasonable effort must be made to ascertain a current or last known address, and the petition (with fee) must state over the signature and registration number of the Petitioner the last known address and, if appropriate, evidence of the due diligence effort ascertaining same.

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

(The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.[1])

---

[1] See: MPEP 409.03(b).

CONCLUSION

Included among the apparent deficiencies herein are the following:

- given that there are no signing inventors, there is a failure to have an authorized person sign the oath/declaration and evidence of the authority of that person to sign (MPEP §409.03(b));
- the failure to evidence (with documents) due diligence in attempting to ascertain a current/valid/last known address for the non-signing inventors;
- the failure to evidence having sent the entire application (description, claims, abstract and drawings) to all alleged non-signing inventor.

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

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

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

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

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

---

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJR.: 05-06

Paper No: __

WOMBLE CARLYLE
SANDRIDGE & RICE, PLLC
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ATLANTA GA 30357-0037

COPY MAILED
JUN 0 5 2006
OFFICE OF PETITIONS

In re Application of
Green :
Application No. 11/127,838 : ON PETITION
Filed:12 May, 2005 :
Attorney Docket No. R029 10910.1 :

This is a decision on the papers submitted and considered as a petition filed on 17 April, 2006, and resubmitted on 12 January, 2006, under 37 C.F.R. §1.47.

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

NOTES:

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

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

BACKGROUND

The record indicates:

- the instant application was filed on 12 May, 2005, without, *inter alia*, a fully executed oath/declaration;

- on 24 June, 2005, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months (as well as the basic filing fee and replacement drawings);

- on 27 October, 2005, Petitioner James A. Witherspoon (Reg. No. 36,723) filed, *inter alia*, the original petition, along with a discussion of the history of the application, an averment that the entire application was sent to sole but non-signing inventor Aaron Joseph Green (Mr. Green), however, a copy of the transmittal letters of August 24 (to an old address) and September 27, 2005, evidence that only the oath/declaration and an assignment were transmitted to Mr. Green; further, the oath/declaration ws unsigned, and there does not appear to be an indication of how Petitioner ascertained and/or came to reasonably believe that the Deer Run, Oregon, Ohio, address is a current/valid address for Mr. Green–thus Petitioner fails to evidence satisfying the requirements of 37 C.F.R. §1.47, and so the petition was dismissed on 10 February,2006;

- the instant submission alleges that it cures all of the defects discussed at that time–many of which also were set forth in detail in the "BACKROUND" of that decision and were not repeated in the CONCLUSION, which noted that "[i]ncluded among the apparent deficiencies" were those there itemized and which section appears to be the only part of the decision Petitioner has addressed–thus, the failure to make a reasonable and diligent inquiry as to a current address and not one that is seven or more months old at the time the petition is submitted and the failure to make a showing to satisfy the statutory as well as regulatory requirement that the entire application (description, claims abstract and drawings) was sent to that diligently researched and reasonably believed to be current/last known address of the non-signing inventor.

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

> **§ 1.47 Filing when an inventor refuses to sign or cannot be reached.**
> (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including

> proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.
>
> * * *

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

> **§1.63 Oath or declaration.**
>
> (b) In addition to meeting the requirements of paragraph (a)of this section, the oath or declaration must also:
>
> > (1)Identify the application to which it is directed;
> >
> > (2) State that the person making the oath or declaration has reviewed and understands the contents of the application, Including the claims, as amended by any amendment specifically referred to in the oath or declaration; and
> >
> > (3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in §1.56.

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

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

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

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

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

(D) The last known address of the inventor must be stated. See MPEP §409.03(e).

(E) The 37 C.F.R. 1.47(b) applicant must make out a *prima facie* case (1) that the invention has been assigned to him or her or (2) that the inventor has agreed in writing to assign the invention to him or her or (3) otherwise demonstrate a proprietary interest in the subject matter of the application. See MPEP §409.03(f).

(F) The 37 C.F.R. 1.47(b) applicant must prove that the filing of the application is necessary (1) to pre-serve the rights of the parties or (2) to prevent irreparable damage. See MPEP §409.03(g).

Thus, a registered practitioner signing on behalf of the assignee, must state affirmatively that the practitioner is authorized to so sign. (MPEP §409.03(b)).

When one alleges a refusal of the inventor to sign the application papers, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who, *inter alia*, presented the inventor with the application papers and/or to whom the refusal was made.

The commentary at MPEP §409.03(d) provides:

> **409.03(d) Proof of Unavailability or Refusal**
>
> INVENTOR CANNOT BE REACHED
>
> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 C.F.R. §1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 C.F.R. §1.47.
>
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 C.F.R. §1.47. 37 C.F.R. §1.43 may be available under these circumstances. See MPEP §409.02. Such a petition under 37 C.F.R. §1.47 will be dismissed as inappropriate.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> REFUSAL TO JOIN
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by

> counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 C.F.R. §1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP §106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 C.F.R. §1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 C.F.R. §1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Thus, not only <u>must a copy of the entire application must be sent to the last known address of the non-signing inventor</u> (or the estate representative) with a request that he/she sign the declaration for the patent application–<u>and evidence of that transmittal submitted</u>–but also a reasonable effort must be made to ascertain a current or last known address, and the petition (with fee) must state

over the signature and registration number of the Petitioner the last known address and, if appropriate, evidence of the due diligence effort ascertaining same.

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

(The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.[1])

CONCLUSION

Petitioner is directed to the BACKGROUND section of the instant decision (as well as that of 10 February, 2006) to review the deficiencies still extent in this matter.

Accordingly, the instant petition hereby is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:[2]

By mail: Commissioner for Patents[3]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

By hand: Mail Stop: Petition
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

---

[1] See: MPEP 409.03(b).

[2] On July 15, 2005, the Central Facsimile (FAX) Number will change from (703) 872-9306 to (571) 273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and (571) 273-8300 will be the only facsimile number recognized for centralized delivery. (For further information. see: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf .)

[3] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JJGJR.: 02-07

Paper No: __

WOMBLE CARLYLE
SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA GA 30357-0037

COPY MAILED

MAR 0 1 2007

OFFICE OF PETITIONS

In re Application of
Green :
Application No. 11/127,838 : ON PETITION
Filed:12 May, 2005 :
Attorney Docket No. R029 10910.1 :

This is a decision on the papers submitted and considered as a petition filed on 7 August, 2006, and resubmitted on 12 January, 2006, under 37 C.F.R. §1.47.

The Office regrets the delay in addressing this matter, however, the petition was provided to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R. §1.47 is **GRANTED**.

BACKGROUND

The record indicates:

- the instant application was filed on 12 May, 2005, without, *inter alia*, a fully executed oath/declaration;

- on 24 June, 2005, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months (as well as the basic

filing fee and replacement drawings);

- on 27 October, 2005, Petitioner James A. Witherspoon (Reg. No. 36,723) filed, *inter alia*, the original petition, along with a discussion of the history of the application, an averment of irreparable harm and the oath/declaration signed by the assigned's authorized delegate, that the entire application was sent to sole but non-signing inventor Aaron Joseph Green (Mr. Green), however, a copy of the transmittal letters of August 24 (to an old address) and September 27, 2005, evidence that only the oath/declaration and an assignment were transmitted to Mr. Green; further, the oath/declaration ws unsigned, and there does not appear to be an indication of how Petitioner ascertained and/or came to reasonably believe that the Deer Run, Oregon, Ohio, address is a current/valid address for Mr. Green–thus Petitioner fails to evidence satisfying the requirements of 37 C.F.R. §1.47, and so the petition was dismissed on 10 February,2006;

- the second submission alleged that it cured all of the defects discussed at that time–many of which also were set forth in detail in the "BACKROUND" of that decision and were not repeated in the CONCLUSION, which noted that "[i]ncluded among the apparent deficiencies" were those there itemized and which section appeared to be the only part of the decision Petitioner has addressed–thus, the failure to make a reasonable and diligent inquiry as to a current address and not one that is seven or more months old at the time the petition is submitted and the failure to make a showing to satisfy the statutory as well as regulatory requirement that the entire application (description, claims abstract and drawings) was sent to that diligently researched and reasonably believed to be current/last known address of the non-signing inventor–and thus the petition was dismissed on 5 June, 2006;

- the instant petition, filed on 7 August, 2006, seeks to cure these deficiencies.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(b).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(b)**.

As provided under 37 C.F.R. §1.47(b), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is being released to OIPE for processing as necessary to reflect the instant decision before being released for examination in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571)

272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JJGJR.: 02-07

Paper No: __

AARON JOSEPH GREEN
306 DUBUQUE STREET 3
MANCHESTER, NEW HAMPSHIRE 03102

COPY MAILED

MAR 0 1 2007

OFFICE OF PETITIONS

In re Application of
Green :
Application No. 11/127,838 : COMMUNICATION
Filed:12 May, 2005 :
Attorney Docket No. R029 10910.1 :

Dear Aaron Joseph Green:

You are named as 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,[1] ¶b, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as inventor.

---

[1] The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

© The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

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 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
WOMBLE CARLYLE
SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA GA 30357-0037

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[2] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

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DLA PIPER RUDNICK GRAY CARY US, LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO CA 94303-2248

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SEP 1 9 2005
OFFICE OF PETITIONS

In re Application of	:	ON PETITION
Kopelman, Roni Aron	:	
Application No. 11/127,849	:	
Filed: May 12, 2005	:	
Attorney Docket No. 356651-991101	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(i), filed May 12, 2005, to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section V: Environmental Quality.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(i), MPEP § 708.02, Section V: Environmental Quality must be accompanied by statements by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the inventions contribute to the restoration or maintenance of one of the basic life-sustaining natural elements, i.e., air, water, and soil. No fee is required.

The instant petition includes a statement from a registered attorney from the law firm of record. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Paralegal Liana Chase at 571-272-3206.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1724 for expedited prosecution.

David Bucci
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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MILLENNIUM PHARMACEUTICALS, INC.
40 Landsdowne Street
CAMBRIDGE, MA 02139

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DEC 2 4 2009

OFFICE OF PETITIONS

In re Patent of Claiborne et al. :
Patent No. 7,572,784 :
Issue Date: August 11, 2009 :
Application No. 11/127,855 :
Filing Date: May 12, 2005 :
Attorney Docket No. MPI04-043P2RNM :

DECISION ON REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

This is in response to the "Application for Patent Term Adjustment Including Request for Reconsideration Under 37 CFR §1.705(d)" filed September 21, 2009. Patentees request the determination of patent term adjustment indicated on the patent be corrected from five hundred four (504) days to nine hundred sixty (960) days.

The request for reconsideration of the patent term adjustment indicated on the patent is **dismissed**.

The application matured into United States Patent No. 7,572,784 with a patent term adjustment of 504 days on August 11, 2009. This request for reconsideration was timely filed within two months of the issue date of the patent.

Patentees assert the correct patent term adjustment is 960 days. Specifically, patentees assert the patent term adjustment in the Notice in the Allowance should have been increased 456 days for Office delay under 37 C.F.R. §1.702(b) ("B delay").

The first issue to be addressed is patentee's assertion the correct number of days of B delay is 456 days. The application was filed May 12, 2005, and issued as a patent three years and 456 days later on August 11, 2009. However, the period of B delay is not 456 days.

37 C.F.R. § 1.703(b) states, with emphasis added,

> The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, *but not including* the sum of the following periods: ...
>
> (4) 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.

A notice of appeal was filed on February 17, 2009, and the Notice of Allowance was mailed on February 27, 2009. Therefore, the 456 days of delay in the issuance of the patent must be reduced by the number of days beginning on February 17, 2009, and ending on February 27, 2009. In other words, B delay is 445 days (456 days reduced by 11 days).

The second issue to be addressed is the extent, if any, to which the patent term adjustment listed on the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) should have been increased as a result of the 445 days of B delay.

35 U.S.C. § 154(b)(2)(A) limits Office delay to the sum of delay under 35 U.S.C. § 154(b)(1)(A) ("A delay") and B delay to the extent such periods of delay are not overlapping. Specifically, 35 U.S.C. § 154(b)(2)(A) states, "To the extent that time periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed."

Patentees assert the period of overlap is 0 days. However, the Office contends the period of overlap is 445 days.

The Office has described its position regarding the proper interpretation of 35 U.S.C. § 154(b)(2)(A) as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment.[1]

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[1] *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004) (*quoting Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704, 21706 (April 22, 2004)). The Notice also provided a discussion of an example of the application of the overlap provision:

> A two month delay in issuing a first Office action (35 U.S.C. 154(b)(1)(A)(i)) and a two-month delay in issuing the patent (35 U.S.C. 154(b)(1)(B)) [are] considered overlapping delays, even though the two-month delay in issuing the first Office action occurred prior to three years (thirty-six months) after the application's filing date. This is because if the Office does not issue the patent until three years and two

In this case, the relevant time period when determining if periods of delay "overlap" is the time period from the filing date of the application, May 12, 2005, to the date of issuance of the patent, August 11, 2009, excluding the time period consumed by review by the Board of Patent Appeals and Interferences.[2] In other words, the relevant time period for determining if periods of delay "overlap" is May 12, 2005, to February 16, 2009, and February 28, 2009, to August 11, 2009.

The 445 days of B delay overlap with 445 of the 580 days of A delay that accrued prior to February 17, 20009. Therefore, the Office acted properly when the Office did not enter any additional days to the patent term adjustment for B Delay when issuing the patent.

Patentees cite the Memorandum and Order entered in *Wyeth v. Dudas*, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008) in support of an assertion A delay and B delay only overlap if they occur on the same calendar day. Although the Office has considered the *Wyeth*.order, the Office is not persuaded that the Office's current and long standing interpretation of the statute is incorrect. The Office's interpretation of 35 U.S.C. § 154(b)(2)(A) is consistent with the purpose of the statute. The language in 35 U.S.C. § 154(b)(2)(A) is the result of the passage of the American Inventors Protection Act, Pub. L. No. 106-113, §§ 4401, 113 Stat. 1501, 1501A-552 (1999). A section-by-section analysis of the American Inventors Protection Act, published in the Congressional Record at the request of Senator Lott, elaborated this limitation:

> [T]otal adjustments granted for restorations under (b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order * * * and administrative delay under section 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed.[3]

In view of the previous discussion, the patent term adjustment set forth on the patent remains 504 days which is 580 days of Office delay reduced by 76 days of Applicant delay.

Submission of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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months (thirty-eight months) after its filing date, the relevant period in determining the Office delay in issuing the patent is not just the period between three years (thirty-six months) after the application's filing date and the date the patent issues (thirty-eight months after the application's filing date), but is the entire period between the application's filing date and the date the application issues.

[2] The instant case does not contain any time periods falling under 35 U.S.C. §§ 154(b)(1)(B)(i) or (iii).

[3] 145 Cong. Rec. S14,708, S14,718 (Nov. 17, 1999).

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MILLENNIUM PHARMACEUTICALS, INC.
40 Landsdowne Street
CAMBRIDGE, MA 02139

Mail Date: 04/20/2010

Applicant	: Christopher F. Claiborne	: DECISION ON REQUEST FOR
Patent Number	: 7572784	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/127,855	: OF WYETH
Filed	: 05/12/2005	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Millennium Pharmaceuticals, Inc.
40 Landsdowne Street
Cambridge, MA 02139

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OFFICE OF PETITIONS

In re Patent No. 7,572,784
Claiborne et al.
Issue Date: August 11, 2009
Application No. 11/127,855
Filed: May 12, 2005
Attorney Docket No. MP104-043P2RNM
Title: Compounds and Methods for Inhibiting Mitotic Progression

: DECISION UPON REMAND AND RECONSIDERATION OF PATENT TERM ADJUSTMENT AND NOTICE OF INTENT TO ISSUE CERTIFICATE OF CORRECTION

This is a decision following remand from the District Court for the District of Columbia regarding the patent term adjustment indicated on the above-identified patent. The Court remanded this matter to the U.S. Patent and Trademark Office for recalculation of the patent term adjustment in accordance with the decision in Wyeth & Elan Pharma Int'l Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010).

The patent term adjustment indicated on the above-identified patent has been recalculated as directed by the Court. The term of the above-identified patent is extended or adjusted by nine hundred and sixty (960) days.

The application is being forwarded to the Certificates Branch for issuance of a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by nine hundred and sixty (960) days.

Telephone inquiries specific to this matter should be directed to Senior Legal Advisor, Kery A. Fries at (571) 272-7757.

/Kery A. Fries/

Kery A. Fries

Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Associate Commissioner
For Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,572,784 B2

DATED : **August 11, 2009** **DRAFT**

INVENTOR(S) : Claiborne 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 504 days

Delete the phrase "by 504 days" and insert – by 960 days--

Day : Wednesday

PALM INTRANET

Date: 6/16/2010
Time: 13:39:29

PTA Calculations for Application: 11/127855			
Application Filing Date:	05/12/2005	PTO Delay (PTO):	580
Issue Date of Patent:	08/11/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	76
Post-Issue Petitions:	0	Total PTA (days):	960
PTO Delay Adjustment:	456		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
82	06/16/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	456		
69.5	07/22/2009	PTA 36 MONTHS			
69	08/11/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
68	07/01/2009	EXPORT TO FINAL DATA CAPTURE			
67	06/30/2009	FINISHED INITIAL DATA CAPTURE			
66	06/30/2009	DISPATCH TO FDC			
65	05/27/2009	ISSUE FEE PAYMENT VERIFIED			
64	05/28/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
63	05/27/2009	ISSUE FEE PAYMENT VERIFIED			
62	05/27/2009	ISSUE FEE PAYMENT RECEIVED			
61	05/27/2009	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
60	05/27/2009	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
55	03/03/2009	EXPORT TO INITIAL DATA CAPTURE			
54	02/27/2009	MAIL NOTICE OF ALLOWANCE			
53	02/26/2009	ISSUE REVISION COMPLETED			
52	02/26/2009	DOCUMENT VERIFICATION			
51	02/26/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
50	02/26/2009	NOTICE OF ALLOWABILITY			
49	02/17/2009	NOTICE OF APPEAL FILED			
48	02/18/2009	DATE FORWARDED TO EXAMINER			
47	02/06/2009	AMENDMENT AFTER FINAL REJECTION		76	36
46	02/06/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			

45	02/02/2009	MAIL ADVISORY ACTION (PTOL - 303)			
44	01/30/2009	ADVISORY ACTION (PTOL-303)			
43	01/13/2009	DATE FORWARDED TO EXAMINER			
42	01/09/2009	AMENDMENT AFTER FINAL REJECTION			
41	01/09/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
40	12/29/2008	MAIL ADVISORY ACTION (PTOL - 303)			
39	12/22/2008	ADVISORY ACTION (PTOL-303)			
38	12/11/2008	DATE FORWARDED TO EXAMINER			
37	11/28/2008	AMENDMENT AFTER FINAL REJECTION			
36	08/22/2008	MAIL FINAL REJECTION (PTOL - 326)			
35	08/21/2008	FINAL REJECTION			
34	08/07/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	08/07/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	08/19/2008	PARALEGAL TD ACCEPTED			
31	05/12/2008	TERMINAL DISCLAIMER FILED		0	27
29	08/07/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	06/18/2008	DATE FORWARDED TO EXAMINER			
27	05/12/2008	RESPONSE AFTER NON-FINAL ACTION			
26	02/12/2008	MAIL NON-FINAL REJECTION	580		-1
25	02/04/2008	NON-FINAL REJECTION			
24	06/22/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	03/06/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	03/06/2006	REFERENCE CAPTURE ON IDS			
18.7	03/06/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	03/06/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	09/02/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	06/22/2005	REFERENCE CAPTURE ON IDS			
15.7	06/22/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	06/22/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

14	09/02/2005	CASE DOCKETED TO EXAMINER IN GAU			
13	07/14/2005	APPLICATION RETURN FROM OIPE			
12	07/14/2005	APPLICATION IS NOW COMPLETE			
11	07/14/2005	APPLICATION RETURN TO OIPE			
10	07/14/2005	APPLICATION DISPATCHED FROM OIPE			
9	07/14/2005	APPLICATION IS NOW COMPLETE			
8	06/27/2005	ADDITIONAL APPLICATION FILING FEES			
7	06/27/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	06/16/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	06/06/2005	CLEARED BY OIPE CSR			
2	05/31/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	05/12/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P.O. BOX 224
MONROE, CT 06468

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OFFICE OF PETITIONS

In re Application of	:	
Konstantin Dornhof	:	
Application No. 11/127,856	:	ON PETITION
Filed: May 11, 2005	:	
Attorney Docket No. 870-003-190	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 14, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 28, 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 May 29, 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 2837 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Richard D Clark
Law Office of Richard D. Clarke
3755 Avocado Blvd., #1000
La Mesa CA 91941-7301

NOV 08 2005

In re Application of:
von Mueller, et al.
Serial No.: 11/127,862
Filed: May 12, 2005
Attorney Docket No.: **05-SEM/114 CIP**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed July 08, 2005 and supplemented August 24, 2005, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.) § 708.02, Section IV: Applicant's Age.

A grantable petition to make special under 37 C.F.R. § 1.102, and in accordance with M.P.E.P. § 708.02, Section IV, must include evidence showing that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a statement from Bob Mos, stating that the he is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Hien H. Phan at (571) 272-1606.

Clayton E. Laballe
for Hien H Phan, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

HHP/nmc

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MORRISTOWN, NJ 07962-2245

In re Application of :
Todd Hanson et al :
Application No. 11/127,871 : ON PETITION
Filed: May 11, 2005 :
Attorney Docket No. H0009254-1326.1137101 :

This is a decision on the petition filed January 25, 2010 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication Fee in a timely manner in reply to the Notice of Allowance mailed October 6, 2009, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 7, 2010.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee and Publication Fee; (2) the petition fee; (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210. This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Brian N. Tufte
1221 Nicollet Ave., Ste. 800
Minneapolis, MN 55403

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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NEUSTEL LAW OFFICES, LTD.
2534 SOUTH UNIVERSITY DRIVE
SUITE 4
FARGO ND 58103

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SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of Gordon A. Stewart Application No. 11/127,880 Filed: May 12, 2005 Attorney Docket No. STEW-004	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed 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 Michael S. Neustrel on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed March 5, 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: GORDON A. STEWART
1811 ELCADORE DRIVE
#4
ANCHORAGE, AK 99507

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/127,880	05/12/2005	Gordon A. Stewart	STEW-004

CONFIRMATION NO. 7788

OC000000025973623

65215
NEUSTEL LAW OFFICES, LTD.
2534 SOUTH UNIVERSITY DRIVE
SUITE 4
FARGO, ND 58103

Date Mailed: 09/24/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/09/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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GORDON A. STEWART
1811 ELCADORE DRIVE #4
ANCHORAGE AK 99507

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MAY 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Stewart, Gordon A.	:	
Application No. 11/127,880	:	ON PETITION
Filed: May 12, 2005	:	
Title: Multi-Screen Laptop System	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 27, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed March 5, 2007. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the above-identified application became abandoned on June 6, 2007. A Notice of Abandonment was mailed on October 31, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

---

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

[2] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item(s) (1) above. In order to revive the instant application, a proper reply to the Office action must be submitted. A proper reply to a final rejection under 37 CFR 1.113 may be: (1) an amendment, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee); or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. Petitioner must submit one of the above documents in order to revive the above-identified application.

It is noted that the address listed on the petition slightly differs from the current address of record. Specifically, the address on the petition cites "#1" rather than "#4." A courtesy copy will be mailed to the address listed on the petition; however, all future correspondence will continue to be mailed to the current address of record until otherwise notified. A blank "Change of Correspondence Address" form is enclosed for petitioner's convenience.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

cc:

GORDON A. STEWART
1811 ELCADORE DRIVE #1
ANCHORAGE AK 99507

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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GORDON A. STEWART
 # 1
1811 ELCADORE DRIVE
ANCHORAGE AK 99507

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OCT 1 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Stewart, Gordon A.	:	
Application No. 11/127,880	:	ON PETITION
Filed: May 12, 2005	:	
Title: Multi-Screen Laptop System	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed September 3, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

The instant petition continues to lack item (1). The Office acknowledges receipt of the Request for Continued Examination (RCE) filed with the instant petition. However, petitioner did not

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[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

[2] See MPEP 711.03(c)(III)(C) and (D).

include the requisite RCE fee of $405.00. Submission of this fee is required for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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GORDON A. STEWART
 # 1
1811 ELCADORE DRIVE
ANCHORAGE AK 99507

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JAN 27 2010

In re Application of	:	
Stewart, Gordon A.	:	
Application No. 11/127,880	:	ON PETITION
Filed: May 12, 2005	:	
Title: Multi-Screen Laptop System	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied the requisite $405.00 RCE fee.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2835 for further processing of the Request for Continued Examination (RCE) filed previously on September 3, 2009.

Liana Walsh
Petitions Examiner
Office of Petitions

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CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS, NJ 07652

Mail Date: 04/21/2010

Applicant	: Seng-Wook Sim	: DECISION ON REQUEST FOR
Patent Number	: 7603132	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/127,881	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York NY 10018

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APR 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Wolfgang Beier	:	
Application No. 11/127,891	:	DECISION ON PETITION
Filed: May 12, 2005	:	
Attorney Docket No. 510.1136	:	

This is a decision on the 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**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 26, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed September 26, 2008. Accordingly, the date of abandonment of this application is December 27, 2008. The Notice of Abandonment was mailed January 21, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of :
Eric Perrier et al :
Application No. 11/127,898 :
Filed: May 12, 2005 :
Attorney Docket No. 11123.0097US01 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 13, 2010, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 10, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on July 11, 2008.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1797 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Scott L. Appelbaum
130 Woodbury Road
Woodbury, NY 11797

UNITED STATES PATENT AND TRADEMARK OFFICE

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PROSKAUER ROSE LLP
1001 PENNSYLVANIA AVE. NW, SUITE 400 SOUTH
WASHINGTON DC 20004

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JAN 29 2008

OFFICE OF PETITIONS

In re Application of :
LEONARD, et al. :
Application No. 11/127,905 :
Filed: May 12, 2005 :
Attorney Docket No. **20916-004CIP** :
:

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 9, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Edward F. Leonard, PhD, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the technology center at 571-272-1700.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center AU 1797 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 05/20/2010

Applicant	: Daniel J. Curtis	: DECISION ON REQUEST FOR
Patent Number	: 7631465	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/127,906	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1085** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JAN 22 2007

OFFICE OF PETITIONS

APPLIED MATERIALS/BLAKELY
PATENT COUNSEL, LEGAL AFFAIRS DEPARTMENT
P. O. BOX 450A
SANTA CLARA CA 95054

In re Application of	:
Elyasaf, et. al	: DECISION ON PETITION
Application No. 11/127,914	:
Filed: May 11, 2005	:
Docket No.: 6317P078C	:

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 24, 2006.

The petition is hereby **GRANTED**.

This application became abandoned for failure to timely submit a proper reply to the Notice of Drawing Inconsistency mailed August 31, 2006. The Notice set a one month non-extendible period of time for reply. Notice of Abandonment was mailed October 27, 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

UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
Alexandria, VA. 22313-1450
WWW.USPTO.GOV

Richard Barth
Frishauf, Holtz, Goodman & Chick, P.C.
220 Fith Ave., 16th Floor
New York, NY 10001-7708

Date: March 26, 2007
Application No. 11/127,939
Filed: May 11, 2005
Subject: **GENES FROM A GENE CLUSTER**

ON PETITION
37 CFR 1.48

Receipt is acknowledged of the petition filed November 21, 2006, under 37 CFR 1.48(b) for correction of inventorship. The petition has been **GRANTED**.

In view of the papers filed, November 21, 2006, the Inventorship of this non-provisional, application has been changed by the **deletion of CHINO ONO**. The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

THURMAN K. PAGE, M.A., J.D.
United States Patent and Trademark Office
Technology Center 1600
SPE, ART UNIT 1621
Remsen 5D11
571-272-0602

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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JUN 29 2010

OFFICE OF PETITIONS

Jones Day
222 East 41st Street
New York NY 10017-6702

In re Application of	:	
Bruncko, et al.	:	
Application No. 11/127,940	:	ON APPLICATION FOR
Filed: May 12, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No. 7176USP1		

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" filed March 30, 2010. Applicants submit that the patent term adjustment to be indicated on the patent is seven hundred and sixty-eight (768) days, not three hundred and forty-seven (347) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the

initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

It is noted 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 —

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

It is further noted that a Request for Continued Examination (RCE) was filed in this application on July 8, 2009.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Senior Petitions Attorney
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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SEP 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Swoboda et al.	:	
Application No. 11/127,946	:	ON PETITION
Filed: May 11, 2005	:	
Attorney Docket No.: TI-14142.3	:	

This is a decision on the petition filed August 29, 2005, requesting in effect, that a Notice of Omitted Parts in a Nonprovisional Application ("Notice") mailed June 27, 2005, be withdrawn.

The application was filed on May 11, 2005. However, on June 27, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of May 11, 2005 but figures 45-87,described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figures 1-44 originally filed contain the substantive matter described in the specification as figures 45-87 but were numbered figures 1-44. Petitioner has submitted 29 sheets of replacement drawings, renumbered as 45-87 to correspond with the specification. Petitioner insist these renumbered figures 44-87 maintain the matter depicted in the original figures 1-44 and that no new matter has been inserted.

Petitioner acknowledges there was a labeling error with figure 1-44. Figures 1-44 as filed were mislabeled since the figures should have been labeled 45-87. It is obvious from the petition that no drawings were actually missing on May 11, 2005 and that applicant is not seeking to submit any additional drawings.

As such the Office was correct in issuing the Notice to the extent that figures 45-87 appeared to be omitted and were mislabeled. Thus, petitioner is not entitled to a refund of the $400.00 petition fee.

The petition is Dismissed.

An amendment with replacement sheets of drawings unless previously submitted in compliance with 37 CFR 1.121(d) is required in a nonprovisional application to renumber the drawing figures consecutively, if necessary, an amendment of the specification is required to correct the references to the drawing figures to correspond with any relabeled drawing figures, both in the brief and detailed descriptions of the drawings. Such amendment should be submitted as a preliminary amendment prior to the first Office action to avoid delays in the prosecution of the application.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **May 11, 2005** using the sheets of drawings received in the Office on that date.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant

Petition Attorney

Office of Petitions

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500 WEST CYPRESS CREEK ROAD
SUITE 350
FT. LAUDERDALE, FL 33309

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MAR 11 2010

In re Application of John L. Ricci, et al. Application No. 11/127,949 Filed: May 12, 2005 Attorney Docket No. 1065.26D.2	: : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 5, 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 Restriction Requirement, mailed August 13, 2008 , which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 14, 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 election with amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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 3774 for appropriate action by the Examiner in the normal course of business on the reply received January 5, 2010.

April M. Wise
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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Robert E. Krebs
Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640

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OFFICE OF PETITIONS

In re Application of :
Jean-Michel Ittel :
Application No. 11/127,956 :
Filed: May 11, 2005 :
Attorney Docket No. 034299-637

ON PETITION

This is a decision on the petition under 37 CFR 1.181 filed on June 15, 2006, to withdraw the holding of abandonment in the above-cited application.

The petition is **DISMISSED**.

Petitioner is allowed a period for response of two-months from the mailing date of this decision. The response should be titled "Renewed Petition to Withdraw the Holding of Abandonment" Extensions of the time set for reply are available pursuant to 37 CFR 1.136.

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Nonprovisional Application mailed June 27, 2005, which set a shortened period for reply of two-months from its mailing date. No response was received within the allowable period, and the application became abandoned on August 28, 2005. A Notice of Abandonment was mailed on March 15, 2006.

Petitioner argues that a reply the Notice to File Missing Parts of Nonprovisional. Application was mailed on August 26, 2005, and received by the Office on August 31, 2005. As evidence of the same, petitioner provides a copy of the certificate of transmittal under 37 CFR 1.8 noting the reply as being mailed on August 26, 2005. Petitioner also provided a copy of an Office date-stamped postcard whereby the Office acknowledges receiving the reply on August 31, 2005. The undersigned will not rely on the postcard as *prima facie* evidence of the receipt of the reply because the postcard evidences receipt of the reply after the shortened statutory period for reply. If the undersigned were to rely on the postcard, a fee for an extension of time within the first month would be necessary in order for the reply to be considered timely. Petitioner will be give the opportunity to file a renewed petition in order to provide the missing information as explained below or authorize the fee to be charged for the extension of time within the first month.

As to the certificate of mailing under 37 CFR 1.8, the evidence is noted, but is lacking in one respect. Further to this point, Section 512 of the *Manual of Patent Examining Procedure* provides, in pertinent part, that

> 37 CFR 1.8(b) permits a party to notify the Office of a previous mailing, or transmitting, of correspondence when a reasonable amount of time has elapsed from the time of mailing or

> transmitting of the correspondence. In the event that correspondence may be considered timely filed because it was mailed or transmitted in accordance with 37 CFR 1.8(a), but was not received in the Office after a reasonable amount of time has elapsed, (e.g., more than one month from the time the correspondence was mailed), applicant is not required to wait until the end of the maximum extendable period for reply set in a prior Office action (for the Office to hold the application abandoned) before informing the Office of the previously submitted correspondence. Applicant may notify the Office of the previous mailing or transmission and supply a duplicate copy of the previously mailed or transmitted correspondence and a statement attesting on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the person signing the statement did not sign the certificate of mailing, then the person signing the statement should explain how they have firsthand knowledge of the previous timely mailing or transmission. Such a statement should be filed promptly after the person becomes aware that the Office has not received the correspondence.

The record reflects that the subject certificate under 37 CFR 1.8 was signed by Ruth Rodriguez, but that no statement of personal knowledge regarding the timely mailing of the reply accompanied the petition document. It is further noted that the petition document did not explain how Suvashis Bhattacharya—who signed the petition document—had firsthand knowledge of the transmission. The evidence provided with the petition is, therefore, insufficient. The petition is dismissed, accordingly. Any renewed petition filed must be accompanied by a statement from Ms. Rodriguez or from Suvashis Bhattacharya that complies with the guidance cited in MPEP § 512 cited above.

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 regarding this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Robert E. Krebs
Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640

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OFFICE OF PETITIONS

In re Application of

Jean-Michel Ittel

Application No. 11/127,956

Filed: May 11, 2005

Attorney Docket No. 034299-637

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed September 12, 2006.

The renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on August 28, 2005, after it was believed that no response was received to the Notice to File Missing Parts of Nonprovisional Application mailed June 27, 2005. The notice allowed a shortened period for reply of two months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on March 15, 2006, indicating that a reply to the notice was not received.

The instant petition maintains that a response to the Notice to File Missing Parts of Nonprovisional Application was received on August 31, 2005. Petitioner provides an Office date-stamped postcard whereby the USPTO acknowledged receipt of a response to the notice on August 31, 2005. It is noted that an authorization to charge deposit account 50-1698 for any necessary extension time was present on filing of the original application papers. Therefore, the response to Notice to File Missing Parts of Novprovisional Application that was filed August 31, 2005, was timely with an extension of time within the first month.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the maximum period for reply. The holding of abandonment is withdrawn, accordingly. No petition fee is due. Deposit account 50-1698 will be charged $120.00 for the extension of time within the first month.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Stoneman Volk Patent Group
3770 NORTH 7TH STREET, Suite 100
PHOENIX AZ 85014

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of

Retter, et al.

Application No. 11/127,963

Filed: May 12, 2005

Attorney Docket No. P08160-T

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed September 18, 2008.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on July 17, 2008, after it was believed that a timely appeal brief was not filed after the filing of the Notice of Appeal on May 16, 2008.

Petitioner states that a Notice of Appeal responsive to the final Office action was filed on May 16, 2008, and the period for filing an Appeal Brief had not yet expired when the holding of abandonment was imposed. Pursuant to 37 CFR 1.136(a)(1), the time period for filing an Appeal Brief after the filing of a Notice of Appeal is extendable five additional months as the time period for filing an Appeal Brief is not set by statute and does not fall under of the exceptions provided in 37 CFR 1.136(a)(1). Applicant has until December 16, 2008, to file an Appeal Brief with payment of the applicable extension of time fees. Based on the aforementioned, it appears that the application was prematurely held abandoned. The holding of abandonment is withdrawn, accordingly.

There is no fee for the instant petition. The fee of $400.00 will be refunded, in due course.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded Technology Center 2800, GAU 2876 for further processing and to await the filing of an Appeal Brief.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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DOROTHY S. MORSE
515 PARK DRIVE, NW
BRADENTON FL 34209

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NOV 2 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Tafoya, Samuel Barran	:	
Application No. 11/127,998	:	ON PETITION
Filed: May 12, 2005	:	
Attorney Docket No. 0505-TAF	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 12, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a copy of 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 3617 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

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TWO EMBARCADERO CENTER
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SAN FRANCISCO CA 94111-3834

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SEP 2 6 2005

OFFICE OF PETITIONS

In re Application of
Oh et al.
Application No.11/128,011
Filed: May 11, 2005
Attorney Docket Number: 021825-002210US
Title of Invention: Methods of Diagnosing Inflamatory Bowel Disease

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10 (c) filed on September 13, 2005, requesting that the above-identified application be accorded a filing date of May 11, 2005, rather than the presently accorded filing date of May 12, 2005.

Petitioner contends the application was deposited in Express Mail service on May 11, 2005. In support, petitioner supplied a copy of Express Mail receipt No. EV606078490US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). The Express Mail Label shows a date-in of May 11, 2005. A review of the United States Postal Service's Express Mail Information Database shows the Express Mail package was accepted by the United States Postal Service on May 11, 2005.

In view of the above, the petition is **Granted**. No petition fee is required and none has been charged.

The application is being forwarded to Office of Initial Patent Examination for correction of the filing date to **May 11, 2005** and issuance of a corrected Filing Receipt.

Telephone inquiries specific to 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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GEORGE O. SAILE
28 DAVIS AVENUE
POUGHKEEPSIE NY 12603

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AUG 1 1 2008

In re Application of

HWEE, Tan Kim et al.
Application No. 11/128,014
Filed: May 12, 2005
Attorney Docket No. **APS02-014B**

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 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. 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 Ackerman on behalf of all attorneys of record who are associated. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **TAN K. HWEE**
BLK 104A ANG MO 140 STREEET
11 AVENUE 4 #06-69
SINGAPORE SG 560104

cc: **ADVANPACK SOLUTIONS PTE. LTD.**
ATTN: CK ONG
35 MARSILING INDUSTRIAL ESTATE ROAD 3 #05-04
SINGAPORE SG 739257

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TECHNOLOGY CENTER 3600

STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK, NY 10038

In re application of
Peter Burnett-Evans et al.
Application No. 11/128,015
Filed: May 11, 2005
For: BOOK HOLDER

DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)

This is a decision on the petition submitted on May 11, 2005 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a birth certificate indicating Mr. Burnett-Evans 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 petitioners makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(571) 272-6587

KJD/slb: 08/05/05

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Mail Date: 04/20/2010

Applicant	: Ramanathan T. Jagadeesan	: DECISION ON REQUEST FOR
Patent Number	: 7650143	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,046	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **364** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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CST

11-6-06

In re application of	:	
T. Stephen Nicholas Peries	:	
Serial No. 11/128,067	:	DECISION ON PETITION
Filed: May 12, 2005	:	TO MAKE SPECIAL
For: ENERGY TIME AND WATER SAVING	:	
IMPROVEMENT FOR WASHING MACHINES	:	

This is a decision on the petition received on August 30, 2006 to make the above-identified application special on the basis of inventions relating to enhancing the quality of the environment.

The petition to make the application special under the accelerated examination program is **DENIED**.

The petition to make the application special based solely on the basis of inventions relating to enhancing the quality of the environment is **DISMISSED**.

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a) **on or after August 25, 2006**;
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed

electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;

3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was filed on May 12, 2005 and not **on or after August 25, 2006**. Note also that MPEP § 708.02 requires that a petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in MPEP § 708.02(a). Any petition to make special under MPEP § 708.02 based solely on subsection V (environmental quality) was required to be filed prior to August 25, 2006.

Furthermore, the application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because it was not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web and the application was not complete upon filing (see the Notice of Missing Parts mailed June 9, 2005).

Although it appears that applicant may have mailed this petition prior to August 30, 2006 (applicant has dated the petition August 15, 2006), there is no Certificate of Mailing/Transmission or an Express Mail date to indicate that the petition was actually submitted prior to August 25, 2006. If applicant can provide evidence that this petition was submitted prior to August 25, 2006, the petition to make special will be considered in accordance with MPEP § 708.02, subsection V (environmental quality).

For the above-stated reasons, the petition to make the application special under the accelerated examination program is denied. The petition to make the application special based solely on the basis of inventions relating to enhancing the quality of the environment is dismissed.

Any inquiry regarding this decision should be directed to Christine Tierney, Special Programs Examiner, at (571) 272-1055.

Christine Tierney

Christine Tierney
Special Programs Examiner
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/128,067	05/12/2005	T. Stephen Nicholas Peries		7031

7590 07/06/2007
STEPHEN NICHOLAS PERIES
20910 ANZA AVE # 126
TORRANCE, CA 90503

EXAMINER
HUSBAND, SARAH E

ART UNIT	PAPER NUMBER
1746	

MAIL DATE	DELIVERY MODE
07/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CST

11-6-06

In re application of	:	
T. Stephen Nicholas Peries	:	
Serial No. 11/128,067	:	DECISION ON PETITION
Filed: May 12, 2005	:	TO MAKE SPECIAL
For: ENERGY TIME AND WATER SAVING	:	
IMPROVEMENT FOR WASHING MACHINES	:	

This is a decision on the petition received on August 30, 2006 to make the above-identified application special on the basis of inventions relating to enhancing the quality of the environment.

The petition to make the application special under the accelerated examination program is **DENIED**.

The petition to make the application special based solely on the basis of inventions relating to enhancing the quality of the environment is **DISMISSED**.

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a) **on or after August 25, 2006**;
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed

electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;

3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was filed on May 12, 2005 and not **on or after August 25, 2006**. Note also that MPEP § 708.02 requires that a petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in MPEP § 708.02(a). Any petition to make special under MPEP § 708.02 based solely on subsection V (environmental quality) was required to be filed prior to August 25, 2006.

Furthermore, the application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because it was not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web and the application was not complete upon filing (see the Notice of Missing Parts mailed June 9, 2005).

Although it appears that applicant may have mailed this petition prior to August 30, 2006 (applicant has dated the petition August 15, 2006), there is no Certificate of Mailing/Transmission or an Express Mail date to indicate that the petition was actually submitted prior to August 25, 2006. If applicant can provide evidence that this petition was submitted prior to August 25, 2006, the petition to make special will be considered in accordance with MPEP § 708.02, subsection V (environmental quality).

For the above-stated reasons, the petition to make the application special under the accelerated examination program is denied. The petition to make the application special based solely on the basis of inventions relating to enhancing the quality of the environment is dismissed.

Any inquiry regarding this decision should be directed to Christine Tierney, Special Programs Examiner, at (571) 272-1055.

Christine Tierney

Christine Tierney
Special Programs Examiner
Technology Center 1700

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JOHN WUN-SING CHU
22997 STANDING OAK CT.
CUPERTINO, CA 95014-2660

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JUL 1 0 2008

OFFICE OF PETITIONS

In re Application of
CHU, John Wun-Sing
Application No. 11/128,094
Filed: May 11, 2005
Attorney Docket No. **NANO.001US1**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 13, 2007

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **DAVIS WRIGHT TREMAINE, LLP**
505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO, CA 94111

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SQUIRE, SANDERS & DEMPSEY LLP
1 MARITIME PLAZA
SUITE 300
SAN FRANCISCO, CA 94111

Mail Date: 07/02/2010

Applicant	: Yatheendhar Manicka	: DECISION ON REQUEST FOR
Patent Number	: 7637941	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/128,099	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **396** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FERNANDES & ASSOCIATES LLP
P.O. BOX D
MENLO PARK, CA 94025

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OFFICE OF PETITIONS

In re Application of	:	
SUN, et al.	:	
Application No. 11/128,104	:	DECISION ON PETITION
Filed: May 11, 2005	:	TO WITHDRAW
Attorney Docket No. 79981-203601/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 December 4, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to FERNANDEZ & ASSOCIATES LLP has been revoked by the assignee of the patent application on August 14, 2006 and August 24, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **GREENBERG TRAURIG LLP (SV)**
2450 COLORADO AVE, SUITE 400E
IP DOCKETING DEPARTMENT
SANTA MONICA, CA 90404

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Christine Chang
15 Dix Street
Waltham, MA 02453

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OFFICE OF PETITIONS

In re Application of	:	
Scott Kuniewich	:	
Application No. 11/128,113	:	DECISION ON PETITION
Filed: May 12, 2005	:	TO WITHDRAW
Attorney Docket No. 55050	:	FROM RECORD
	:	

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 7, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of 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 Christine Chang 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 Scott Kuniewich at the address indicated below.

The application became abandoned for failure to timely respond to the Office action mailed July 24, 2006.

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 Kuniewich**
P.O. Box 187
239 Pleasant Street
Berlin, MA 01503

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/128,113	05/12/2005	Scott Kuniewich	55050

CONFIRMATION NO. 6775

OC000000023559898

OC000000023559898

Christine Chang
15 Dix Street
Waltham, MA 02453

Date Mailed: 04/26/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/07/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Debi Williams

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY

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OFFICE OF PETITIONS

Applicant: Krieg et al.
Appl. No.: 11/128,127
Filing Date: May 11, 2005
Title: IMMUNOMODULATORY OLIGONUCLEOTIDES
Attorney Docket No.: C1039.70083US12
Pub. No.: US 2005/0244380 A1
Pub. Date: November 3, 2005, 2006

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on December 8, 2005, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709 (voice).

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

In re Application of
Juergen Stein, et al.
Application No. 11/128,129
Filed: May 10, 2005
Attorney Docket No. BSSPT13

ON PETITION

This is a decision in response to the petition, filed March 27, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a final Office action mailed May 8, 2007. A Notice of Abandonment was mailed on November 20, 2007. On March 27, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,540, and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 2884 for appropriate action by the Examiner in the normal course of business on the reply received March 27, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NO. 016689
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

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OFFICE OF PETITIONS

In re Application of	:	
Hiroshi Morisaki, et al.	:	
Application No.: 11/128,179	:	ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No.: 006763.00006	:	

This is a decision on the petition, filed February 13, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 3, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3653 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* **must** *be completed and timely submitted to avoid abandonment of the application.*

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OFFICE OF PETITIONS

In re Application of	:	
Lazar	:	
Application No. 11/128,208	:	DECISION ON PETITION
Filed: May 13, 2005	:	PURSUANT TO
Attorney Docket No.: GNT-PU-	:	37 C.F.R. § 1.137(B)
001-US1	:	
Title: HIGHLY ISOLATED	:	
CIRCULAR POLARIZED ANTENNA	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed July 27, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed November 4, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue[1] or publication fees.[2] Accordingly, the above-identified application became abandoned on February 5, 2009. A Notice of Abandonment was mailed on February 27, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R.

1 See MPEP § 710.02(e)(III).
2 See 37 C.F.R. § 1.211(e).

§ 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, publication, and issue fees, along with the proper statement of unintentional delay. A terminal disclaimer is not required. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[3]

Pursuant to this decision, the Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[4] 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

---

3 See Rule 1.137(d).

4 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.

SPE: Z. Smith

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/14/07

TO SPE OF : ART UNIT 2822

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/128,217 Patent No.: 7183569

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE

2822
Art Unit

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OFFICE OF PETITIONS

In re Application of	:	
Kim, et al.	:	
Application No. 11/128,225	:	DECISION ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. K-0196A.01	:	

This is a decision on the "RESPONSE TO NOTICE OF OMITTED ITEMS IN A NON-PROVISIONAL APPLICATION", filed July 20, 2005, requesting, in effect, that the above identified application be accorded a filing date of May 13, 2005, with Figure 10 of the drawings as part of the original disclosure.

The petition is **DISMISSED**.

The application was filed on May 13, 2005. However, on June 24, 2005, the Office mailed a "Notice of Omitted Item(s) in a Nonprovisional Application", stating that the application had been accorded a filing date of May 13, 2005; however, Figure 10 of the drawings appeared to have been omitted.

In response, the present response was filed. Petitioner does not argue that Figure 10 of the drawings was included with the application papers as filed. However, petitioner states that the instant application is a continuation application of application No. 10/720,385, and that application No. 10/720,385 is incorporated reference.

Pages not present on the filing date cannot be considered a part of the original disclosure of the application. As Figure 10 of the drawings was not present in the Office on May 13, 2005, the application can not be accorded the May 13, 2005 filing date with Figure 10 of the drawings as a part of the original disclosure.

Accordingly, the Notice mailed on June 24, 2005 was correct in stating that Figure 10 of the drawings appeared to have been omitted. Therefore, the requirement for the omitted figure of drawings was proper and will not be withdrawn.

However, a review of the application file reveals that the transmittal letter contains an incorporation by reference statement.

MPEP § 201.06(c) states that:

> . . . an applicant may incorporate by reference the prior application by including, in the application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to **amend** the continuing application to include any subject matter in such prior application(s), **without the need for a petition** (emphasis added).

Obviously, in view of the incorporation by reference statement, Figure 10 of the drawings is not new matter if it was a part of the disclosure of parent application No. 10/720,385.

Applicants should file an amendment for consideration by the Examiner, adding Figure 10 of the drawings, prior to the first Office action.

As this petition was necessitated by applicant's filing error rather than an error on the part of the Office, the petition fee of $400 has been charged and will not be refunded.

The application is being returned to the Office of Initial Patent Examination for further processing, using the application papers filed May 13, 2005.

Telephone inquiries specific to this matter should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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OFFICE OF PETITIONS

In re Application of	:	
Laura Lee Kusumoto, et al.	:	
Application No. 11/128,260	:	DECISION GRANTING PETITION
Filed: May 13, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 43461-217036	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 31, 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 19, 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]

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

This application is being referred to Technology Center AU 3629 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

cc: **Ralph P. Albrecht**
ALBRECHT TOUSI & FARNUM PLLC
8300 Greensboro Drive, Suite 900
McLean, VA 22102

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WASHINGTON DC 20001-4413

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Wright et al. :
Application No. 11/128,265 :
Filed: May 13, 2005 :
Attorney Docket No. 07588.0079-01 :

This is a decision on the petition under 37 CFR 1.53(e), filed September 14, 2005, requesting that the above-identified application be accorded a filing date of May 13, 2005.

On May 13, 2005, applicants deposited the above-identified application. However, on July 14, 2005, the Office of Initial Patent Examination mailed a Notice Of Incomplete Nonprovisional Application, requiring, *inter alia*, drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings.

In response, on September 14, 2005, applicants submitted, *inter alia*, the present petition, 21 sheets of drawings and an authorization to charge their Deposit Account for any necessary fees. Thereafter, on September 27, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application, stating that the application had been accorded a filing date of September 14, 2004 (*i.e.,* the date applicants submitted the drawings), and that an oath or declaration was missing. The Notice set a two-month extendable period to respond.

As stated in MPEP § 601.01(f), it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is <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 and the names of all the inventors.

This application contains method claims. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the requirement for drawings as set forth in the Notice of Incomplete Nonprovisional Application, mailed July 14, 2005, was sent in error. Moreover, the Office of Initial Patent Examination incorrectly accorded the application a filing date of September 14, 2005. Therefore, the filing date for the above-identified application will be corrected to May 13, 2005.

Accordingly, the petition is granted to the extent indicated above.

Applicants may file an amendment with the examiner prior to the first action on the merits requesting entry of the 21 sheets of drawings. The Office notes that new matter is a determination for the examiner.

The $400.00 petition fee is unnecessary and will be refunded to applicants' Deposit Account.

The Office of Initial Patent Examination is directed to accord the application a filing date of May 13, 2005, with "0" sheets of drawings, and to mail a corrected filing receipt. The 21 sheets of drawings submitted on September 14, 2005, will not be entered at this time.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Katsuma et al.	:	
Application Number: 11/128279	:	ON PETITION
Filing Date: 05/13/2005	:	
Attorney Docket Number: 25-314	:	

This is a decision on the "PETITION UNDER 37 C.F.R. §1.59 TO EXPUNGE TERMINAL DISCLAIMER," filed on August 6, 2008, which is first treated as a petition under 37 C.F.R. § 1.182 requesting that a previously filed terminal disclaimer be withdrawn.

The petition is **granted** to the extent indicated.

Petitioners assert that the Terminal Disclaimer filed on February 15, 2008, is unnecessary and was erroneously submitted.

As the examiner has determined that the Terminal Disclaimer does not apply to any claim currently of record, the request can be favorably considered in that the terminal disclaimer will be withdrawn.

The fee for a petition under 37 CFR 1.182 is $400.00 and will be charged to counsel's deposit account as authorized in the petition. The fee for a petition under 37 CFR 1.59 has been received.

37 CFR 1.59(b) states:

> 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.

MPEP 724.05(II) states that 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 petition lacks the requirements of B and D, above. The petition to expunge is dismissed because the petition does not contain a clear statement that the information requested to be expunged is either: (1) a trade secret, proprietary, and/or subject to a protective order; or (2) was unintentionally submitted and 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. Additionally, petitioners have not demonstrated that 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;

Accordingly, the Terminal Disclaimer will not be expunged pursuant to 37 CFR 1.59.

This application is being referred to Technology Center Art Unit 2627 for further processing consistent with this decision.

Telephone inquiries relative to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

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ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

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SEP 25 2006
OFFICE OF PETITIONS

In re Patent No. 7,038,604 :
Issue Date: May 2, 2006 :
Application No. 11/128,339 : ON PETITION
Filed: May 13, 2005 :
Attorney Docket No. 108390-00100

This is a decision on the petition filed June 2, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

The fee for the instant request is $130.00. Deposit account 01-2300 was charged and additional $270.00 for the instant request. The amount of $270.00 will be refunded, in due course.

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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NOVAK DRUCE & QUIQQ, LLP
1300 EYE STREET NW, SUITE 1000
WEST TOWER
WASHINGTON, DC 20005

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JUL 14 2008

OFFICE OF PETITIONS

In re Application of	:	
HOWELL, et al.	:	
Application No. 11/128,344	:	DECISION GRANTING PETITION
Filed: May 13, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **8420.002.US0000**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 10, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 22, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2128 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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NOVAK DRUCE + QUIGG, L.L.P.
1300 EYE STREET, N.W.,
SUITE 1000 WEST TOWER
WASHINGTON DC 20005

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In re Application of	:	
Donald W. Howell et al	:	
Application No. 11/128,344	:	DECISION GRANTING PETITION
Filed: May 13, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 8420.002.US0000	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 8, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 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 should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2128 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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/04/2010

Applicant	: Ra-Min Tain	: DECISION ON REQUEST FOR
Patent Number	: 7610769	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/128,349	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **509** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

Mail Date: 04/21/2010

Applicant	: Bernd Lang	: DECISION ON REQUEST FOR
Patent Number	: 7654263	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,399	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **841** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

Mail Date: 05/18/2010

Applicant : Bernd Lang
Patent Number : 7654263
Issue Date : 02/02/2010
Application No : 11/128,399
Filed : 05/13/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **903** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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Paper No.

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

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OFFICE OF PETITIONS

In re Application of	:	
Zhu et al.	:	DECISION ON
Application No. 11/128,408	:	PETITION
Filed: May 12, 2005	:	
Attorney Docket No. 55017/JEC/R268	:	

This is a decision on the "PETITION TO CORRECT FILING DATE PURSUANT TO CFR § 1.10," filed August 1, 2005, requesting that the above-identified application be accorded a filing date of May 12, 2005, rather than the presently accorded filing date of May 13, 2005.

Petitioner maintains that on May 12, 2005, the application was deposited as "Express Mail" in the U.S. Postal Service; however, the Express Mail mailing label No. EV327908659US has not been returned by the USPS. In support thereof, applicants *inter alia* submit the following documents:

- the transmittal for the Application showing the Express Mail mailing label number thereon;

- the Express Mail Pickup Service Statement dated and signed by a USPS employee on May 12, 2005; and

- the official United States Postal Service (USPS) Track and Confirm page, showing the package sent under EV327908659US was ENROUTE on May 12, 2005.

Paragraph (a) of 37 CFR 1.10 states that:

Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date. See §1.6(a).

(Emphasis supplied).

Paragraph (c) 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 there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
>
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

The instant petition was filed promptly within the meaning of § 1.10(c)(1). The transmittal submitted on petition and bearing the Express Mail mailing label number is a true copy of the

transmittal of record. Applicant has shown that "Express Mail" mailing label No. EV327908659US was placed on the papers prior to the original mailing.

The petition does not include a copy of the "Express Mail" mailing label. However, the Express Mail Pickup Service Statement appears to be dated and signed by a USPS employee on May 12, 2005. Moreover, the "Shipment History" submitted states that the package was "ENROUTE, May 12, 2005, 5:20 pm, PASADENA, CA 91109" and thereby, corroborates petitioner's claim of deposit on May 12, 2005. Given this evidence, the requirement for a copy of the Express Mail mailing label is sua sponte waived.

In view thereof, the petition is **GRANTED**.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for **correction of the filing date to May 12, 2005**.

Telephone inquires related 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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JURGEN VOLLRATH
588 SUTTER STREET #531
SAN FRANCISCO CA 94102

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OFFICE OF PETITIONS

In re Application of Weaver, et al. Application No. 11/128,409 Filed: May 12, 2005 Attorney Docket No. P06268	: : : :	ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(b), filed October 18, 2008.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed July 2, 2008. This notice set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on October 3, 2008. The Office mailed a Notice of Abandonment subsequent to the petition on October 27, 2008.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the issue fee.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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Paper No.

K. Brian Matlock
Matlock Law Group
961 Ygnacio Valley Road
Walnut Creek CA 94596

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DEC 0 5 2007
OFFICE OF PETITIONS

In re Application of :
Burton Raymond Dillon, Jr. :
Application No. 11/128,410 : DECISION ON PETITION
Filed: May 11, 2005 : UNDER 37 C.F.R.
Attorney Docket No.: BD 001 : § 1.137(B)
Title: HANDHELD GAS :
PROPELLED MISSILE LAUNCHER :

This is a decision on the petition filed August 4, 2007, pursuant to 37 C.F.R. § 1.137(b)[1], to revive the above-identified application.

The Power of Attorney and Change of Correspondence Address Indication Form that was received concurrently with this petition has been entered and made of record.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed

1 A grantable petition pursuant to 37 C.F.R § 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

October 16, 2006, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on January 17, 2007. A notice of abandonment was mailed on June 1, 2007.

With the present petition, Petitioner has submitted a response to the non-final Office action, the petition fee, and the proper statement of unintentional delay. No terminal disclaimer is required.

As such, the petition under 37 C.F.R. § 1.137(b) is **GRANTED**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response to the non-final Office action that was received with the present petition can be processed.

Paul Shanoski

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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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
11/128,410	05/11/2005	Burton Raymond Dillon JR.	BD 001

CONFIRMATION NO. 7994

POA ACCEPTANCE LETTER

K. Brian Matlock
Matlock Law Group
961 Ygnacio Valley Road
Walnut Creek, CA 94596

OC000000026966084

Date Mailed: 11/29/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/04/2007.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/pashanoski/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/128,410	05/11/2005	Burton Raymond Dillon JR.	12166/13384

CONFIRMATION NO. 7994

POWER OF ATTORNEY NOTICE

OC000000026931027

Bernhard Kreten
Weintraub Genshlea Chediak Sproul
11th Floor
400 Capitol Mall
Sacramento, CA 95814

Date Mailed: 11/29/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/04/2007.

- 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).

/pashanoski/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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ADELI & TOLLEN, LLP
1875 CENTURY PARK EAST, SUITE 1360
LOS ANGELES CA 90067

In re Application of	: DECISION ON PETITION
Milan Marcovic et al.	: UNDER 37 CFR 1.78(a)(3)
Application No. 11/128,461	: and
Filed: May 12, 2005	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. **KNTO.P0069**	:

This is a decision on the petition filed October 17, 2008 and resubmitted November 25, 2008 and December 4, 2008, under 37 CFR 1.78(a)(3) to change the benefit for prior-filed non-provisional application no. 11/097,866 and to include non-provisional application no. 10/688,470. The petition is also being treated under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of prior-filed provisional applications 60/530,141, 60/552,455 and 60/419,785, as set forth in the concurrently filed supplemental amendment and Application Data Sheet (ADS). This decision also responds to the petition under 37 CFR 1.182 to expedite the processing of the petition under 37 CFR 1.78(a)(6).

The petition under 37 CFR 1.78 is **GRANTED**.
The petition under 37 CFR 1.182 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.

It should be noted that the Supplemental Application Data Sheet is improper since it has not been signed. This decision rests upon the concurrently filed amendment.

All of the above requirements having been satisfied, the late claims for priority under 35 U.S.C. § 120 and 119(e) are 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 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 365(c) 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 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.

The fee in the amount of $400 for expedited handling of the instant petition under 37 CFR 1.182 has been charged to the credit card provided. As well, the fee for the petition under 37 CFR 1.78 in the amount of $400 has been charged to the credit card provided.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2617 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 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
11/128,461	05/12/2005	2617	4020	KNTO.P0069	45	4

CONFIRMATION NO. 8662

CORRECTED FILING RECEIPT

48947
ADELI & TOLLEN, LLP
1875 CENTURY PARK EAST, SUITE 1360
LOS ANGELES, CA 90067

OC000000033680051

Date Mailed: 12/18/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Milan Markovic, Pleasanton, CA;
Jianxiong Jason Shi, Pleasanton, CA;
Michael D. Gallagher, San Jose, CA;
Rajeev Gupta, Sunnyvale, CA;

Power of Attorney:
John Stattler--36285
Mani Adeli--39585
Ali Makoui--45536
Gregory Suh--48187

Domestic Priority data as claimed by applicant

This application is a CIP of 11/013,883 12/15/2004
which is a CIP of 10/688,470 10/17/2003 PAT 7,127,250
This application 11/128,461
claims benefit of 60/571,421 05/14/2004
and is a CIP of 11/097,866 03/31/2005
which claims benefit of 60/564,696 04/22/2004
and is a CIP of 10/688,470 10/17/2003 PAT 7,127,250
which claims benefit of 60/419,785 10/18/2002
and said 11/013,883 12/15/2004
claims benefit of 60/530,141 12/16/2003
and claims benefit of 60/552,455 03/12/2004

Foreign Applications

If Required, Foreign Filing License Granted: 06/10/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/128,461**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

Apparatus and messages for interworking between unlicensed access network and GPRS network for data services

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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ADELI & TOLLEN, LLP
11940 SAN VICENTE BLVD., SUITE 100
LOS ANGELES CA 90049

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NOV 09 2009

OFFICE OF PETITIONS

In re Patent No. 7,606,190	:	
Issue Date: October 20, 2009	:	
Application No. 11/128,461	:	ON PETITION
Filed: May 12, 2005	:	
Attorney Docket No. KNTO.P0069	:	

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 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.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ADELI & TOLLEN, LLP
11940 San Vicente Blvd., Suite 100
LOS ANGELES, CA 90049

Mail Date: 04/21/2010

Applicant	: Milan Markovic	: DECISION ON REQUEST FOR
Patent Number	: 7606190	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,461	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **913** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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	: Milan Markovic	: NOTICE CONCERNING IMPROPER
Patent Number	: 7606190	: CALCULATION OF PATENT TERM
Issue Date	: 10/20/2009	: ADJUSTMENT BASED UPON USPTO
Application No	: 11/128,461	: IMPROPERLY MEASURING REDUCTION
Filed	: 05/12/2005	: 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 **949** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

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SEP 12 2007
OFFICE OF PETITIONS

In re Application of :
Terry L. Marquardt et al :
Application No. 11/128,464 : DECISION ON PETITION
Filed: May 13, 2005 :
Attorney Docket No. :
2005P08444US

This is a decision on the petition under 37 CFR 1.137(b), filed June 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before April 10, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed January 10, 2007. Accordingly, the date of abandonment of this application is April 11, 2007. A Notice of Abandonment was mailed on May 8, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,400 and the publication fee of $300, (2) the petition fee of $1,500, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to Publishing Division for appropriate processing in accordance with this decision on petition.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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AT&T LEGAL DEPARTMENT - T&W
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT&T WAY
BEDMINSTER, NJ 07921

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of	:	
John Beeler	:	
Application No. 11/128,466	:	DECISION ON PETITION
Filed: May 13, 2005	:	TO WITHDRAW
Attorney Docket No. **ATTWP382USA**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed June 22, 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 the above identified application has been revoked by the assignee of the patent application on June 22, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Dillard Hairston Green	: DECISION ON REQUEST FOR
Patent Number	: 7610994	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,471	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **684** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SCULLY SCOTT MURPHY & PRESSER, PC
400 Garden City Plaza
Suite 300
Garden City, NY 11530

MAILED

SEP 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Rae Steele	:	
Application No. 11/128,491	:	DECISION ON PETITION
Filed: May 13, 2005	:	TO WITHDRAW
Attorney Docket No. 18693	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 16, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Paul J. Esatto, Jr. on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed June 23, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Rae Steele**
5 Sucato Drive
Poughkeepsie, NY 12601

cc: **Mr. Paul Winfree**
Deafmart Technologies, Inc.
6345 Canadice Hill Road
Springwater, NY 14560

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/128,491	05/13/2005	Rae Steele	18693

CONFIRMATION NO. 7918

POWER OF ATTORNEY NOTICE

23389
SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

OC000000037733460

Date Mailed: 09/10/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/16/2009.

- 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.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE, NM 87102

Mail Date: 04/21/2010

Applicant	: Christian Adams	: DECISION ON REQUEST FOR
Patent Number	: 7667570	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,505	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1118** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIW Jan-07

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201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE NM 87102

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JAN 25 2007
OFFICE OF PETITIONS

In re Application of	:	
Dean et al.	:	
Application No. 11/128,506	:	ON PETITION
Filed: 12 May, 2005	:	
Atty Docket. 31451-EM-2101-UT	:	

This is a decision on the petition, filed on 10 July, 2006, under 37 CFR 1.182, to correct the spelling of the first named inventor's first name.

The petition is **GRANTED**.

The inventor's name has been corrected from "Jeffrey" to -- **Jeffery**--.

Office PALM records have been corrected to reflect the correct invention title. A corrected Filing Receipt is attached.

As the error was that of petitioners, rather than the Office, the petition fee is due. Petitioners should note that the fee for a petition under 37 CFR 1.182 is $400.00. Therefore the balance due of $270.00 will be charged to counsel's deposit account.

The application will be referred to Technology Center 2821 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

Encl: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/128,506	05/12/2005	2821	1400	31451-EM-2101-UT	3	20	3

CONFIRMATION NO. 7717

CORRECTED FILING RECEIPT

OC000000022160715

5179
PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE, NM 87102

Date Mailed: 01/25/2007

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)

Jeffery A. Dean, Clermont, FL;
Michael E. Weinstein, Orlando, FL;

Assignment For Published Patent Application

Lockheed Martin Corporation, Bethesda, MD

Power of Attorney: The patent practitioners associated with Customer Number **005179**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 06/10/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US11/128,506

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Antenna beam steering via beam-deflecting lens and single-axis mechanical rotator

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 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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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 04/20/2010

Applicant	: Sanjive Agarwala	: DECISION ON REQUEST FOR
Patent Number	: 7577774	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,507	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **368** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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

LAW OFFICES OF ROY ANDERSON
3541 OCEAN VIEW BLVD
GLENDALE CA 91208

In re Application of	:	
Jacob Y. Wong	:	
Application No. 11/128,529	:	DECISION ON PETITION
Filed: May 14, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. RLA35.115	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 7, 2006 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a signed Declaration under 37 C.F.R 1.102(c)(1) stating that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Charles Smoot at 571-272-3299.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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BEYER WEAVER LLP
P.O. BOX 70250
OKLAND, CA 94612-0250

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OFFICE OF PETITIONS

In re Application of	:	
Brian Q. HUPPI	:	
Application No. 11/128,533	:	DECISION ON PETITION
Filed: May 12, 2005	:	TO WITHDRAW
Attorney Docket No. APL1P381/P3711US1	:	FROM RECORD
	:	

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 given to, Beyer Weaver LLP has been revoked by the assignee of the patent application on December 28, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquires concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: WONG, CABELLO, LUTSCH,
RUTHERFORD & BRUCCULERI, LLP
20333 SH 249
SUITE 600
HOUSTON, TX 77070

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
11/128,533	05/12/2005	Brian Q. Huppi	APL1P381/P3711US1

CONFIRMATION NO. 8996

OC000000023493928

61947
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI LLP
20333 SH 249
SUITE 600
HOUSTON, TX 77070

Date Mailed: 04/23/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/28/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

April McGuire

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
ATTORNEY/APPLICANT COPY

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/128,533	05/12/2005	Brian Q. Huppi	APL1P381/P3711US1

CONFIRMATION NO. 8996

OC000000023493878

22434
BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

Date Mailed: 04/23/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/28/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

April Mruse

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
NEW ATTORNEY/AGENT COPY

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/128,533	05/12/2005	Brian Q. Huppi	APL1P381/P3711US1

CONFIRMATION NO. 8996

OC000000023493878

22434
BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

Date Mailed: 04/23/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/28/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

Mail Date: 04/21/2010

Applicant	: Susumu Yamaguchi	: DECISION ON REQUEST FOR
Patent Number	: 7609313	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,544	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1201** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/128,551	05/13/2005	Jean-Frederic Colombel	INN-109X

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

DATE MAILED: August 31, 2006

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of/ express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed on August 30, 2006, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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BECK AND TYSVER
2900 THOMAS AVENUE SOUTH
SUITE 100
MINNEAPOLIS, MN 55416

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DEC 2 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Leslie Hoffman	:	DECISION ON PETITION
Application No. 11/128,552	:	TO MAKE SPECIAL UNDER
Filed: May 13, 2005	:	37 CFR 1.102(c)(1)
Attorney Docket No. 3359	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 2, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Leslie Hoffman attesting that she is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 3743 action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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The Law Office of Deepti Panchawagh-Jain
c/o Intellvate
P.O. Box 52050
Minneapolis, MN 55402

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OFFICE OF PETITIONS

In re Application of	:	
Ross Dargahi, et al.	:	
Application No. 11/128,558	:	DECISION ON PETITION
Filed: May 14, 2005	:	TO WITHDRAW
Attorney Docket No. A473	:	FROM RECORD
	:	

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 8, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to The Law of Office of Deepti Panchawagh-Jain has been revoked by the assignee of the patent application on May 21, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **VMWARE, INC.**
DARRYL SMITH
3401 Hillview Avenue
Palo Alto, CA 94304

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/128,571	05/13/2005	Louis J. Spadaccini	67097-226; EH-11490	8334

26096 7590 07/10/2006

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

EXAMINER
GREENE, JASON M

ART UNIT	PAPER NUMBER
1724	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT and TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
WWW.USPTO.GOV

Mailed: DSS

In re Application of Louis Spadaccini et al.
Serial No.: 11/128,571
Filed: May 13, 2005

DECISION ON PETITION UNDER *37 CFR 1.48(a)*

Title: SPIRAL WOUND FUEL STABILIZATION UNIT FOR FUEL DE-OXYGENATION

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed September 29, 2005 to correct inventorship under 37 CFR 1.48(a) by adding the name Stephen R. Jones of to the list of inventors of the instant application.

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.48(a) by (1) submitting a request to correct the inventorship that sets forth the desired inventorship change; (2) providing a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) providing a declaration of the actual inventors as required by 37 C.F.R. § 1.63; (4) providing the processing fee set forth in 1.17(i); and, (5) providing the written consent of the assignee.

The request is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

D. M 7-5-06

Duane S. Smith
Supervisory Patent Examiner
Art Unit 1724
Technology Center 1700

John M. Siragusa
Carlson, Gaskey, & Olds, P.C.
400 West Maple Road, Suite 350
Birmingham, MI 48009

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4-7-09 Paper No.: _____

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/128571 Patent No.: 7393388

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.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes do not apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: OK

DUANE SMITH
SUPERVISORY PATENT EXAMINER

SPE 1797 Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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MICHAEL P. MORRIS
BOEHRINGER INGELHEIM CORPORATION
900 RIDGEBURY ROAD
P. O. BOX 368
RIDGEFIELD, CT 06877-0368

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OFFICE OF PETITIONS

In re Application of	:
Martin Eilers	:
Application No. 11/128,572	: DECISION GRANTING PETITION
Filed: May 13, 2005	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 12/231	:

This is a decision on the petition, filed July 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 July 11, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1657 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\july10\128572.wpd

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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PETER SU
530 LYTTON AVENUE
SECOND FLOOR
PALO ALTO, CA 94301

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OFFICE OF PETITIONS

In re Application of	:	
Hare Krishna Verma	:	
Application No. 11/128,575	:	DECISION ON PETITION
Filed: May 14, 2005	:	
Attorney Docket No. CSWT 1010-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 5, 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 December 15, 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 March 16, 2007. A Notice of Abandonment was mailed on June 29, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

It is noted that the Revocation of Power of Attorney with new Power of Attorney and Change of Correspondence Address filed on September 20, 2007, was erroneously accepted by the Office. In this regard, compliance with 37 CFR 3.73(b) has not been satisfied, in that a complete chain of title from the original owners to the current assignee was not provided. Further, 37 CFR 3.73(b)(1)(i), requires a statement that the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11. Therefore, in order to perfect the Revocation of Power of Attorney with new Power of Attorney and Change of Correspondence Address filed September 20, 2007, compliance with 37 CFR 3.73(b) must be fully satisfied.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2819 for appropriate action by the Examiner in the normal course of business on the reply received November 5, 2007.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.go

BRYAN CAVE LLP
TWO NORTH CENTRAL AVENUE
SUITE 2200
PHOENIX AZ 85004

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NOV 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Iida et al.	:	
Application No. 12/128585	:	DECISION NOTING
Filing or 371(c) Date: 05/28/2008	:	JOINDER OF
Title of Invention:	:	INVENTORS
POWER STRIP AND METHOD	:	
OF MANUFACTURE	:	

This is in response to the Petition by Joint Inventors Filing on Behalf of Nonsigning Inventor who Cannot be Reached Under 37 CFR §1.47(a), filed October 9, 2008, and on the "Withdrawal of Petition by Joint Inventors Filing on Behalf of Nonsigning Inventor who Cannot be Reached Under 37 CFR §1.47(a) and Submittal of Declaration of Inventorship," filed October 23, 2008, noting the joinder of the inventor.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the Petition is considered to be moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The Declaration has been entered and made of record.

This application is being referred to the Office of Patent Application Processing for further processing in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOWARD J. GREENWALD P.C.
349 W. COMMERCIAL STREET SUITE 2490
EAST ROCHESTER, NY 14445-2408

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JAN 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey L. Helfer et al	:	DECISION ON PETITION
Application No. 11/128,591	:	TO WITHDRAW
Filed: May 13, 2005	:	FROM RECORD
Attorney Docket No. JLH-843	:	

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 14, 2005.

The request is **NOT APPROVED** as moot.

While an attorney or agent at Howard J. Greenwald P.C. submitted the above-identified application, a review of the file record indicates that Howard Greenwald and those practitioners associated with Customer No. 37282 were not giving power of attorney. Accordingly, the request to withdraw under 37 C.F.R. § 1.136(b) is moot.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by a registered practitioner given power of attorney in this application, an assignee, or the applicants. See 37 CFR 1.33(a)(2).

Telephone inquires concerning this decision should be directed to Wan Laymon at 571-272-3220.

Amelia Au
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BASCH & NICKERSON LLP
1777 PENFIELD ROAD
PENFIELD, NY 14526

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
John E. GORDON, et al	:	
Application No. 11/128,591	:	DECISION ON PETITION
Filed: June 30, 2003	:	TO WITHDRAW
Attorney Docket No. 1-36237	:	FROM RECORD
	:	

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 26, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Basch & Nickerson LLP, has been revoked by the assignee of the patent application on February 17, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the address indicated below until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: BIOPHAN TECHNOLOGIES, INC.
15 SCHOEN PLACE
PITTSFORD, NY 14534

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DIW Oct-05

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA PA 19103

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OCT 21 2005

OFFICE OF PETITIONS

In re Application of	:	
Solomon et al.	:	
Application No. 11/128,613	:	DECISION DISMISSING PETITION
Filed: 12 May, 2005	:	
Atty Dckt No. MSFT-	:	
4916/312637.01	:	

This is a decision in reference to the petition filed on 13 April, 2005, which is treated as a petition filed under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of 28 January, 2004, rather than the currently-accorded filing date of 18 January, 2004.

Petitioners allege that the application was deposited in Express Mail service on 12 May, 2005. In support, on 7 October, 2005, petitioners supplied a copy of Express Mail Customer Label No. EL999301312US.

The petition is dismissed because the number on the Express Mail Customer Label, EL999301312US, is different than the Express Mail number found on the itemized transmittal sheet located in the Official application file, which is EV614722937US. As the Express Mail number on the application transmittal sheet is different than that on the Express Mail label provided, the Express Mail label provided, No. EL999301312US, cannot serve as evidence of the date of deposit of the application papers, with a cover sheet containing Express Mail number EV614722937US.

Nevertheless, a review of the Office PALM records reveals that this application was previously accorded the desired filing date of 12 May, 2005.

The application is being referred to Technology Center 2123 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ADELI & TOLLEN, LLP
1875 CENTURY PARK EAST, SUITE 1360
LOS ANGELES CA 90067

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JUN 0 5 2008

OFFICE OF PETITIONS

In re Application of :
GALLAGHER, et al. :
Application No. 11/128,615 :
Filed: May 12, 2005 :
Attorney Docket No. **KNTO.P0068** :

DECISION ON PETITION UNDER 37 CFR 1.313(c)(2) AND 37 CFR 1.182

This is a decision on the petition under 37 CFR 1.313(c)(2), to withdraw the above-identified application from issue after payment of the issue fee, and the request for Special Attention and Expedited Handling under 37 CFR 1.182, filed June 2, 2008.

The petition under 37 CFR 1.313(c)(2) 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 7, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The petition under 37 CFR 1.182 is **DISMISSED as moot.**

37 CFR 1.182 provides that all situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(f).

The request for Special Attention and Expedited Handling is unnecessary and therefor not considered.

---

[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.*

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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ADELI & TOLLEN, LLP
1875 CENTURY PARK EAST, SUITE 1360
LOS ANGELES CA 90067

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NOV 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Gallagher et al.	:	
Application No. 11/128,615	:	DECISION ON PETITIONS
Filed: May 12, 2005	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. KNTO.P0068	:	

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed September 24, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for benefit of priority to the prior-filed applications set forth in the concurrently filed amendment.

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 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

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.

Any questions concerning this matter may be directed to Charlema Grant at (571) 272-3215. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the Office of Data Management for processing into a patent.

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
11/128,615	05/12/2005	2617	1315	KNTO.P0068	29	4

CONFIRMATION NO. 7769

CORRECTED FILING RECEIPT

48947
ADELI & TOLLEN, LLP
1875 CENTURY PARK EAST, SUITE 1360
LOS ANGELES, CA 90067

OC000000032969614

Date Mailed: 11/05/2008

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)

Michael D. Gallagher, San Jose, CA;
Rajeev Gupta, Sunnyvale, CA;
Milan Markovic, Pleasanton, CA;
Jianxiong (Jason) Shi, Pleasanton, CA;
Joseph G. Baranowski, Morgan Hill, CA;

Power of Attorney:
John Stattler--36285
Mani Adeli--39585
Ali Makoui--45536
Gregory Suh--48187

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/571,421 05/14/2004
and is a CIP of 11/013,883 12/15/2004
which is a CIP of 10/688,470 10/17/2003 PAT 7,127,250
This application 11/128,615
is a CIP of 11/097,866 03/31/2005
which claims benefit of 60/564,696 04/22/2004
and is a CIP of 10/688,470 10/17/2003 PAT 7,127,250
which claims benefit of 60/419,785 10/18/2002
and said 11/097,866 03/31/2005
is a CIP of 11/013,883 12/15/2004
which is a CIP of 10/688,470 10/17/2003 PAT 7,127,250
which claims benefit of 60/419,785 10/18/2002
and said 11/013,883 12/15/2004

claims benefit of 60/530,141 12/16/2003 *
and claims benefit of 60/552,455 03/12/2004
(*)Data provided by applicant is not consistent with PTO records.

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 **US 11/128,615**
Projected Publication Date: Not Applicable
Non-Publication Request: No
Early Publication Request: No
Title

CHANNEL ACTIVATION MESSAGING IN AN UNLICENSED MOBILE ACCESS TELECOMMUNICATIONS 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 16 2008

OFFICE OF PETITIONS

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

In re Application of :
Ishikawa, et al. : DECISION ON PETITION
Application No. 11/128,622 :
Filed: May 13, 2005 :
Docket No.: K0486.70000US01 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed April 22, 2008.

This application was held abandoned for failure to timely submit a proper reply to the non-final Office action mailed May 30, 2007. Notice of Abandonment was mailed March 13, 2008.

Petitioner asserts that a response to the non-final Office action was timely submitted on August 24, 2007 and have provided as proof of mailing and proof of USPTO receipt a return postcard dated August 27, 2007 acknowledging receipt of the reply. Further, the copy of the reply submitted herewith bears a certificate of mailing date of August 24, 2007 in accordance with 37 CFR 1.8.

The original response submitted August 27, 2007 has not been located in the application file. However, the arguments and evidence submitted support the conclusion that a reply to the non-final Office action was timely filed August 27, 2007.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center 1700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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YAHOOI UNC,
C/O DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK NY 10150-6257

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AUG 15 2007
OFFICE OF PETITIONS

In re Application of :
Madhu Yarlagadda :
Application No. 11/128,634 :
Filed: May 12, 2005 :
Attorney Docket No. 08226/0202764-US0 :

ON PETITION

This is a decision on the petition, filed August 13, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 10, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2618 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

COPY MAILED

AUG 2 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Dehli, Hans	:	
Application No. 11/128,635	:	ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 55113/SAH/H362	:	

This is a decision on the petition filed August 4, 2005, requesting that the above-identified application be accorded a filing date of May 13, 2005, rather than the presently accorded date of May 16, 2005. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on May 13, 2005 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of the Track & Confirm record for Express Mail label No. EV 327920178 US showing that the package in question was "enroute" on May 13, 2005, at 5:32 p.m. in Pasadena, CA. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal."

Therefore, in view of the above evidence, it is concluded that the application was deposited in Express Mail service on May 13, 2005. Accordingly, the instant application is entitled to a filing date of May 13, 2005 and has been so accorded.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(c) does not require a petition fee and none has been collected.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of May 13, 2005, along with a corrected filing receipt.** Thereafter, the matter is referred to Technology Center 3700 for examination in due course.

Telephone inquiries concerning this matter may be directed Paralegal Liana Chase at (571) 272-3206.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

6-26-08

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Patent No. : 7,294,725
Inventor(s) : Panayiotis Alexandrou Procopiou
Issued : November 13, 2007
For: PROCESS FOR PREPARING SALMETEROL

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction under Rule 1.323and 1.322.

In the title, it is the practice to exclude words such as "Improvements in", "A", "Novel", etc., from the printed patent.

In view of the foregoing, your request is hereby denied.

Eva James
For Mary Diggs
Decisions & Certificate
of Correction Branch
(703) 305-8309

Glaxosmithkline
Corporate Intellectual Property, Mai B482
Five Moore DR., P.O. Box 13398
Research Triangle Park NC 22709-3398

ej

PRINTER RUSH

(PTO ASSISTANCE)

Application:	11128647	**Examiner:**	Hamdy AHMED	**GAU:**	2186
From:	Midel Geronimo	**Location:**	IDC	**Date:**	12/08/2009

Tracking #: Week Date: 11/23/2009

DOC CODE	DOC DATE	MISCELLANEOUS
[ ] 1449		[ ] Continuing Data
[ ] IDS		[ ] Foreign Priority
[X] CLM	09/01/2009	[ ] Document Legibility
[ ] IIFW/FWCLM		[ ] Fees
[ ] SRFW		[ ] Other
[ ] DRW		
[ ] OATH		Attn:
[ ] 312		
[ ] SPEC		

[RUSH] Message:

In the LISTING OF CLAIMS
--- Renumbered CLAIMS 2 and 3(original 3 and 4, respectively) depend on a subsequent claim - Renumbered CLAIM 10(original 21).

Please resolve. Thanks.

[XRUSH] Response:

Please see the attached renumbered Issue classification.

Claims 2 and 5 has been cancelled.
Hamdy Ahmed

12/29/2009

Initials: _____

Examiner: PUBS contacts - for DESIGNS: Don Fairchild, 703-756-1566; for ALL OTHER files: Bernadette Queen, 703-756-1565.
NOTE: This form will be included as part of the official USPTO record with the response document coded as XRUSH.

REV: May 09

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MYERS BIGEL SIBLEY & SAJOVEC, P.A
PO BOX 37428
RALEIGH NC 27627

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of:
VANCE, Scott Ladell, et al.
Application No.: 11/128,652
Filed: May 13, 2005
Attorney Docket No.: 9314-108

DECISION APPROVING
WITHDRAWAL OF ATTORNEY

This is a decision on the Request to Withdraw as Attorney/Agent of Record under 37 CFR § 1.36, filed October 2, 2008.

The Request is **APPROVED**.

Debra K. Stephens requests that she alone be withdrawn as an attorney under 37 CFR § 1.36, pursuant to the reason set forth under 37 CFR § 10.40(b)(2), because of her current employment by the United States Patent and Trademark Office. Since the Request satisfies all of the requirements for withdrawal, it is appropriate to approve the Request and withdraw only Ms. Stephens as an attorney of record.

All future communications from the Office will continue to be directed to the above-identified correspondence address.

A courtesy copy of this decision is being mailed to Ms. Stephens at the address identified in the Request.

Telephone inquiries relating to this decision should be directed Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

Cc: Debra K. Stephens
301 Edgemore Avenue
Cary, NC 27519

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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GARDERE WYNNE-HOUSTON
1000 LOUISIANA
SUITE 3400
HOUSTON, TX 77002

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JUN 19 2008
OFFICE OF PETITIONS

In re Application of	:	
Tuy Vu Mai et al	:	
Application No. 11/128,656	:	ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 127976-1004	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 19, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 7, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 8, 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 2624 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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1000 LOUISIANA
SUITE 3400
HOUSTON TX 77002

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JUL 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Tuy Vu Mai et al.	:	
Application No. 11/128,656	:	DECISION ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 127976-1004	:	

This is a decision on the petition filed May 12, 2009, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed February 19, 2008 be withdrawn The $400.00 petition fee has been received.

The petition is **granted**.

Petitioners assert that, as the claim for which the aforementioned terminal disclaimer was originally proffered has now been cancelled to remove the basis for the previous obviousness-type double patenting rejection, there is no further need for the disclaimer to remain recorded against this application. The undersigned has consulted with the examiner in charge of this application, and has found that the examiner concurs with petitioners' assertion. Accordingly, the terminal disclaimer is withdrawn. USPTO records for the above-identified application have been changed consistent with this decision.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-6692

Christopher Bottorff
Petitions Examiner
Office of Petitions

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GARDERE WYNNE-HOUSTON
1000 LOUISIANA
SUITE 3400
HOUSTON, TX 77002

Mail Date: 04/21/2010

Applicant	: Tuy Vu Mai	: DECISION ON REQUEST FOR
Patent Number	: 7630579	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,656	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **635** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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INVENTARIUM
Suite 1607
4050 Rosemont Blvd
Montreal H1X 1M4 CA CANADA

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OFFICE OF PETITIONS

In re Application of	:	
Marcel Gagne	:	
Application No. 11/128666	:	
Filing or 371(c) Date: 05/12/2005	:	ON PETITION
Title of Invention: RIB CAGE	:	
RETRACTOR AND PADS THEREOF	:	

This is a decision on the petition to revive the application under the unintentional provisions of 37 CFR 1.137(b), filed June 6, 2007. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed June 14, 2006. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on September 15, 2006. A Notice of Abandonment was mailed May 4, 2007.

Applicant files the present petition and includes an Amendment in response to the Office action. 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 is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay). Accordingly, the reply is accepted as having been unintentionally delayed.

The application is being referred to Technology Center Art Unit 3732 for processing of the Amendment filed with the petition in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 1607
4050 ROSEMONT BLVD
MONTREAL H1X 1M4 CA CANADA

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AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Marcel GAGNE	:	
Application No. 11/128,666	:	DECISION ON PETITION
Filed: May 12, 2005	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 03, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 18, 2007, which set a shortened statutory period for reply of three (3) months. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is March 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 a Request for Continued Examination (RCE) and fee of $405.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office action of December 18, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Michelle R. Eason at (571) 272-4231.

This application is being referred to Technology Center AU 3732 for processing of the RCE and amendment submitted in accordance with 37 CFR 1.114.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO IL 60606

MAILED

OCT 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Dual et al.	:	
Application No. 11/128,677	:	ON APPLICATION FOR
Filed: May 13, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 22629US	:	
(MBHB NO. 05-234)	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705 (b)-(d) filed April 30, 2009, which is properly treated under 37 CFR 1.705(b). Applicant submits that the correct patent term adjustment to be indicated on the patent is eight hundred fifty-six (856) days, not five hundred seventy-seven (577) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant seeks this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined.

Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the 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 such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

---

[1] For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to 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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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Jurg Dual	: DECISION ON REQUEST FOR
Patent Number	: 7615378	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,677	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **807** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

Mail Date: 05/18/2010

Applicant : Jurg Dual
Patent Number : 7615378
Issue Date : 11/10/2009
Application No : 11/128,677
Filed : 05/13/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **922** 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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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 04/20/2010

Applicant	: Shoban Srikrishna Jagathesan	: DECISION ON REQUEST FOR
Patent Number	: 7603487	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,680	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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ARTHUR J. BEHIEL
Silicon Edge Law Group, LLP
6601 KOLL CENTER PARKWAY
SUITE 245
PLEASANTON, CA 94566

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JAN 11 2008
OFFICE OF PETITIONS

In re Application of	:	
Dwight J. Zuck, et. al.	:	
Application No. 11/128,684	:	ON PETITION
Filed: May 12, 2005	:	
Attorney Docket No. Z-001-3C	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on August 17, 2007, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed May 2, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of $700 for payment of the issue fee; (2) the petition fee of $750; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Data Management 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREETMay 13, 2005
CINCINNATI OH 45202

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OFFICE OF PETITIONS

In re Application of	:	
Rowe, Brian A.	:	DECISION ON PETITION
Application No. 11/128,689	:	TO WITHDRAW
Filed: May 13, 2005	:	FROM RECORD
Attorney Docket No. 0040013/0384532	:	

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 27, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Edwin R. Acheson, Jr., on behalf of all attorneys of record who are associated with Customer Number 26874. All attorneys/agents associated with said Customer Number 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 inventor; or (2) the assignee of the entire interest that has previously taken action in the instant application. All future communications from the Office will be directed to the first named inventor at the below-listed address until otherwise properly notified by the applicant.

There is an outstanding Office action mailed December 27, 2006 that requires a reply from the applicant.

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:

BRIAN ROWE
3023 OUSLEY GAP ROAD
BARBOURSVILLE, WV 25504

RONNIE ROWE
INPERIAL BEDDING CORPORATION
7TH AVENUE AND 11TH STREET
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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

Mail Date: 04/27/2010

Applicant	: Robert McClure	: DECISION ON REQUEST FOR
Patent Number	: 7650841	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/128,691	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Schwegman, Lundberg & Woessner, P.A.
1600 TCF Tower
121 South 8th Street
Minneapolis, MN 55402

COPY MAILED

FEB 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Trent N. Grover et al.	:	
Application No. 11/128,712	:	DECISION ON PETITION
Filed: May 13, 2005	:	TO WITHDRAW
Attorney Docket No. 1774.007US1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 11, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Schwegman, Lundberg & Woessner, P.A. has been revoked by the assignee of the patent application on September 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 Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Lemaire Patent Law Firm, P.L.L.C.**
PO Box 11358
St. Paul, MN 55111

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

LEMAIRE PATENT LAW FIRM, P.L.L.C.
P.O. BOX 1818
BURNSVILLE, MN 55337

Mail Date: 04/21/2010

Applicant	: Trent N. Grover	: DECISION ON REQUEST FOR
Patent Number	: 7656403	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,712	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1150** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.:20070714

DATE : July 14, 2007

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction on Patent No.: 7229970

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply. D.L. 7/12/07

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

Cecilia Tsang

SPE: Cecilia Tsang **Art Unit** 1654

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAR 16 2010

OFFICE OF PETITIONS

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Patent No. 7,615,003
Issued: November 10, 2009
Application No. 11/128,733
Filed: May 13, 2005
For: TRACK FOR MEDICAL DEVICES

: 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 properly treated as a petition under 37 CFR 1.705(d), requesting recalculation of the patent term adjustment under 35 USC 154(b).

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 515 days is **GRANTED**.

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 May 14, 2008 and ends on July14, 2008, the day before the RCE was filed, and not July 15, 2008, the day of filing of the RCE. See, 35 U.S.C. 154(b)(1)(B)(i). Thus, the over 3 year period is 62 days. As such, the correct patent term adjustment is 515 days, not 453 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136. See, 37 CFR 1.323(a)(4).

The 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 515 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 : 7,615,003 B2

DATED : **November 10, 2009** **DRAFT**

INVENTOR(S) : Stefanchik, 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 453 days

Delete the phrase "by 453 days" and insert – by 515 days--

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United States Patent and Trademark Office
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SEP 08 2005
Director's Office
Group 3700

Bracewell & Giuliani LLP
P.O. Box 61389
Houston, TX 77208-1389

In re Application of	:	
Jae Woo Lee, et al.	:	
Serial No. 11/128734	:	DECISION ON PETITION
Filed: May 13, 2005	:	TO MAKE SPECIAL
For: ENHANCED FLUID DISPENSER CONTAINER FITMENT		

Applicant's petition, filed May 13, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

OCT 12 2005

In re Application of	:	
Dennis Rowe	:	
Serial No. 11/128,756	:	DECISION ON PETITION
Filed: May 13, 2005	:	TO MAKE SPECIAL
For: ANNULAR OCTAGONAL HAND HELD	:	
PUSHING TOOL FOR USE WITH	:	
CUTTING AND ABRASIVE TOOLS	:	

Applicant's petition, filed July 5, 2005, requests that this application be rendered special for examination in that applicant is over sixty-five (65) years of age.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(IV) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

Frederick R. Schmidt, Director
Technology Center 3700

Dennis Rowe
8811 Canoga Ave., Space 387
Canoga Park, CA 91304

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

December 6, 2007

Paul D. Greeley
OHLANDT, GREELEY, RUGGIERP & PERLE, LLP
One Landmark Square 10th Floor
Stamford. CT 06901-2682

Patent No.: 7,297,125 B2
Application No.: 11/128765
Inventor(s): Charles Palmer, et al.
Issued: November 20, 2007
Title: **CHEST BRACE TO PREVENT COLLAPSE OF CHEST WALL**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-0025 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Virginia Tolbert
For Cecelia Newman
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paul D. Greeley, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square
10th Floor
Stamford, CT 06901-2682

MAILED

MAY 07 2009

OFFICE OF PETITIONS

In re Patent No. 7,297,125	:	
Issue Date: November 20, 2007	:	
Application No. 11/128,765	:	ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 823.0002USX1	:	

This is a decision on the petition filed January 2, 2008, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "The Penn State Research Foundation, University Park, PA (US); Respironics, Inc., Pittsburgh, PA (US)" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "The Penn State Research Foundation, University Park, PA (US); Respironics, Inc., Pittsburgh, PA (US) is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the Kimberly Inabinet at (571) 272-4618. 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 after issuance of this application into a patent.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE CA 92618

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OFFICE OF PETITIONS

In re Application of

Tseng, et al.

Application No. 11/128,768

Filed: May 12, 2005

Attorney Docket No. JCLA13897

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed August 14, 2008, and in duplicate on August 15, 2008.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on March 28, 2008, after it was believed that no response was received to the non-final Office action mailed December 27, 2007. The non-final Office action allowed a period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on August 6, 2008, indicating that a reply to the non-final Office action was not received.

The instant petition maintains that an amendment responsive to the non-final Office action was transmitted via facsimile on April 11, 2008, along with a request for an extension of time within the first month. A copy of the amendment containing a certificate of transmission under 37 CFR 1.8 dated April 11, 2008, accompanied the petition.

Section 711.03(c) of the *Manual of Patent Examining Procedure* provides, in pertinent part, that:

> Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the

> actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

Ms. Michelle Chang signed the certificate of transmission under 37 CFR 1.8, but no statement of personal knowledge from Ms. Chang accompanied the petition. A copy of the Auto-Reply facsimile transmission sheet noting that thirty-six pages were transmitted to the USPTO on April 11, 2008, accompanied the petition. The evidence is, therefore, convincing that the amendment was timely transmitted and lost by the Office.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly. No petition fee is due.

The application file is being forwarded Technology Center 2800, GAU 2892 for further processing, including treatment of the copy of the amendment filed August 15, 2008.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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J C PATENTS
4 VENTURE, SUITE 250
IRVINE, CA 92618

Mail Date: 04/21/2010

Applicant	: Tzyy-Jang Tseng	: DECISION ON REQUEST FOR
Patent Number	: 7642571	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,768	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **617** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DIW Mar-08

ALEKSANDR L. YUFA
698 CYPRESS AVENUE
COLTON CA 92324

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MAR 06 2008

OFFICE OF PETITIONS

In re Application of	:	
Aleksandr L. Yufa	:	
Application Number: 11/128780	:	ON PETITION
Filing Date: 05/13/2005	:	
For: METHOD AND WIRELESS	:	
COMMUNICATING APPARATUS FOR	:	
ANALYSIS OF ENVIRONMENT	:	

This is a decision on the "Applicant's Response to PTO's "Notice of Abandonment" filed on January 22, 2008, which is treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application was held abandoned on September 23, 2007, for failure to timely file a reply to the final Office action mailed on June 22, 2007, which set a three (3) month shortened statutory period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. On January 18, 2008, a Notice of Abandonment was mailed.

Petitioner asserts that a response in the form of an Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114, were timely filed on July 2, 2007 by Certified Mail.

In support, petitioner has supplied a copy of the RCE and amendment as the submission under 37 CFR 1.114 asserted to have been filed on July 2, 2007. It is noted that the RCE and amendment contain a Certificate of Mailing or Transmission dated July 2, 2007, stating "I certify that this correspondence will be deposited with the United States Postal Service as Certified Mail # 7006 2760 0004 3377 8738 proper postage affixed in an envelope addressed to: 'Commissioner for Patents, P.O. Box 1450,

Alexandria, VA 22313-1450' on the date below."[1] The certificate is signed by applicant *pro se*. Petitioner states in the subject petition that he mailed the correspondence to the Office on July 2, 2007.

As petitioners have provided convincing evidence that an RCE and submission were timely filed on July 2, 2007, the showing of record is that a response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

A review of Office financial records reveals that the RCE fee was received on July 6, 2007. Accordingly, no additional fee for the RCE is due.

The application is being referred to Technology Center Art Unit 2612 for further processing.

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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[1] The USPS Internet site at www.usps.com states that Certified Mail is available for First-Class Mail and Priority Mail. MPEP 512(I)(F) states that for the purposes of 37 CFR 1.8(a)(1)(i)(A), first class mail is interpreted as including "Express Mail" and "Priority Mail" deposited with the U.S. Postal Service. Accordingly, the showing of record is that the RCE and Amendment were deposited in accordance with 37 CFR 1.8(a).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/6/09

TO SPE OF : ART UNIT 2612

SUBJECT : Request for Certificate of Correction for Appl. No.: 11128780 Patent No.: 7439855

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 Jacks
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.

- ☐ **Approved** — All changes apply.
- ☒ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: Column 1, Line 8; Column 4, line 36; column 6, line 44; column 19, lines 28, 29, 42: wrong line numbers for the listed text. Column 3, line 2; Column 7, line 33, "range" for insertion is not supported. Column 20, line 59, there are 2 separate appearances of the indicated text for change that is unspecified.

/Benjamin C. Lee/
SPE

2612
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 04/21/2010

Applicant	: Ying Li	: DECISION ON REQUEST FOR
Patent Number	: 7653627	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,788	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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United States Patent and Trademark Office
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BUCKNAM AND ARCHER
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Chih-Yung Shih	: DECISION ON REQUEST FOR
Patent Number	: 7653041	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,794	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **722** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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IBM CORPORATION, INTELLECTUAL PROPERTY LAW
DEPT 917, BLDG. 006-1
3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

Mail Date: 04/21/2010

Applicant	: Cary Lee Bates	: DECISION ON REQUEST FOR
Patent Number	: 7594186	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,797	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1093** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PFIZER INC.
PATENT DEPARTMENT, MS8260-1611
EASTERN POINT ROAD
GROTON CT 06340

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APR 22 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Lunn, et al.
Application No. 11/128,804
Filed: May 12, 2005
Attorney Docket No. PC32017A

This is a decision on the petition, filed March 19, 2009, 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 26, 2008 final Office action. No response being received and no proper extensions of time being obtained, this application became abandoned on September 27, 2008. A Notice of Abandonment was mailed on March 11, 2009.

Applicants have submitted an amendment in reply to the June 26, 2008 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the June 26, 2008 final Office action, and the $1,620.00 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 $1,110.00 extension of time submitted with the petition on March 19, 2009 was submitted subsequent to the expiration of the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioners' deposit account.

After the mailing of this decision the application will be forwarded to Technology Center AU 1625 for consideration of the amendment filed on March 19, 2009.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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CARGILL, INCORPORATED
LAW/24
15407 MCGINTY ROAD WEST
WAYZATA MN 55391

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NOV 2 1 2007

OFFICE OF PETITIONS

In re Application of	:
Roberts et al.	:
Application No. 11/128812	: DECISION ON PETITION
Filing or 371(c) Date: 05/13/2005	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. CGL02/0195US01	:

This is a decision on the "Preliminary Amendment and Petition Under 37 CFR § 1.78," filed September 24, 2007, 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 AS MOOT.**

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed provisional applications. While a reference to the prior-filed provisional applications was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the transmittal letter filed with the application.

Where a claim for priority under 37 CFR § 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR § 1.78(a)(6).[1] In the present case, the Office noted the claim for priority to the prior-filed provisional applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

---

[1] *Note* MPEP 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

In view of the above, the $1370 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

Any inquiries concerning this decision 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 forwarded to Technology Center Art Unit 1761 for appropriate action on the amendment filed September 24, 2007, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 119 to the prior-filed application.

Anthony Knight
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

In re Application of	:	
Noriyoshi Shimizu et al	:	
Application No. 11/128,813	:	DECISION GRANTING PETITION
Filed: May 13, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. CU-4211 RJS	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 25, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 10, 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 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

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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OFFICE OF PETITIONS

JOHN A. MIZHIR, JR.
MIZHIR & ASSOCIATES
SUITE 301
462 STEVENS AVENUE
SOLANA BEACH, CA 92075

In re Application of	:	
Lee FERGUSON	:	
Application No. 11/128,827	:	DECISION ON PETITION
Filed: May 14, 2005	:	TO WITHDRAW
Attorney Docket No. 00002-0002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 7, 2007.

The request is **NOT APPROVED**.

The Office cannot approve the request at this time since the reason provided does not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "a practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office." More specifically, 37 CFR 10.40 states, "if paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, Applicant intends to continue prosecution, does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There is an outstanding Office action mailed August 3, 2007 that requires a reply 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: LEE FERGUSON
200 EAST WESTWOOD LN
UNION, WA 98592

IFW DAC

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OFFICE OF PETITIONS

JOHN A. MIZHIR, JR.
MIZHIR & ASSOCIATES
SUITE 301
462 STEVENS AVENUE
SOLANA BEACH, CA 92075

In re Application of	:	
Lee FERGUSON	:	
Application No. 11/128,827	:	DECISION ON PETITION
Filed: May 14, 2005	:	TO WITHDRAW
Attorney Docket No. 00002-0002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 7, 2007.

The request is **NOT APPROVED**.

The Office cannot approve the request at this time since the reason provided does not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "a practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office." More specifically, 37 CFR 10.40 states, "if paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, Applicant intends to continue prosecution, does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There is an outstanding Office action mailed August 3, 2007 that requires a reply 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: LEE FERGUSON
200 EAST WESTWOOD LN
UNION, WA 98592

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LACKENBACH SIEGEL, LLP
LACKENBACH SIEGEL BUILDING
1 CHASE ROAD
SCARSDALE NY 10583

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OCT 11 2005

OFFICE OF PETITIONS

In re Application of Agresta et al. Application No. 11/128,842 Filed: May 13, 2005 Attorney Docket No. TANDA.P002 Title: SYSTEM, DEVICE AND METHOD FOR REMOTELY PROVIDING, ACCESSING AND USING PERSONAL ENTERTAINMENT MEDIA	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition filed September 15, 2005, under 37 CFR. §1.47(a).

The petition under 37 CFR. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on May 13, 2005, without an executed oath or declaration. Accordingly, on June 13, 2005, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of August 13, 2005.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. To make timely a one month extension of time was also provided.

A grantable petition under 37 CFR. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been

presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirements (1).

As to item (1), where an inventor cannot be located/reached as in the case of inventor Roth, rule 47 applicant must demonstrate diligent effort was made to find or reach the non-signing inventors. See MPEP 409.03(d). The statements made in the petition do not illustrate "diligent effort" was made to locate the non-signing inventor. Although rule 47 applicant indicates two mailing were made to non-signing inventor's last known address and "several attempts" were made to contact the inventor by telephone, these actions are not sufficient to establish diligent effort was made to locate inventor Roth. What occurred when telephone calls were made? Was the phone number still connected were any messages left for inventor to call? Rule 47 applicant may wish to conduct an electronic search, inquire the joint inventors whether they are aware of a forwarding address for non-signing inventor. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in a statement of facts. It is important that the statement contain facts as opposed to conclusions. If inventor Roth is located, a copy of the application papers (specification, including claims, drawings, and oath or declaration) should be mailed to the inventor's mailing address.

Further, if the inventor is located and he refuses to execute the application papers, rule 47 applicant will need to provide the mailing address in a newly executed declaration or in an application data sheet pursuant to 37 CFR 1.76.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile;	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

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LACKENBACH SIEGEL BUILDING
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SCARSDALE NY 10583

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OFFICE OF PETITIONS

In re Application of
Robert Agresta, Greg Roth and David Tannenbaum
Application No. 11/128,842
Filed: May 13, 2005
Attorney Docket No. TANDA.P002
Title: SYSTEM, DEVICE AND METHOD FOR REMOTELY PROVIDING, ACCESSING AND USING PERSONAL ENTERTAINMENT MEDIA

DECISION GRANTING STATUS UNDER 37 CFR 1.47(A):

This is in response to the renewed petition filed March 15, 2006, under 37 CFR. §1.47(a).

The petition is GRANTED.

Petitioner has shown the non-signing inventor Greg Roth 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 papers was sent to non-signing inventor's last known address. The non-signing inventor's failure to respond to the application mailing sufficiently establishes 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.

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.

Telephone inquiries related to this decision may 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
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Alexandria, VA 22313-1450
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Greg Roth
518 Standish Road
Teaneck, NJ 07666

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APR 14 2006

OFFICE OF PETITIONS

In re Application of
Robert Agresta, Greg Roth and David Tannenbaum
Application No. 11/128,842
Filed: May 13, 2005
Attorney Docket No. TANDA.P002
Title: SYSTEM, DEVICE AND METHOD FOR REMOTELY PROVIDING, ACCESSING AND USING PERSONAL ENTERTAINMENT MEDIA

: LETTER

Dear Mr. Roth :

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, attorney or agent (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

LACKENBACH SIEGEL, LLP
LACKENBACH SIEGEL BUILDING
1 CHASE ROAD
SCARSDALE NY 10583
ATTN: ANDREW F. YOUNG

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

In re Application of :
GROVER, Trent N. :
Application No. 11/128,845 : DECISION ON PETITION
Filed: May 13, 2005 : TO WITHDRAW
Attorney Docket No. **1774.006US1** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 11, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **SCHWEGMAN, LUNDBERG & WOESSNER, P.A.** has been revoked by the assignee of the patent application on September 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 the undersigned at (571) 272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **LEMAIRE PATENT LAW FIRM, P.L.L.C.**
P.O. BOX 1818
BURNSVILLE MN 55337

White, Ernest

From: Gutierrez, Diego
Sent: Friday, May 28, 2010 10:16 AM
To: White, Ernest
Cc: Nguyen, Vincent
Subject: CofC in 11/128866

CofC has been approved and has been sent to be soft-scanned.
US PN 7,629,798 B2

Thanks, Diego.

Diego F. F. Gutiérrez
Supervisor, AU 2831
PH: 571-272-2245
FAX: 571-273-2245
diego.gutierrez@uspto.gov

* AWAITING SCANNING OF PTOL-360 (SPE RESPONSE)
C OF C HAS BEEN PROCESSED

5-12-05

DOCKET NO. 31270-709.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Sally Judith Weine RAMSEY

Serial No. : Unassigned 11/128876 Art Unit: Unknown 1711

Filed : Herewith 5-12-05 Examiner: Unknown Berman, Susan

For : ENVIRONMENTALLY FRIENDLY, ACTINIC RADIATION CURABLE COATING COMPOSITIONS FOR COATING THERMOPLASTIC OLEFIN OBJECTS AND METHODS, PROCESSES AND ASSEMBLAGES FOR COATING THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL BECAUSE INVENTION WILL MATERIALLY ENHANCE THE QUALITY OF THE ENVIRONMENT (37 CFR 1.102(c), M.P.E.P. 708.02 V)

Sir:

Applicants hereby petition to make this application special because the invention disclosed in the applicant's application materially enhances the quality of the environment by reducing air, water and soil pollution, thereby improving air, water and soil quality.

No fee is required with this petition, in accordance with 37 CFR 1.102(c).

PETITION GRANTED

R Crispino

Richard Crispino
Special Program Examiner
TC 1700
JUL 27 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHOI, CHANGHUI
658 HAWKEYE DRIVE
IOWA CITY IA 52246

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OFFICE OF PETITIONS

In re Application of	:	
Brackmann et al.	:	
Application No. 11/128,879	:	ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 24378-022CIP	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 26, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the inventor. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Petitions Examiner Liana Chase at 571-272-3206.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3652 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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JACQUES M. DULIN, ESQ. DBA
INNOVATION LAW GROUP, LTD.
237 NORTH SEQUIM AVENUE
SEQUIM, WA 98382-3456

COPY MAILED

JAN 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Rogers F. BRACKMANN, et al	:	
Application No. 11/128,879	:	DECISION ON PETITION
Filed: May 13, 2005	:	TO WITHDRAW
Attorney Docket No. 24378-022CIP	:	FROM RECORD
	:	

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 9, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to The Law Offices of Philip A. Steiner, has been revoked by the assignee of the patent application on December 17, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: KARL L. FELBINGER, JR.
FELBINGER & FELBINGER
1340 SHERMER ROAD,
SUITE 201
NORBROOK, IL 60062

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/128,879	05/13/2005	Rogers F. Brackmann	24378-022CIP

CONFIRMATION NO. 8624

POWER OF ATTORNEY NOTICE

35531
JACQUES M. DULIN, ESQ. DBA
INNOVATION LAW GROUP, LTD.
237 NORTH SEQUIM AVENUE
SEQUIM, WA 98382-3456

OC000000027437789

Date Mailed: 01/04/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/17/2007.

- 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).

/snguyen/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/128,879	05/13/2005	Rogers F. Brackmann	20581.05US4

CONFIRMATION NO. 8624

POA ACCEPTANCE LETTER

25541
NEAL, GERBER, & EISENBERG
SUITE 2200
2 NORTH LASALLE STREET
CHICAGO, IL 60602

OC000000027437845

Date Mailed: 01/04/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/17/2007.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/snguyen/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

Mail Date: 04/21/2010

Applicant	: Douglas Charles Hanson	: DECISION ON REQUEST FOR
Patent Number	: 7411057	: RECALCULATION of PATENT
Issue Date	: 08/12/2008	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,900	: OF WYETH
Filed	: 05/12/2005	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DLA PIPER US LLP
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO CA 92121-2133

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MAR 15 2007

OFFICE OF PETITIONS

In re Application of	:
Carpenter, et al.	:
Application No. 11/128,903	: DECISION ON PETITION
Filed: May 12, 2005	: UNDER 37 CFR 1.78(a)(3) and 1.78(a)(6)
Attorney Docket No. MEDIV2020-5	:

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed October 31, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed application set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) 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.

The petition does not satisfy item (1) above.

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 the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective

because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

C. Y. Donnell for

Frances Hicks
Lead Petitions Examiner
Office of Petitions

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DENIRO/RAMBUS
575 MARKET STREET
SUITE 2500
SAN FRANCISCO CA 94105

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OFFICE OF PETITIONS

In re Application of :
Richard E. Perego et al :
Application No. 11/128,904 :
Filed: May 13, 2005 :
Attorney Docket No. RAMB-01049US12 :

ON PETITION

This is a decision on the petition, filed October 5, 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 September 21, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2189 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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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

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SEP 29 2008

In re Application of	:	
Gang GU, et al	:	
Application No. 11/128,928	:	DECISION ON PETITION
Filed: May 12, 2005	:	TO WITHDRAW
Attorney Docket No. MN-7-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 August 18, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Carr & Ferrell, LLP has been revoked by the assignee of the patent application on August 15, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: PATENBEST
4600 ADELINE ST., #101
EMERYVILLE, CA 94608

UNITED STATES PATENT AND TRADEMARK OFFICE

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PILLSBURY WINTHROP SHAW PITTMAN LLP
PO BOX 10500
MCLEAN VA 22102

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JUL 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Kivinen, et al.	:	
Application No. 11/128,933	:	DECISION ON PETITION
Filed: May 12, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 068800-0383553	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 27, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the application No. 09/333,829, set forth in the Amendment previously submitted.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant petition has not satisfied requirement (1) above.

The petition relies on the amendment to the specification filed on August 10, 2009. However, that amendment was not entered because it was considered non-compliant due to problems with the claims (See Notice of Non-Compliant Amendment mailed November 18, 2009).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matter is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Post Office Box 1450
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 inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Chris Bottorff
Supervisor
Office of Petitions

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SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO CA 94303

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OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Surico et al.	:	
Application No. 11/128,939	:	
Filed: May 12, 2005	:	
Attorney Docket No. 3219P	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 24, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to submit formal drawings and the issue fee in a timely manner in reply to the Notice of Allowability and Notice of Allowance mailed December 13, 2006. Accordingly, the above-identified application became abandoned on March 14, 2007. A Notice of Abandonment was mailed on April 10, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

---

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

[2] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks items (1) and (3).

As to item (1), petitioner did submit the Issue Fee Transmittal with payment of the issue and publication fees. However, the Notice of Allowability also required that corrected drawings be submitted. The drawings have not yet been filed.

As to item (3), the second page of the instant petition was not submitted. The unintentional delay statement in located on the second page and is therefore missing.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO CA 94303

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OFFICE OF PETITIONS

In re Application of	:	
Surico et al.	:	
Application No. 11/128,939	:	DECISION ON PETITION
Filed: May 12, 2005	:	
Attorney Docket No. 3219P	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 7, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The replacement drawings have now been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPARTMENT
920 DISC DRIVE, MS/SV15B1
SCOTTS VALLEY, CA 95066-4544

In re Application of	:	
Gayle L. Noble	:	
Application No. 11/128,954	:	ON PETITION
Filed: May 12, 2005	:	
Attorney Docket No. STL 5134.2	:	

This is a decision on the petition filed May 18, 2007 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed January 10, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 11, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee and Publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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THE GATES CORPORATION
IP LAW DEPT. 10-A3
1551 WEWATTA STREET
DENVER CO 80202

MAILED

APR 2 3 2009

OFFICE OF PETITIONS

In re Application of

Andrzei Dec

Application No. 11/128,965

Filed: May 13, 2005

Attorney Docket No. T05-009A

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed March 20, 2009.

The petition is **dismissed**.

This application was held abandoned September 16, 2008, after no reply was received to the Notice of Non-Compliant Amendment mailed August 15, 2008. The notice set forth a shortened period of reply of one month from its mailing date. No response was received within the allowable period and the application became abandoned on September 16, 2008. A Notice of Abandonment was mailed March 5, 2009. The instant petition was filed on March 20, 2009. Petitioner maintains that the notice of August 15, 2009, 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. The petition is dismissed accordingly. The renewed petition must be accompanied by a copy of petitioner's **master docket record**, or other adequate evidence to support petitioner's contention that the Notice of August 15, 2008, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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THE GATES CORPORATION
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DENVER CO 80202

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OFFICE OF PETITIONS

In re Application of

Andrzei Dec

Application No. 11/128,965

Filed: May 13, 2005

Attorney Docket No. T05-009A

DECISION ON PETITION

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed May 26, 2009.

The petition is **granted**.

This application was held abandoned September 16, 2008, after no reply was received to the Notice of Non-Compliant Amendment mailed August 15, 2008. The notice set forth a shortened period of reply of one month from its mailing date. No response was received within the allowable period and the application became abandoned on September 16, 2008. A Notice of Abandonment was mailed March 5, 2009. The instant renewed petition was filed on May 9, 2009. Petitioner maintains that the notice of August 15, 2009, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center GAU 3657 for further processing that will include remailing the Notice of Non-Compliant Amendment and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/128,969	05/13/2005	H. Michael Wenzel	200500285-1	9022

7590 04/28/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
WU, QING YUAN

ART UNIT	PAPER NUMBER
2194	

NOTIFICATION DATE	DELIVERY MODE
04/28/2008	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

Refund Ref:
04/24/2008 0030054562

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1005

FORM PET651G (Rev. 08/07)

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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OFFICE OF PETITIONS

In re Patent No. 7,205,436 :
Issued: April 17, 2007 :
Application No. 11/128,980 : NOTICE
Filed: May 13, 2005 :
Atty Docket No. 11336.0017USD1 :

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/1/09

TO SPE OF : ART UNIT 1641

SUBJECT : Request for Certificate of Correction for Appl. No.: 11128981 Patent No.: 7514223 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

MARK L. SHIBUYA, PH.D
SUPERVISORY PATENT EXAMINER

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/1/09

TO SPE OF : ART UNIT 1641

SUBJECT : Request for Certificate of Correction for Appl. No.: 11128981 Patent No.: 7514223 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

MARK L. SHIBUYA, PH.D.
SUPERVISORY PATENT EXAMINER

MARK L. SHIBUYA, PH.D.
SUPERVISORY PATENT EXAMINER

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

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PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON, VA 22201-2909

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In re Application of	:	
Adrian Evans Conway	:	
Application No. 11/128,986	:	DECISION ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 04-1520	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 27, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed May 27, 2008. Accordingly, the date of abandonment of this application is August 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440 and the publication fee of $300, (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Data Management for processing into a patent.

Brian Brown
Petitions Examiner
Office of Petitions

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AVAYA INC.
MARGARET CARMICHAEL, DOCKETING SPECIALIST
1300 W. 120TH AVENUE
ROOM B1-F53
WESTMINSTER, CO 80234

Mail Date: 04/21/2010

Applicant	: George William Erhart	: DECISION ON REQUEST FOR
Patent Number	: 7610055	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/128,990	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1202** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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1000 EAGLE GATE TOWER
SALT LAKE CITY UT 84111

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OFFICE OF PETITIONS

In re Application of	:	
Hirofumi Yudahira	:	
Application No. 11/129,001	:	DECISION GRANTING PETITION
Filed: May 13, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 16169.21	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 13, 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 November 21, 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 2838 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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JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO, CA 95814

Mail Date: 04/30/2010

Applicant	: Francis J. Doyle III	: DECISION ON REQUEST FOR
Patent Number	: 7651845	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/129,033	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MOUNTAIN VIEW CA 94041

In re Application	:	
Neven, et al.	:	
Application No. 11/129,034	:	PATENT TERM ADJUSTMENT
Filed: May 13, 2005	:	
Dkt. No.: 24207-12226	:	

This decision is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)," filed April 10, 2009.

The Determination of Patent Term Adjustment under 35 USC 154(b) was mailed January 27, 2009. The instant application was timely filed April 10, 2009 prior to payment of the issue fee. Applicants contest the adjustment insofar as it relates to the Office's failure to issue the patent within three years of the filing date of the application pursuant to 37 CFR 1.703(b) in view of Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008). Applicants request that the adjustment be increased from 391 days to 650 days.

To the extent that this application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is ordinarily required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, 37 CFR 1.703(b). It is noted that at the time of this decision, the patent has not issued.

Applicants are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Applicants may seek such consideration without payment

of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

With respect to the over 3 year calculation, rather than file the request for reconsideration of Patent Term Adjustment at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

The Office hereby acknowledges receipt of the required $200.00 application fee set forth at 37 CFR 1.18(e).

The application file is being forwarded to the Office of Patent Publication for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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In re Patent No. 7,565,139 :
Issued: July 21, 2009 :
Application No. 11/129,034 : PATENT TERM ADJUSTMENT
Filed: May 13, 2005 :
Dkt. No.: 24207-12226 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed September 18, 2009. Patentee requests correction of the patent term adjustment from 391 days to 825 days. Patentee requests this correction on the sole basis that the Office took in excess of three years to issue the above-referenced patent.

The application for patent term adjustment (PTA) under 37 CFR 1.705(d) is **DISMISSED**.

The above-identified application matured into U.S. Pat. No. 7,565,139 on July 21, 2009. The patent issued with a patent term adjustment of 391 days. The instant application for patent term adjustment was timely filed in accordance with 37 CFR 1.705(d). Patentee argues that in view of Wyeth v. Dudas, No. 07-1492 (D.D.C. Sept. 30, 2008), the patent is entitled to an adjustment of 825 days (448 days pursuant to 35 USC 154(b)(1)(A) *plus* 434 days pursuant to 35 USC 154(b)(1)(B) *less* applicant delay of 57 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.

The Office asserts that as of the issuance of the patent on July 21, 2009, the application was pending three years and 434 days after its filing date. The Office agrees that certain action was not taken within the specified time frame, and thus, the entry of a period of adjustment of 448 days is correct. At issue is whether patentees should accrue 434 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 448 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the period of 434 days of delay in issuing the patent overlaps with the 448 days of examination delay under 37 CFR 1.702(a)(1). Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> To the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f)*[1] *and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004).

Further, as stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in

---

[1] Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

corresponding §1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the period during which the application was pending before the Office beginning on the application filing date under 35 U.S.C. 111(a), May 13, 2005, and ending on July 21, 2009, the date that the patent issued.

Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1), 448 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), 434 days of patent term adjustment accrued for Office issuance of the patent more than three years after the application filing date.

The 434 days of patent term adjustment under 37 CFR 1.702(b) overlap with the 448 days of patent term adjustment under 37 CFR 1.702(a)(1). Entry of both the 448 days and the 434 days is neither permitted nor warranted given that 448 days is the actual number of days issuance of the patent was delayed.

Accordingly, at issuance, the Office properly entered 391 days of patent term adjustment, having considered the 434 days of Office delay under the three-year pendency provision in conjunction with the 448 days of delay under 37 CFR 1.702(a)(1), reduced 57 days for applicant delay.

In view thereof, no adjustment to the patent term will be made.

No additional fee is due in connection with this matter.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON MA 02205

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OFFICE OF PETITIONS

In re Application of Nicholas Gremour and Christopher Van Haaren Application No. 11/129,048 Filed: May 12, 2005 Attorney Docket No. 60703 (42568) Title: NON-METALLIC EXPANSION TANK WITH INTERNAL DIAPHRAGM AND CLAMPING DEVICE FOR SAME	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.47," filed September 12, 2005.

The petition is **GRANTED**.

The above-identified application was filed on May 12, 2005, without an executed oath or declaration (and with additional fees due). Accordingly, on June 10, 2005, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring the missing items, including an executed oath or declaration and a surcharge for its late filing.

In response, rule 47 applicant filed the instant petition (and fee[1]); the late surcharge; and a declaration executed by inventor Van Haaren on behalf of himself and on behalf of non-signing joint inventor Gremour. This response was made timely by an accompanying petition and fee for extension for response within the first month. Rule 47 applicant maintains that status under 37 CFR 1.47 is proper because joint inventor Gremour cannot be located after diligent effort.

The petition includes payment of the petition fee and a statement of the last known address of inventor Gremour. By statement of facts of patent attorney George Hartnell, and supporting documentary evidence, applicant provided adequate proof that diligent efforts had been undertaken to locate inventor Gremour.

The declaration filed September 12, 2005, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

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[1] The petition stated that payment of the petition was by check; however, no check was enclosed. Accordingly, the $200 fee was charged, as authorized, to petitioner's Deposit Account.

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Nicholas Gremour
31 Starboard Street
Jamestown, RI 02835

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APR 24 2006
OFFICE OF PETITIONS

In re Application of :
Nicholas Gremour and :
Christopher Van Haaren : LETTER
Application No. 11/129,048 :
Filed: May 12, 2005 :
Attorney Docket No. 60703 (42568) :
Title: NON-METALLIC EXPANSION TANK:
WITH INTERNAL DIAPHRAGM AND :
CLAMPING DEVICE FOR SAME :

Dear Mr. Gremour:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be

directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON MA 02205

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Squire, Sanders & Dempsey, LLP
Two Renaissance Square,
40 North Central Avenue
Suite 2700
Phoenix, AZ 85004-4498

MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
John C. Opie	:	
Application No. 11/129,053	:	DECISION ON
Filed: May 13, 2005	:	PETITION TO WITHDRAW
Attorney Docket No. 32303.00016	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 4, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Alex Starkovich: (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. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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SEP 29 2006
OFFICE OF PETITIONS

DOUGHERTY CLEMENTS
1901 ROXBOROUGH ROAD, SUITE 300
CHARLOTTE NC 28211

In re Application of

STEVENS
Application No. 11/129,055
Filed: May 12, 2005
Attorney Docket No. 4126

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 24, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "We no longer represent this client" 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 Monica A. Graves at 571-272-7253.

Amelia Au
Petitions Examiner
Office of Petitions

cc: **Ronald L. Hofer**
122 Lindbergh Lane
Mooresville, NC 28117

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1901 ROXBOROUGH ROAD
SUITE 300
CHARLOTTE NC 28211

COPY MAILED

OCT 16 2006

OFFICE OF PETITIONS

In re Application of :

Rachel STEVENS :
Application No. 11/129,055 :
Filed: May 12, 2005 :
Attorney Docket No. 4126 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 24, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, no longer representing the client, 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 Monica A. Graves at 571-272-7253.

Amelia Au
Petitions Examiner
Office of Petitions

cc: Ronald L. Hofer
122 Lindbergh Lane
Mooresville, NC 28117

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OFFICE OF PETITIONS

SCHWEGMAN,LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of	:	
W. Steven Conner et al.	:	
Application No. 11/129,061	:	DECISION ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 884.F50US1	:	

This is a decision on the petition, filed June 8, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to timely pay the issue and publication fees on or before April 13, 2009. A Notice of Abandonment was mailed on May 8, 2009.

Applicant states that searches of the file jacket and docket records for Applicants' Representatives, Schwegman, Lundberg & Woessner, P.A., indicates that the Notice of Allowance dated January 13, 2009 was not received. Applicant provides a docket record showing all notices of allowances received for the period between the date of mailing of the Notice of Allowance and the date of mailing of the Notice of Abandonment (January 13, 2009 – May 8, 2009.files the present petition and statement from the practitioner that the communication from the U.S.P.T.O. was not received and attesting to the fact that a search of the file jacket and docket records indicates that the communication was not received. Applicant provides a copy of the docket record for the present application.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
> <u>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.</u>
> 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). (Emphasis supplied).

Analysis/conclusion

Regrettably, the petition is not grantable at this time. The Office requirements for granting a petition to withdraw the holding of abandonment based upon-receipt of an Office communication have been modified. The Office requires a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the U.S.P.O. The statement should establish that the docketing system is sufficiently reliable. In addition, 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.

Accordingly, absent the required evidence to establish nonreceipt of the Notice of Allowance mailed January 13, 2009, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1,620.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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P.O. BOX 2938
MINNEAPOLIS MN 55402

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OCT 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Conner et al	:	
Application No. 11/129,061	:	DECISION ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 884.FS0US1	:	

This is a decision on the petition, filed August 10, 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 pay the issue and publication fees on or before April 13, 2009, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed January 13, 2009.

Petitioner asserts that the Notice dated January 13, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the nonreceived Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner'statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center AU 2618 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of January 13, 2009. 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.

/KOC/
Karen Creasy
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

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MAY 04 2007

OFFICE OF PETITIONS

In re Application of	:	
Reiner KRAFT, et al	:	
Application No. 11/129,096	:	DECISION ON PETITION
Filed: May 12, 2005	:	TO WITHDRAW
Attorney Docket No. 017887-016300US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 25, 2005.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney given to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on October 31, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the first copied address indicated below.

There are no pending Office actions at the present time.

Telephone inquires concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: BRINKS HOFER GILSON & LIONE
NBC TOWER, SUITE 3600
455 N. CITYFRONT PLAZA DRIVE
CHICAGO, IL 60611-5599

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/129,096	05/12/2005	Reiner Kraft	017887-016300US

CONFIRMATION NO. 9155

OC000000023467161

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 04/19/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/31/2005.

- 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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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/129,096	05/12/2005	Reiner Kraft	017887-016300US

CONFIRMATION NO. 9155

OC000000023467210

56020
BRINKS HOFER GILSON & LIONE / YAHOO! OVERTURE
P.O. BOX 10395
CHICAGO, IL 60610

Date Mailed: 04/19/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/31/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
ATTORNEY/APPLICANT COPY

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/129,096	05/12/2005	Reiner Kraft	017887-016300US

CONFIRMATION NO. 9155

OC000000023467161

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 04/19/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/31/2005.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
NEW ATTORNEY/AGENT COPY

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Edwards Angell Palmer & Dodge LLP
111 HUNTINGTON AVENUE
BOSTON, MA 02199

Mail Date: 04/21/2010

Applicant	: Isabelle Migeotte	: DECISION ON REQUEST FOR
Patent Number	: 7582416	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,107	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **520** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON, MD 21286

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In re Application of	:
Mike Taylor	:
Application No. 11/129,112	: DECISION GRANTING PETITION
Filed: May 13, 2005	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P-US-JK-01487-B	:

This is a decision on the petition, filed July 17, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 17, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3722 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\july9\129112.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).*

Copied from 10129112 on 10/04/2006

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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
11/129,117	05/13/2005	3673	1250	FS.20196US0A	3	25	2

CONFIRMATION NO. 8940

CORRECTED FILING RECEIPT

OC000000016856509

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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)

Takuma Kameyama, Shizuoka-ken, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number **20995**.

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2004-143246 05/13/2004

If Required, Foreign Filing License Granted: 06/10/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/129,117

Projected Publication Date: 12/01/2005

Non-Publication Request: No

Early Publication Request: No

Title

Sealing structure by metal gasket

Preliminary Class

277

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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S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE, WI 53403-2236

Mail Date: 04/20/2010

Applicant	: Terra J. Morgan	: DECISION ON REQUEST FOR
Patent Number	: 7610647	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,132	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1054** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ADELI & TOLLEN, LLP
1875 CENTURY PARK EAST, SUITE 1360
LOS ANGELES, CA 90067

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OFFICE OF PETITIONS

In re Application of	:	
Michael D. Gallagher , et al.	:	
Application No. 11/129,134	:	DECISION ON PETITION
Filed: May 12, 2005	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. KNTO.P0023	:	

This is a decision in response to the petition under 37 CFR 1.182, filed October 7, 2008, requesting expedited consideration of the simultaneously filed petition under 37 CFR 1.78(a)(3). The petition is being treated under the provisions of 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional applications set forth in the concurrently filed amendment.

The petition are **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 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 non-provisional 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(s) 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(s). 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(s) should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application(s) noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. 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 2614 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.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/129,134	05/12/2005	2614	2140	KNTO.P0023	58	8

CONFIRMATION NO. 9180

CORRECTED FILING RECEIPT

48947
ADELI & TOLLEN, LLP
1875 CENTURY PARK EAST, SUITE 1360
LOS ANGELES, CA 90067

OC000000033263196

Date Mailed: 11/24/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Michael D. Gallagher, San Jose, CA;
Rajeev Gupta, Sunnyvale, CA;
Milan Markovic, Pleasanton, CA;
Jianxiong (Jason) Shi, Pleasanton, CA;
Joseph G. Baranowski, Morgan Hill, CA;

Power of Attorney:
John Stattler--36285
Mani Adeli--39585
Ali Makoui--45536
Gregory Suh--48187

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/571,421 05/14/2004
and is a CIP of 11/013,883 12/15/2004
and is a CIP of 11/097,866 03/31/2005
which claims benefit of 60/564,696 04/22/2004
and is a CIP of 10/688,470 10/17/2003 PAT 7,127,250
and is a CIP of 11/013,883 12/15/2004
which claims benefit of 60/530,141 12/16/2003
and claims benefit of 60/552,455 03/12/2004
and is a CIP of 10/688,470 10/17/2003 PAT 7,127,250
which claims benefit of 60/419,785 10/18/2002

Foreign Applications

If Required, Foreign Filing License Granted: 06/10/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/129,134**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

Messaging in an unlicensed mobile access telecommunications system

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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.

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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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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/21/2010

Applicant	: Konstantin Othmer	: DECISION ON REQUEST FOR
Patent Number	: 7580702	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,152	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **924** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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7/13/07

SHAY LAW GROUP
LLP 2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

In re Application of:
BELSON, AMIR
Serial No.: 11/129,168
Filed: May 13, 2005
Docket: 10080-704.313
Title: STEERABLE ENDOSCOPE AND IMPROVED METHOD OF INSERTION

DECISION ON PETITION

This is a decision on the petition filed on May 1, 2007 by which petitioner requests that the objection to drawings raised for the first time in the Examiner's Answer dated Mar. 1, 2007 be held in abeyance.

The petition is being considered pursuant to 37 CFR § 1.181, and no fee is required.

The petition is **GRANTED**.

In the petition, petitioner requested that the objection to the drawings be held in abeyance until the Board of Patent Appeals and Interferences resolves the patentability of the claims. Petitioner argues that the examiner raised a drawing objection for the first time in the Examiner's Answer of Mar. 1, 2007.

The record shows that:

1) On October. 12, 2005, the examiner issued a non-final Office action rejecting claims 19, 21, 22, 25-26, 34, 35, and 37 under the judicially created doctrine of obviousness-type double patenting. In addition, the examiner rejected claims 19-38 under 35 U.S.C. § 102(b) as being anticipated by Fedlstein et al (U.S. Pat. 5,346,987). No objections to the drawings were raised in the non-final Office action.
2) On Jan. 11, 2006, the petitioner filed a request for reconsideration with no amendments to the claims.
3) On March 17, 2006, the examiner issued a final Office action maintaining the double patenting and prior art rejections applied in the last Office action. Again, no objections to the drawings were ever raised. It is noted that in PTOL-326 Office action Summary form, the examiner indicated that the drawings filed on May 13, 2005 were accepted.

4) On August 14, 2006, the petitioner filed a request for reconsideration with no amendments to the claims.
5) On September 7, 2006, the examiner issued an advisory action.
6) On Oct. 27, 2006, the petitioner filed an appeal brief.
7) On Mar. 1, 2007, the examiner issued an examiner's answer. In the examiner answer's answer, the examiner for the first time raised an objection to the drawings.
8) On May 1, 2007, the current petition was filed requesting that the drawing objections raised in the examiner's answer be held in abeyance.

Discussion and Analysis

A review of the record in this application reveals that the examiner had sufficient opportunity to object to the drawings. However, the examiner only raised an objection to the drawings in the examiner's answer dated Mar. 1, 2007. According to the examiner, the drawings must show every feature of the invention specified in the claims. Therefore, the "three-dimensional model of the body cavity" must be shown or features canceled from the claims.

In order to expedite the application process, the petition is being granted. The drawing objections will be held in abeyance until the application is in condition for allowance.

Conclusion

For the foregoing reasons, the petition requested relief is granted. The objection to the drawings raised in the examiner's answer will be held in abeyance until the application is in condition for allowance.

The application is being forwarded to Board of Patent Appeals and Interferences for further processing. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Karen M. Young

for Frederick R. Schmidt, Director
Technology Center 3700

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Minneapolis, MN 55440-1022

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OFFICE OF PETITIONS

In re Application of	:	
Steve Jon Cox	:	
Application No. 11/129,173	:	DECISION ON
Filed: May 13, 2005	:	PETITION TO WITHDRAW
Attorney Docket No. 21647-0002001	:	FROM RECORD
	:	

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 16, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the request was not signed by the attorney of record. The power of attorney filed on September 7, 2006 appoints only Scott C. Harris.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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ROCKWELL AUTOMATION
for Turocy & Watson LLP
1201 SOUTH SECOND STREET
E-7F19
MILWAUKEE, WI 53204

Mail Date: 04/20/2010

Applicant	: David M. Callaghan	: DECISION ON REQUEST FOR
Patent Number	: 7636044	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,199	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1060** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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COOLEY GODWARD LLP
Attn: Patent Group
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155

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OFFICE OF PETITIONS

In re Application of	:	
WHEELER	:	
Application No. 11/129,216	:	DECISION ON PETITION
Filed: May 13, 2005	:	TO WITHDRAW
Attorney Docket No. 051625/311069	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 29, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to COOLEY GODWARD LLP has been revoked by the Inventor of the patent application on June 06, 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 PatriciaVolpe at (571) 272-6825.

PVolpe

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: **ALSTON & BIRD LLP**
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

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OFFICE OF PETITIONS

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BANK OF AMERICA PLAZA
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CHARLOTTE, NC 282280-4000

In re Application of	:	
Niels DIFFRIENT	:	
Application No. 11/129,226	:	DECISION ON PETITION
Filed: May 13, 2005	:	TO WITHDRAW
Attorney Docket No. 048782/288565	:	FROM RECORD
	:	

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**.

The Office cannot approve the request at this time since the reason provided does not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "a practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office." More specifically, 37 CFR 10.40 states, "if paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, Alston & Bird no longer represents Humanscale Corporation. expired, does not meet any of the conditions set forth in 37 CFR 10.40, since Assignee has not properly intervened.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There is an outstanding Office action mailed September 20, 2007 that requires a reply by the applicant.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: HUMANSCALE CORP.
ATTN : PATRICK J. HOEFFNER, ESQ.
11 EAST 26TH STREET
8TH FLOOR
NEW YORK, NY 10010

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET,
SUITE 4000
CHARLOTTE, NC 28280-4000

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FEB 0 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Niels DIFFRIENT	:	
Application No. 11/129,226	:	DECISION ON PETITION
Filed: May 13, 2005	:	TO WITHDRAW
Attorney Docket No. 048782/288565	:	FROM RECORD
	:	

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 Walter Scott on behalf of all attorneys/agents of record associated with Customer Number 00826.

All attorneys/agents of record associated with Customer Number 00826 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed September 20, 2007 that requires a reply 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: HUMANSCALE CORP.
ATTN : PATRICK J. HOEFFNER, ESQ.
11 EAST 26TH STREET
8TH FLOOR
NEW YORK, NY 10010

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/129,226	05/13/2005	Niels Diffrient	048782/288565

CONFIRMATION NO. 8595

POWER OF ATTORNEY NOTICE

826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

OC000000028186434

Date Mailed: 02/07/2008

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.

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET,SUITE 1600
CHICAGO, IL 60603-3406

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OFFICE OF PETITIONS

In re Application of

Edward J. VASEL, *et al.*
Application No. 11/129,230
Filed: May 12, 2005
Attorney Docket No. **81496-7304**

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 2, 2009.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted forwarding correspondence address information for the application.

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.***

The Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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BROSEMER, KOLEFAS & ASSOCIATES, LLC - (LUCENT)
1 BETHANY ROAD
BUILDING 4 - SUITE # 58
HAZLET NJ 07730

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NOV 03 2006
OFFICE OF PETITIONS

In re Application of	:	
Christophe J. Dorrer	:	DECISION ON PETITION
Application No. 11/129,244	:	
Filed: 05/13/2005	:	
Attorney Docket No. Dorrer 15	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 22, 2006, to revive the above-identified application.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Corrected Application Papers, mailed June 21, 2005, which set a two-month extendable period within to correct any informality. The above-identified application became abandoned on August 22, 2005. On March 16, 2006, the Office mailed a Notice of Abandonment.

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. Accordingly, the petition is **granted.**

This matter is being referred to the Office of Initial Patent Examination.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Office of Initial Patent Examination.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P.O. BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: John M. Shingle	: DECISION ON REQUEST FOR
Patent Number	: 7591394	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,245	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **320** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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GORDON E. NELSON, PATENT ATTORNEY, PC
57 CENTRAL STREET
P.O. BOX 782
ROWLEY MA 01969

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FEB 05 2007

OFFICE OF PETITIONS

In re Application of :
Swartzentruber et al. :
Application No. 11/129,250 : ON PETITION
Filed: May 13, 2005 :
Attorney Docket No. Freesc01.003 :
Title of Invention: Packet Switch Having A :
Crossbar Switch That Connects Multiport
Receiving and Transmitting Elements

This is a decision on the petition under 37 CFR §1.181 filed October 6, 2006 to withdraw the holding of abandonment.

The petition filed under 37 CFR 1.181 is **Granted**.

This above-identified application became abandoned for failure to file a complete response to a Notice to File Missing Parts which was mailed on June 14, 2005. The Notice to File Missing Parts set an extendable two (2) month period for reply. A reply was submitted on July 11, 2005. A Notice of Incomplete Reply was mailed on July 22, 2005, stating additional claim fees were required. Accordingly, this application became abandoned on August 15, 2005. A Notice of Abandonment was mailed on September 18, 2006..

Petitioner maintains that a response to the Notice to File Missing Parts was mailed on August 15, 2005.

A review of the record shows that a reply was submitted on August 17, 2005 (certificate of mailing August 15, 2005). The reply was located in application 11/129,247. Based on the facts stated in the instant petition and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed.

This application is being forwarded to Office of Initial Patent Examination for review of the reply submitted on August 17, 2005.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

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Alexandria, Virginia 22313-1450
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AKZO NOBEL INC.
LEGAL & IP
120 WHITE PLAINS ROAD, SUITE 300
TARRYTOWN, NY 10591

Mail Date: 04/20/2010

Applicant	: Johan Nyander	: DECISION ON REQUEST FOR
Patent Number	: 7608644	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,251	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **643** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 MANAGEMENT GROUP
1320 N. COURTHOUSE ROAD
9TH FLOOR
ARLINGTON VA 22201-2525

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OFFICE OF PETITIONS

In re Application of	:	
Chang-Qing Shu, et. al.	:	
Application No. 11/129,254	:	DECISION ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 00-4023 CON 1	:	

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 **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Non-Final Office Action mailed, April 3, 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 July 4, 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 $1640, and (3) a proper statement of unintentional delay.

The instant petition is not signed by an attorney of record. However, in accordance with 37CFR 1.34(a), the signature of Joel Wall 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 in whose behalf he acts. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 2626 for appropriate action by the Examiner in the normal course of business on the reply received.

Andrea Smith
Petitions Examiner
Office of Petitions

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October 13, 2009

Patent No. : 7,488,721
Ser. No. : 11/129,274
Inventor(s) : Mahuran et al
Issued : February 10, 2009

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A certificate of correction will issue for the remaining error noted in your request.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

RoChaun Johnson
For Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(571 272-0470

ROBERT SCHWARTZMAN
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

UNITED STATES PATENT AND TRADEMARK OFFICE

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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

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FEB 01 2010

OFFICE OF PETITIONS

In re Patent No. 7,488,721	:	
Issue Date: February 10, 2009	:	
Application No. 11/129,274	:	ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 3477-111	:	

This is a decision on the petition filed November 12, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-2991. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Terri Johnson
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

Mail Date: 04/21/2010

Applicant	: Dae-chul Park	: DECISION ON REQUEST FOR
Patent Number	: 7612489	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,303	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

Mail Date: 05/18/2010

Applicant : Dae-chul Park
Patent Number : 7612489
Issue Date : 11/03/2009
Application No : 11/129,303
Filed : 05/16/2005

: 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 **984** 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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LINIAK BERENATO & WHITE
6550 ROCK SPRING DRIVE, SUITE 240
BETHESDA, MD 20817

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OFFICE OF PETITIONS

In re Application of	:	
John M. Pinney, et al.	:	
Application No. 11/129,323	:	DECISION ON REQUEST
Filed: May 16, 2005	:	TO WITHDRAW
Attorney Docket No. 6296.123	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

Thomas P. Liniak has been withdrawn as attorney or agent of record; all other attorneys remain of record.

Telephone inquiries concerning this decision should be directed to Sherry D. Brinkley at (571) 272-3204.

Sherry D. Brinkley

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Conferee: David Bucci

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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
11/129,337	05/13/2005	1652	3800	0112.05	4	24	16

CONFIRMATION NO. 9456

FILING RECEIPT

OC000000016615472

25295
USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE, MD 20705-5131

Date Mailed: 07/26/2005

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)

Norman J. Stern, Athens, GA;
Edward A. Svetoch, Serpukhov District, RUSSIAN FEDERATION;
Nikolay N. Urakov, Olympic vill., RUSSIAN FEDERATION;
Boris V. Eruslanov, Serpukhov District, RUSSIAN FEDERATION;
Larisa I. Volodina, Serpukhov District, RUSSIAN FEDERATION;
Yuri N. Kovalev, Serpukhov District, RUSSIAN FEDERATION;
Tamara Y. Kudryavtseva, Serpukhov District, RUSSIAN FEDERATION;
Vladimir V. Perelygin, Serpukhov District, RUSSIAN FEDERATION;
Victor D. Pokhilenko, Serpukhov District, RUSSIAN FEDERATION;
Vladimir P. Levchuk, Serpukhov District, RUSSIAN FEDERATION;
Valery N. Borzenkov, Serpukhov District, RUSSIAN FEDERATION;
Olga E. Svetoch, Serpukhov District, RUSSIAN FEDERATION;
Eugeni V. Mitsevich, Serpukhov District, RUSSIAN FEDERATION;
Irina P. Mitsevich, Serpukhov District, RUSSIAN FEDERATION;

Power of Attorney:

John Fado--27876
Curtis Ribando--27976
Margaret Connor--30043
Randall Deck--34078
Joseph Lipovsky--34526
George Stover--34737
Janelle Graeter--35024
Gail Poulos--36327
David Nicholson--38981
Evelyn Rabin--44480

Domestic Priority data as claimed by applicant

This application is a DIV of 10/426,688 05/01/2003

Foreign Applications

Projected Publication Date: To Be Determined - pending completion of Security Review

Non-Publication Request: No

Early Publication Request: No

Title

Bacteriocins and novel bacterial strains

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the 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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USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE, MD 20705-5131

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SEP 0 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Stern et al.	:	
Application No. 11/129,337	:	ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 0112.05	:	

This is a decision on the petition filed June 13, 2005, requesting that the above-identified application be accorded a filing date of May 13, 2005, rather than the presently accorded date of May 16, 2005. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on May 13, 2005 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. ER 676917139 US showing a handwritten "date-in" of "May 13, 2005," as well as a "May 13, 2005" USPS receipt stamp. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal." The Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated May 13, 2005 on the cover page for the application papers. Additionally, applicant has submitted a copy of a postal service sales receipt which shows Express Mail label No. ER 676917139 US as having a receipt date of May 13, 2005.

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on May 13, 2005.

The petition is **GRANTED**.

A corrected filing receipt was mailed to the address of record on July 26, 2005.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of May 13, 2005.** Thereafter, this matter will be referred to Technology Center 1600 for examination in due course.

Telephone inquiries concerning this matter may be directed Paralegal Liana Chase at (571) 272-3206.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of:	:	
SU, Tsui-Jung, et al.	:	DECISION ON PETITION UNDER
Application No.: 11/129,373	:	37 CFR 1.137(b)
Filed: May 16, 2005	:	
Atty's Docket No.: 2450-0988PUS1	:	

This is a decision on the petition for revival of the above-entitled application under 37 CFR 1.137(b), filed July 27, 2007.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice Of Allowance mailed March 01, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned at midnight on June 01, 2007.

On July 27, 2007, applicants filed the petition for revival under 37 CFR 1.137(b) considered herein. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes: (1) the petition fee; (2) the required statement of unintentional delay; and (3) the required reply in the form of payment of the issue and publication fees. Accordingly, the issue and publication fee payment is accepted as having been unintentionally delayed.

The application is being referred to the Office Of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3296.

Richard M. Ross
Attorney Advisor

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

Mail Date: 04/20/2010

Applicant	: Yoshitaka Sasaki	: DECISION ON REQUEST FOR
Patent Number	: 7663839	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,377	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **863** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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

Mail Date: 04/21/2010

Applicant	: Peter Guttinger	: DECISION ON REQUEST FOR
Patent Number	: 7587879	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,391	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JACOB EISENBERG
C/O SIEMENS SWITZERLAND
ALBISRIEDERSTRASSE 245, L-44
ZURICH CH-8047
SWITZERLAND

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AUG 16 2006
OFFICE OF PETITIONS

In re Application of	:	
Peter Wiese	:	
Application No. 11/129,415	:	DECISION ON PETITION
Filed: 16 May, 2005	:	
Atty Docket No. 2002P19067WOUS	:	

This is a decision on the petition filed on 12 June, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 17 August, 2005, for failure to timely file an abstract in compliance with 37 CFR 1.72(b) as required by the Notice to File Correct Application Papers mailed

[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)).

on 16 June, 2005, which set a two (2) month shortened period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 21 February, 2006.

Petitioner has filed an abstract as the required reply.

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

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1700 DIAGONAL ROAD
SUITE 300 /310
ALEXANDRIA, VA 22314

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SEP 30 2005
OFFICE OF PETITIONS

In re Application of	:	
Berndt	:	
Filed: May 16, 2005	:	ON PETITION
Application No. 11/129,420	:	
Atty. Dkt. No.: 4481-022A	:	

This decision is in response to the "RESPONSE TO NOTICE AND PETITION" filed August 15, 2005.

The application was filed May 16, 2005. The Notice of Omitted Items in a Nonprovisional Application (Notice) mailed June 13, 2005 indicated that the application had been accorded a filing date but that Figure 2 appeared to have been omitted from the application as filed.

In response, the present petition was filed wherein petitioner argues that the application as deposited included Figure 2 and has included as proof of mailing and proof of receipt of Figure 2 a copy of a postcard date stamped by the Office on May 16, 2005. A copy of Figure 2 purportedly filed with the application on May 16, 2005 was also supplied.

The original Figure 2 submitted with the application papers has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of May 16, 2005 is **GRANTED** and the Notice is hereby **WITHDRAWN**.

Since Figure 2 cannot be located in the Office, a true and correct copy will be used for examination purposes.

No petition fee is due in connection with this matter. A refund of the previously submitted petition fee has been requested from the Finance Office, Refund Section.

This application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of May 16, 2005.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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ADELI & TOLLEN, LLP
1875 CENTURY PARK EAST, SUITE 1360
LOS ANGELES CA 90067

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NOV 25 2008

In re Application of	:
Gallagher et al.	:
Application No. 11/129424	: DECISION ON PETITIONS
Filing or 371(c) Date: 05/12/2005	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. KNTO.P0066	:

This is a decision on the petition filed October 8, 2008, to correct claim of benefit. The petition is properly treated 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 priority to the prior-filed applications set forth in the concurrently filed amendment and Application Data Sheet ("ADS").

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 Director may require additional where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for benefit of priority 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 2614 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

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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
11/129,424	05/12/2005	2614	1219	KNTO.P0066	25	6

CONFIRMATION NO. 9521

CORRECTED FILING RECEIPT

48947
ADELI & TOLLEN, LLP
1875 CENTURY PARK EAST, SUITE 1360
LOS ANGELES, CA 90067

OC000000033252033

Date Mailed: 11/21/2008

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)

Michael D. Gallagher, San Jose, CA;
Rajeev Gupta, Sunnyvale, CA;
Milan Markovic, Pleasanton, CA;
Jianxion (Jason) Shi, Pleasanton, CA;
Joseph G. Baranowski, Morgan Hill, CA;

Power of Attorney:
John Stattler--36285
Mani Adeli--39585
Ali Makoui--45536
Gregory Suh--48187

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/571,421 05/14/2004
and is a CIP of 11/013,883 12/15/2004
which is a CIP of 10/688,470 10/17/2003 PAT 7,127,250
This application 11/129,424
is a CIP of 11/097,866 03/31/2005
which is a CIP of 11/013,883 12/15/2004
which is a CIP of 10/688,470 10/17/2003 PAT 7,127,250
which claims benefit of 60/419,785 10/18/2002
and said 11/013,883 12/15/2004
claims benefit of 60/530,141 12/16/2003
and claims benefit of 60/552,455 03/12/2004
and said 11/097,866 03/31/2005
claims benefit of 60/564,696 04/22/2004

and is a CIP of 10/688,470 10/17/2003 PAT 7,127,250
which claims benefit of 60/419,785 10/18/2002

Foreign Applications

If Required, Foreign Filing License Granted: 06/10/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/129,424**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Handover messaging in an unlicensed mobile access telecommunications system

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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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).

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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.

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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ADELI & TOLLEN, LLP
1875 CENTURY PARK EAST, SUITE 1360
LOS ANGELES CA 90067

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NOV 25 2008

OFFICE OF PETITIONS

In re Application of	:
Gallagher et al.	:
Application No. 11/129424	: DECISION ON PETITIONS
Filing or 371(c) Date: 05/12/2005	: UNDER 37 CFR 1.182
Attorney Docket No. KNTO.P0066	:

This is a decision on the petition under 37 CFR 1.182 to expedite processing of a concurrently filed petition and supplemental amendment, filed October 8, 2008.

This Petition is hereby **granted**.

A Decision on the Petition under 37 CFR 1.78(a)(3) and (a)(6) is being mailed on even date herewith.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

THEODORE J. BIELEN, JR.
BIELEN, LAMPE, & THOEMING
1390 WILLOW PASS ROAD
SUITE 1020
CONCORD, CA 94520

In re Application of
Robert J. Webber, et. al.
Application No. 11/129,452
Filed: May 13,2005
Attorney Docket No. 14899

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 3, 2010, to revive the above-identified application.

The application became abandoned for failure to file a reply to the final Office action mailed on June 5, 2008. A Notice of Abandonment was mailed April 6, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) along with the $405 fee and the submission under 37 CFR 1.114; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is GRANTED.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the $555 extension of time submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

This application file is being referred to Technology Center Art Unit 1644 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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Paper No.

McCarter & English LLP
City Place I
185 Asylum Street
Hartford CT 06103

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JUL 10 2006
OFFICE OF PETITIONS

In re Application of	:	
Franco Rocca	:	DECISION ON
Application No. 11/129,453	:	PETITION
Filed: May 13, 2005	:	
Atty Docket No. 99759.00008	:	

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE TO FILE MISSING PARTS" filed April 24, 2006.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Application mailed June 21, 2005. This Notice set a two-month time limit for reply, with extensions of time obtainable under § 1.136(a). No reply having been received and no extension obtained, the above-identified application became abandoned on August 22, 2005. A courtesy Notice of Abandonment was mailed on March 16, 2006.

The instant petition was filed on the basis that the attorney of record never received the Notice to File Missing Parts of Application. In support thereof, petitioner submits the declaration of patent attorney Basam Nabulsi.

A review of the application file reveals no irregularities in the mailing of the Office action mailed June 21, 2005. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in

mailing of this Notice, petitioner must submit evidence to overcome this presumption. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The declaration of patent attorney Nabulsi states that the Notice was not received and attests to a search of the file jacket and docket records indicating that the Office communication was not received. In addition, docket records were supplied. However, under the circumstances of this case, the showing is not sufficient because attorney Nabulsi's statement does not reference at what address he considers the Notice not received. It is unclear whether the Notice was not received at the correspondence address of record, and thus, withdrawal of the holding of abandonment is warranted. Or, whether the address changed, the Office was not informed and thus, the Notice was not received at a new address. In which case, withdrawal of the holding of abandonment would not be warranted.

Specifically, a review of the record reveals that the Notice to File Missing Parts of Application was mailed to the correspondence address of record properly in effect on the day of mailing. The application was filed without an executed declaration. The application transmittal letter signed by attorney Nabulsi identified the mailing address as one at:

McCARTER & English, LLP
Four Stamford Plaza
107 Elm Street
Stamford, CT 06902

Accordingly, the Notice to File Missing Parts of Application was mailed to this Stamford CT address. See 37 CFR § 1.33(a).

The instant petition and executed declaration now filed reference two addresses for McCarter & English:

1. McCarter & English LLP
   City Place I
   185 Asylum Street
   Hartford CT 06103O

   and

2. McCarter & English LLP
   Financial Centre, Suite 304A
   695 Main Street
   Stamford CT 06901-2138

Absent clarification that attorney Nabulsi's statements are with respect to non-receipt of the Notice at the Four Stamford Plaza, 107 Elm Street, Stamford, CT 06902 address, petitioner has not overcome the presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. Absent such clarification, non-receipt of the Notice may properly be attributed to the failure to file a change of correspondence address. As such withdrawal of the holding of abandonment is not warranted[1].

The petition under § 1.181 is **DISMISSED**.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are not permitted. See 1.181(f).

Alternatively, applicants may seek revival under the provisions of 37 CFR 1.137. Such a request should include a cover letter entitled "Petition under 37 C.F.R. § 1.137(a)" or "Petition under 37 C.F.R. § 1.137(b)," as appropriate. The petition included authorization to charge any required fees to a Deposit

[1] As to a showing of unavoidable delay, petitioner is reminded that "where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address."

Account. However, the petition did not include the statements of unintentional and unavoidable delay required by these provisions of 1.137.

The correspondence address of record has been changed to that set forth on the first executed declaration filed April 24, 2006.

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No.

McCarter & English LLP
City Place I
185 Asylum Street
Hartford CT 06103

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OFFICE OF PETITIONS

In re Application of	:	
Franco Rocca	:	DECISION ON
Application No. 11/129,453	:	PETITION
Filed: May 13, 2005	:	
Atty Docket No. 99759.00008	:	

This is a decision on the "RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE TO FILE MISSING PARTS" filed September 11, 2006.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Application mailed June 21, 2005. This Notice set a two-month time limit for reply, with extensions of time obtainable under § 1.136(a). No reply having been received and no extension obtained, the above-identified application became abandoned on August 22, 2005. A courtesy Notice of Abandonment was mailed on March 16, 2006.

The initial petition was filed on the basis that the attorney of record never received the Notice to File Missing Parts of Application. In support thereof, petitioner submitted the declaration of patent attorney Basam Nabulsi. By decision mailed July 10, 2006, the petition was dismissed for failure to make an adequate showing of non-receipt. Clarification was required as to whether attorney Nabulsi was attesting to non-receipt of the Notice at the correspondence address of record to which the Notice was mailed.

The instant renewed petition includes a statement by patent attorney Nabulsi attesting to the Notice not being received at the correspondence address of record (at the time of the mailing of the relevant Notice).

Petitioner has now supported his claim of non-receipt with a sufficient showing.

In view thereof, the notice of abandonment mailed June 21, 2005 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application file is, thereby, forwarded to OIPE to withdraw the holding of abandonment and for processing of the response received on petition filed April 24, 2006.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Yoshiyuki Teshirogi	: DECISION ON REQUEST FOR
Patent Number	: 7586485	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,470	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1150** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

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MAR 28 2007

OFFICE OF PETITIONS

In re Application of	:	
KASSAB, Hishman	:	
Application No. 11/129,476	:	DECISION ON PETITION
Filed: May 16, 2005	:	TO WITHDRAW
Attorney Docket No. **006536.00002**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F. § 1.36(b), filed January 26, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Bradley C. Wright on behalf of all attorneys of record who are associated with customer No. 22907. 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 Hisham Kassab at the address indicated below.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Perri Williams

Perri Williams
Petitions Examiner
Office of Petitions

cc: **HISHAM KASSAB AT MOBILAPS, LLC**
8070 GEORGIA AVENUE
SUITE 304
SILVER SPRING, MD 20910

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/129,476	05/16/2005	Hisham Kassab	006536.00002

CONFIRMATION NO. 9906

OC000000023080995

22907
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Date Mailed: 03/23/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/26/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Michelle R. Eason

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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Alexandria, VA 22313-1450
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NAVAL RESEARCH LABORATORY
ASSOCIATE COUNSEL (PATENTS)
CODE 1008.2
4555 OVERLOOK AVENUE, S.W.
WASHINGTON DC 20375-5320

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NOV 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Jasbinder Sanghera et al	:	
Application No. 11/129,489	:	DECISION ON PETITION
Filed: May 16, 2005	:	
Attorney Docket No. 97,341	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 19, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The 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 August 27, 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 1791 for appropriate action by the Examiner in the normal course of business on the reply received June 19, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DIW Nov-05

BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

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OFFICE OF PETITIONS

In re Application of	:	
Robert E. Dunlap	:	
Application No. 11/129,527	:	DECISION GRANTING PETITION
Filed: 13 May, 2005	:	
Atty Dckt No. CEM-P001-01	:	

This is a decision on the petition filed on 21 June, 2005, which is treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of 13 May, 2005, rather than the currently-accorded filing date of 12 May, 2005.

Petitioner alleges that the application was deposited in Express Mail service on 13 May, 2005. In support, on 21 June, 2005, petitioners supplied a copy of USPS Customer Label No. EV461294131US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). Although the customer label appears to be dated "5 12 5", petitioner has provided a copy of the USPS Track & Confirm Internet search report shows that the Express Mail shipment bearing the above-identified Express Mail number was accepted by the USPS on 13 May, 2005. Additionally, petitioner has provided a copy of a USPS Service Statement containing the above-identified label number and which bears the signature of a USPS employee, and in the "Date & Time of Pickup" block, a date of "5/13/05" has been entered.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is 13 May, 2005.

In view of the above, the application is entitled to a filing date of 13 May, 2005.

No petition fee is required for a petition under 37 CFR 1.10. The petition fee will be credited to counsel's deposit account No. 02-0390.

The application is being referred to the Office of Initial Patent Examination for correction of the filing date to 13 May, 2005, and mailing of a corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WELSH & KATZ LTD
120 SOUTH RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606

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OCT 17 2005

OFFICE OF PETITIONS

In re Application of	:	
Baumann, et al.	:	
Application No. 11/129,529	:	DECISION GRANTING PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 94313	:	

This is a decision on the "PETITION CONTENDING THAT ITEM WAS DEPOSITED WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE UNDER 37 C.F.R. 1.53(b) AND REQUEST FOR REFUND OF PETITION FEE", filed August 15, 2005, to accord the above-identified application a filing date of May 13, 2005, with Figure 5 of the drawings as part of the original disclosure.

The petition is **GRANTED.**

Application papers in the above-identified application were filed on May 13, 2005. However, on June 14, 2005, the Initial Patent Examination Division mailed applicants a "Notice to File Missing Parts of Nonprovisional Application." Applicants were instructed to submit an executed oath or declaration, together with a surcharge for its late filing. In addition, applicants were notified the application papers had been accorded a filing date of May 13, 2005; however, Figure 5 of the drawings appeared to have been omitted.

In response, applicants filed the present petition. Applicants have submitted an executed declaration, together with a postcard receipt identifying the application, itemizing "Informal Drawings (5 Sheets)" as enclosed, and bearing a USPTO date stamp of May 13, 2005.

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.[1]

In view of the above, the petition is **GRANTED**.

Given the basis for granting this petition, the $400 petition fee has been refunded to Deposit Account No. 23-0920.

The application is being returned to the Office of Initial Patent Examination for further processing, using the application papers filed May 13, 2005, and Figure 5 of the drawings as resupplied on petition filed August 15, 2005, and for indication in Office records that five (5) sheets of drawings were present 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

[1] See MPEP 503.

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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

Mail Date: 04/20/2010

Applicant	: Jun-Kyun Shin	: DECISION ON REQUEST FOR
Patent Number	: 7630183	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,543	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **383** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

OIPE IAP15
SEP 21 2005
PATENT & TRADEMARK OFFICE

Attorney Docket No. T10487.B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	SIDNEY W. FOULGER et al.	
TITLE:	NUTRITIONAL SUPPLEMENT DRINK CONTAINING XANTHONE EXTRACTS	PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102
SERIAL NO.:	11/129,560	
FILED:	May 12, 2005	
EXAMINER:		
ART UNIT:	1761	

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Petition to Make Special is filed under 37 C.F.R. § 1.102 and MPEP § 708.02 (IV).

Fee

No fee is required for a Petition to Make Special on the basis of Applicant's Age under MPEP § 708.02 (IV).

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on the 19th day of September, 2005.

Alan J. Howarth
Attorney Registration No. 36,553

OCT - 3 2005

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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MAR 16 2009

OFFICE OF PETITIONS

In re Application	:	
Matsushima, et al.	:	
Application No. 11/129,574	:	PATENT TERM ADJUSTMENT
Filed: May 16, 2005	:	
Dkt. No.: 023174-0132	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705." This matter is being properly treated as an application for patent term adjustment pursuant to 37 CFR 1.705(b). The application for patent term adjustment was timely filed November 25, 2008, along with issue fee payment.

The Determination of Patent Term Adjustment under 35 USC 154(b), mailed August 28, 2008, indicated a patent term adjustment to date of 421 days. Applicants argue that the application is entitled to an adjustment of 648 days, including an adjustment of 298 days under 37 CFR 1.702(b). Applicants also indicate that the application is subject to a reduction of 71 days in accordance with 37 CFR 1.704(c)(8) in connection with the IDS filed August 21, 2008.

Applicants do not dispute the adjustment of 513 days or the reduction of 92 days accorded at the time of allowance.

Instead, applicants contest the adjustment insofar as it relates to the Office's failure to issue the patent within three years of the filing date of the application pursuant to 37 CFR 1.703(b) in view of Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

To the extent that this application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being **held in abeyance**

until after the actual patent date. Knowledge of the actual date the patent issues is ordinarily required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, 37 CFR 1.703(b). It is noted that at the time of this decision, the patent has not issued.

Applicants are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Applicants may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

With respect to the over 3 year calculation, rather than file the request for reconsideration of Patent Term Adjustment at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

Applicants also advise the Office neglected to assess a reduction in connection with the IDS submitted August 21, 2008. In accordance with 37 CFR 1.704(c)(8), the adjustment of 513 days is further reduced 71 days, the reduction having commenced June 12, 2008, the day after the date that the initial reply was filed, and ended August 21, 2008, the date that the supplemental reply (IDS) was filed.

In view thereof, at the time of allowance, the application is entitled to an overall adjustment of 350 days (adjustment totalling 513 days less reductions totalling 163 days).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Office of Patent Publication for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A. Fries

Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Day : Monday
Date: 3/16/2009

PALM INTRANET

Time: 08:59:38

PTA Calculations for Application: 11/129574

Application Filing Date:	05/16/2005	PTO Delay (PTO):	513
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	92
Post-Issue Petitions:	0	Total PTA (days):	350
PTO Delay Adjustment:	-71		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
54	03/16/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		71	
37	08/28/2008	MAIL NOTICE OF ALLOWANCE			
36	08/27/2008	ISSUE REVISION COMPLETED			
35	08/27/2008	DOCUMENT VERIFICATION			
34	08/27/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
33	08/27/2008	CASE DOCKETED TO EXAMINER IN GAU			
32	08/27/2008	EXAMINER'S AMENDMENT COMMUNICATION			
31	08/27/2008	NOTICE OF ALLOWABILITY			
30	08/26/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
29	06/26/2008	DATE FORWARDED TO EXAMINER			
28	06/11/2008	RESPONSE AFTER NON-FINAL ACTION		92	26
27	06/11/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
26	12/11/2007	MAIL NON-FINAL REJECTION	513		-1
25	12/08/2007	NON-FINAL REJECTION			
24	10/10/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
21	11/15/2007	CASE DOCKETED TO EXAMINER IN GAU			
19	10/09/2007	CASE DOCKETED TO EXAMINER IN GAU			
18	10/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	03/31/2007	CASE DOCKETED TO EXAMINER IN GAU			
16	11/14/2006	CASE DOCKETED TO EXAMINER IN GAU			
15	12/01/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
		REQUEST FOR FOREIGN PRIORITY (PRIORITY			

14	09/13/2005	PAPERS MAY BE INCLUDED)			
13	12/01/2005	CASE DOCKETED TO EXAMINER IN GAU			
12	10/04/2005	APPLICATION DISPATCHED FROM OIPE			
11	10/04/2005	APPLICATION IS NOW COMPLETE			
10	09/13/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
9	05/16/2005	CLAIM PRELIMINARY AMENDMENT			
8	09/13/2005	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
7	09/13/2005	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
6	09/13/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	09/23/2005	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
4	08/05/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	06/01/2005	CLEARED BY OIPE CSR			
2	05/27/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	05/16/2005	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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OFFICE OF PETITIONS

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Patent No. 7,521,596 :
Issued: April 21, 2009 :
Application No. 11/129,574 : PATENT TERM ADJUSTMENT
Filed: May 16, 2005 :
Dkt. No.: 023174-0132 :

This is a decision on the "RENEWED REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705," filed April 29, 2009. Patentee requests correction of the patent term adjustment from 376 days to 690 days. Patentee requests this correction on the sole basis that the Office took in excess of three years to issue the above-referenced patent. This matter is being properly treated under 37 CFR 1.705(d).

The application for patent term adjustment (PTA) under 37 CFR 1.705(d) is **DISMISSED**.

The above-identified application matured into U.S. Pat. No. 7,521,596 on April 21, 2009. The patent issued with a patent term adjustment of 376 days. This application for patent term adjustment is timely filed in accordance with 37 CFR 1.705(d). Patentee argues that in view of Wyeth v. Dudas, No. 07-1492 (D.D.C. Sept. 30, 2008), the patent is entitled to an adjustment of 690 days (adjustments totaling 853 under 35 USC 154(b)(1)(A) and 35 USC 154(b)(1)(B) *less* 163 days of applicant delay).

Under 37 CFR 1.703(f), patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR 1.702 reduced by the period of time equal to the period of time during which patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. In other words, patentees are entitled to the period of Office delay reduced by the period of applicant delay.

The Office asserts that as of the issuance of the patent on April 21, 2009, the application was pending three years and 340 days after its filing date (May 17, 2008 to April 21, 2009). The Office agrees that certain action was not taken within the specified time frame, and thus, the entry of a period of adjustment of 539 days is correct. At issue is whether patentees should accrue 340 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 539 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the period of 340 days of delay in issuing the patent overlaps with the 539 days of examination delay under 37 CFR 1.702(a). Patentees' calculation of the period of

overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> To the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f)*[1] *and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004).

Further, as stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

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[1] Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding §1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the period during which the application was pending before the Office beginning on the application filing date under 35 U.S.C. 111(a), May 16, 2005, and ending on April 21, 2009, the date the patent issued.

Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a), 539 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), 340 days of patent term adjustment accrued for Office issuance of the patent more than three years after the application filing date.

The 340 days of patent term adjustment under 37 CFR 1.702(b) overlaps with the 539 days of patent term adjustment under 37 CFR 1.702(a)(1). Entry of both the 539 days and the 340 days is neither permitted nor warranted given that 539 days is the actual number of days issuance of the patent was delayed.

Accordingly, at issuance, the Office properly entered 376 days of patent term adjustment, having considered the 340 days of Office delay under the three-year pendency provision in conjunction with the 539 days of delay under 37 CFR 1.702(a), reduced 92 days for applicants' delay.

In view thereof, no adjustment to the patent term will be made.

No additional fees are due in connection with this matter.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Mail Date: 04/21/2010

Applicant	: Yutaka Matsushima	: DECISION ON REQUEST FOR
Patent Number	: 7521596	: RECALCULATION of PATENT
Issue Date	: 04/21/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,574	: OF WYETH
Filed	: 05/16/2005	:
		:

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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1-06-09

TO SPE OF : ART UNIT 1791

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/129577 Patent No.: 7442029

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. 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: _____

PHILIP TUCKER — **SPE** — 1791 — **Art Unit**

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PAUL M. DENK
SUITE 170
763 S. NEW BALLAS ROAD
ST. LOUIS, MO 63141

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OFFICE OF PETITIONS

In re Application of	:	
David L. Tebbe	:	
Application No. 11/129,595	:	DECISION ON PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 7523	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 5, 2009, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. 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.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 19, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed June 19, 2007. Accordingly, the date of abandonment of this application is September 20, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $720 and the publication fee of $300, (2) the petition fee of $810; 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.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Office of Data Management for processing into a patent.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY, NY 11797

Mail Date: 04/20/2010

Applicant	: Bong-Hyun You	: DECISION ON REQUEST FOR
Patent Number	: 7616178	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,603	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1049** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

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OFFICE OF PETITIONS

In re Application of :

Arnold P. ZWEBEN :
Application No. 11/129,610 : DECISION ON PETITION
Filed: May 14, 2005 : TO WITHDRAW
Attorney Docket No. **PA4641US** : FROM RECORD
:

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 27, 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 Thanh Pham on behalf of all attorneys of record who are associated with customer No. 22830. All attorneys/agents associated with the Customer Number 22830 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Arnold P. Zweben at the address indicated below. There is an outstanding Office action mailed November 14, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Petitions Examiner
Office of Petitions

cc: **ARNOLD P. ZWBEN**
4604 MESSINA DRIVE
LAKE MARY FL 32746

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AUSTIN RAPP & HARDMAN
170 South Main Street, Suite 735
SALT LAKE CITY UT 84101

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OFFICE OF PETITIONS

In re Application of

Chen-Ning Hsi :

Application No. 11/129,611

: DECISION ON PETITION

Filed: May 13, 2005

:

Attorney Docket No. 3507.2.58

This is a decision on the petition under 37 CFR 1.137(b), filed, May 19, 2009, the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to file a proper reply in a timely manner to the Notice of Non-Compliant Amendment mailed February 7, 2008, which set a shortened period for reply of one (1) month from its mailing date. Accordingly, the application became abandoned on March 8, 2008. A Notice of Abandonment was mailed on December 10, 2008.

The amendment filed May 19, 2009, is noted.

The application is being forwarded to Technology Center 2100, GAU 2111 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of
Ingo Friedrichowitz, Yoram Yaacovi, Alisson Sol, Roy Zuniga , Jason Malcolm, Gwen Sweeney, Russ Burtner and Peter Rinearson
Application No.11/129,645
Filed: May 13, 2005
Attorney Docket No. 50037.356USU1
Title of Invention: Method and System for Document Assembly

DECISION

This is in response to the petition under 37 CFR 1.47(a) filed December 21, 2005.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Roy Zuniga 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.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

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OFFICE OF PETITIONS

In re Application :
Telliez, et al. :
Application No. 11/129,648 : PATENT TERM ADJUSTMENT
Filed: May 13, 2005 :
Dkt. No.: 22058-558C01US :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1. 705(d)," filed April 10, 2009. This matter is being properly treated under 37 CFR 1.705(b), the application for patent term adjustment having been filed prior to issuance of a patent. Applicants submit that the correct patent term adjustment to be indicated on the patent is 320 days, not zero days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is DISMISSED as PREMATURE.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for

reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

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) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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MAR 15 2010

OFFICE OF PETITIONS

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Patent No. 7,576,178	: DECISION ON APPLICATION FOR
Issued: August 18, 2009	: PATENT TERM ADJUSTMENT and
Application No. 11/129,648	: NOTICE OF INTENT TO ISSUE
Filed: May 13, 2005	: CERTIFICATE OF CORRECTION
Dkt. No.: 22058-558C01US	:

This is a decision on the petition filed on October 16, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by 348 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 348 days is **GRANTED**.

The required fee of $200.00 fee set forth in 37 CFR 1.18(e) has been charged to Deposit Account 50-0311 as authorized. No additional fees are required for consideration of the matter pursuant to 37 CFR 1.705(d).

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 348 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 : 7,576,178 B2

DATED : **August 18, 2009** **DRAFT**

INVENTOR(S) : Telliez, 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 131 days

Delete the phrase "by 131 days" and insert – by 348 days--

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

COPY MAILED

SEP 02 2008

In re Application of	:	
HAYDEN, Kevin M. et al.	:	
Application No. 11/129,661	:	DECISION ON PETITION
Filed: May 13, 2005	:	TO WITHDRAW
Attorney Docket No. **106367-0007-101**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 07, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart LLP has been revoked by the applicant of the patent application on May 21, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROPES & GRAY LLP**
PATENT DOCKETING 39/41
ONE INTERNATIONAL PLACE
BOSTON MA 02110-2624

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
11/129,707	05/13/2005	2621	1530	16869S-150300US	7	16	5

CONFIRMATION NO. 1685

UPDATED FILING RECEIPT

OC000000016779988

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 08/15/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Yuichi Nonaka, Tokyo, JAPAN;
Akihito Nishizawa, Tokyo, JAPAN;

Assignment For Published Patent Application

Hitachi, Ltd., Tokyo, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number **20350**.

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2004-307586 10/22/2004

If Required, Foreign Filing License Granted: 06/10/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/129,707

Projected Publication Date: 04/27/2006

Non-Publication Request: No

Early Publication Request: No

Title

Image apparatus and method and program for producing interpolation signal

Preliminary Class

382

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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SAN FRANCISCO, CA 94111-3834

Mail Date: 05/17/2010

Applicant	: Yuichi Nonaka	: DECISION ON REQUEST FOR
Patent Number	: 7643073	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/129,707	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1249** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

Mail Date: 07/15/2010

Applicant	: Ralph Droms	: DECISION ON REQUEST FOR
Patent Number	: 7648070	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/129,709	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **667** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

Petition to Make Special

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): MATVEY LVOVSKIY	Group Art Unit: 1734
Serial No.: 11/129729	
Filed: 5-16-05	Examiner: Osele, Mark
Title: LABEL REMOVER	

AFFIDAVIT AS TO APPLICANT'S AGE UNDER 37 C.F.R. 1.102(c)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, M. LVOVSKIY, hereby depose and say:
THAT I am over the age of sixty-five years;
THAT the above fact, to the best of my knowledge, is true, and that I understand that any false statements or the like are punishable by fine or imprisonment, or both, under 18 USC 1001 and may jeopardize the validity of this application or any patent issuing therefrom.

Signed this 10rd day of MAY, 2005.

Matvey Lvovskiy

STATE OF New York)
COUNTY OF Kings)

Subscribed and sworn to, before me, by, this 10 day of May 2005

SARRA FRONSHTEIN
Notary Public, State of New York
No. 24 — 4832338
Qualified in Kings County
Commission Expires Apr 30 2007

Sarra Fronshtein
Notary Public
My Commission Expires April 30, 2007

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PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
NOV - 1 2006

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
LANGLEY RESEARCH CENTER
MAIL STOP 141
HAMPTON, VA 23681-2199

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NOV 16 2006
OFFICE OF PETITIONS

In re Application of	:	
Tarek Abdel-Fattah et al	:	
Application No. 11/129,751	:	ON PETITION
Filed: May 11, 2005	:	
Attorney Docket No. LAR-16437-1-NP	:	

This is a decision on the petition filed February 10, 2006, which is being treated as a petition under 37 CFR 1.182 to change the order of inventorship.

The petition is **granted.**

Petitioner submitted $130 with the petition on June 10, 2006; however, the correct petition fee is $400. See 37 CFR 1.182 and 37 CFR 1.17(f). The Office will charge the additional $270 to petitioner's deposit account number 14-0116.

Telephone inquiries concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/129,751	05/11/2005	1754	3050	LAR-16437-1-NP	1	37	6

CONFIRMATION NO. 9667
CORRECTED FILING RECEIPT
OC000000021240156
OC000000021240156

23351
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
LANGLEY RESEARCH CENTER
MAIL STOP 141
HAMPTON, VA 23681-2199

Date Mailed: 11/15/2006

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)

Tarek Abdel-Fattah, Yorktown, VA;
Emilie J. Siochi, Newport News, VA;

Assignment For Published Patent Application

U.S.A. as represented by the Administrator of the National Aeronautics and Space Administration, Washington, DC

Power of Attorney: The patent practitioners associated with Customer Number **23351**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/570,964 05/12/2004

Foreign Applications

If Required, Foreign Filing License Granted: 11/15/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/129,751

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

TEMPLATED GROWTH OF CARBON NANOTUBES

Preliminary Class

423

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
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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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SCOTT BOALICK
USPTO
600 DULANY STREET
ALEXANDRIA, VA 22313

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OFFICE OF PETITIONS

In re Application of	:	
Tony Buhr et al.	:	
Application No. 11/129,753	:	DECISION ON PETITION
Filed: May 12, 2005	:	TO WITHDRAW
Attorney Docket No. 96260	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 2, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Scott Boalick. Scott Boalick has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is an outstanding Office action mailed July 13, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **NAVAL SURFACE WARFARE CENTER DAHLGREN DIVISION**
OFFICE OF COUNSEL, CODE XDC1
17632 DAHLGREN ROAD
SUITE 121
DAHLGREN VA 22448-5110

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U.S. AIR FORCE
40 WRIGHT ST.
HANSCOM AFB MA 01731

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OFFICE OF PETITIONS

In re Application of	:	
Gary E. Galica, et al.	:	
Application No. 11/129,754	:	DECISION ON PETITION
Filed: May 13, 2005	:	TO WITHDRAW
Attorney Docket No. AFB 695	:	FROM RECORD
	:	

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 24, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "attorney of record is retiring, as of August 2006", 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 April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: DEPARTMENT OF THE AIR FORCE
AFMC LO/JAZ
2240 B ST., RM. 100
WRIGHT-PATTERSON AFB, OH 45433-7109

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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	:	
Kim, et al.	:	
Application No. 11/129,757	:	DECISION GRANTING PETITION
Filed: May 13, 2005	:	
Attorney Docket No. 54787/DBP/Y35	:	

This is a decision on the petition filed July 18, 2005, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of May 13, 2005, rather than the presently accorded filing date of May 16, 2005.

Petitioner alleges that the application was deposited with the Express Mail Service on May 13, 2005. In support of the allegation, the petition is accompanied by a copy of the "Track and Confirm" communication from the United States Postal Service showing that Express Mail package EV327885065US was deposited with the United States Postal Service, Express Mail Service on May 13, 2005. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on May 13, 2005.

In view of the above, the petition is granted. The new filing date for the above-cited application is May 13, 2005.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 13, 2005, and for issuance of a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Paper No. None

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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MAR 13 2006

OFFICE OF PETITIONS

In re Application of	:	
James F. Pitzen, Jeffrey D. Smith, and Charles E.	:	
Alexson	:	DECISION ON
Application No. 11/129,760	:	PETITION UNDER
Filing Date: May 16, 2005	:	37 C.F.R. §1.47(A)
Attorney Docket Number: 54525.000114	:	
Title: RECHARGEABLE BATTERY ADAPTED	:	
TO BE ATTACHED TO ORTHOPEDIC DEVICE	:	

This is a decision on the petition filed October 24, 2005, under 37 C.F.R. § 1.47(a).

On May 16, 2005, the reissue application was deposited, identifying James F. Pitzen, Jeffrey D. Smith, and Charles E. Alexson as joint inventors. On June 8, 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, the basic filing fee, a statement pursuant to 37 C.F.R. §3.73(b), the search fee, and the examination fee. This Notice set a two-month period for reply.

With this petition, Petitioner has submitted the basic filing fee, a statement pursuant to 37 C.F.R. §3.73(b), the search fee, the examination fee, the fees for excess claims, a reissue declaration, and the associated surcharge. Petitioner has also submitted a portion of the petition fee.

Petition fee requirement

The fee for filing a petition under 37 C.F.R. §1.47(b) is set forth in 37 C.F.R. §1.17(g) as being $200, with no reduction for small entities. Petitioner has included $130, and the petition does not appear to contain an authorization to charge any deficiency to a Deposit Account. Therefore, requirement number (2) of 37 C.F.R. §1.47(b) has not been met.

The payment of the required petition fee is a prerequisite to the filing of a petition under this portion of the C.F.R. Therefore, consideration of the merits of the petition before receipt of the filing fee would be premature.

In view of the foregoing, this petition is **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.47(b)". This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.

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Paper No. None

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OFFICE OF PETITIONS

In re Application of James F. Pitzen, Jeffrey D. Smith, and Charles E. Alexson Application No. 11/129,760 Filing Date: May 16, 2005 Attorney Docket Number: 54525.000114 Title: RECHARGEABLE BATTERY ADAPTED TO BE ATTACHED TO ORTHOPEDIC DEVICE	DECISION ON RENEWED PETITION UNDER 37 C.F.R. §1.47(B)

This is in response to the petition under 37 CFR §1.47(b)[1], filed March 24, 2006 .

On May 16, 2005, the reissue application was deposited, identifying James F. Pitzen, Jeffrey D. Smith, and Charles E. Alexson as joint inventors. On June 8, 2005, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice),

1 A grantable petition under 37 CFR §1.47(b) requires:
(1) The petition fee;
(2) a surcharge if the petition was not filed at the time of filing of the application;
(3) a statement of the last known address of each of the non-signing inventors;
(4) proof that either:
a) a copy of the application was sent or given to each of the non-signing inventors for review and proof that each of the non-signing inventors refused to sign, or;
b) proof that diligent efforts have been made to locate the non-signing inventor
(6) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(7) proof of irreparable damage, and;
(8) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 CFR §1.63.

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, the basic filing fee, a statement pursuant to 37 C.F.R. §3.73(b), the search fee, and the examination fee. This Notice set a two-month period for reply.

The original petition was submitted on October 24, 2005, along with the basic filing fee, a statement pursuant to 37 C.F.R. §3.73(b), the search fee, the examination fee, the fees for excess claims, a reissue declaration, the associated surcharge, and a portion of the petition fee. This petition was dismissed for failure to submit the petition fee in full via the mailing of a decision on March 13, 2006.

With this renewed petition, Petitioner has indicated that the previous submission contained a sheet which contained an authorization to charge any deficiency to a deposit account. This sheet has been located in the electronic file, and the Office regrets this oversight.

Petitioner has met each of the requirements of 37 CFR §1.47(b). It is noted that in regards to the fourth requirement above, this requirement was met with a similar petition associated with the parent application, 09/954,526. A copy of the decision which granted this petition was included with the original petition on the present application.

As such, the renewed petition under 37 C.F.R. §1.47(b) is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47, this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The 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

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James F. Pitzen
436 Oday Street South
Maplewood, Minnesota 55119-5540

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APR 21 2006

OFFICE OF PETITIONS

In re Application of
James F. Pitzen, Jeffrey D. Smith, and Charles E. Alexson
Application No. 11/129,760
Filing Date: May 16, 2005
Attorney Docket Number: 54525.000114
Title: RECHARGEABLE BATTERY ADAPTED TO BE ATTACHED TO ORTHOPEDIC DEVICE

LETTER

Dear Mr. Pitzen:

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, the attorney of record 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) 272-3225. 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).

cc: HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

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OFFICE OF PETITIONS

In re Application of	:	
Mark Deem, et al.	:	
Application No. 11/129,765	:	DECISION GRANTING PETITION
Filed: May 13, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 578568006US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 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 May 19, 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 concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3766 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Mark Deem	: DECISION ON REQUEST FOR
Patent Number	: 7653438	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,765	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **365** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WHYTE HIRSCHBOECK DUDEK S.C.
INTELLECTUAL PROPERTY DEPARTMENT
33 East Main Street, Suite 300
Madison, WI 53703-4655

Mail Date: 05/18/2010

Applicant	: Thomas G. Rehberger	: DECISION ON REQUEST FOR
Patent Number	: 7618640	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/129,767	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **639** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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QUARLES & BRADY STREICH LANG
ONE SOUTH CHURCH AVENUE
SUITE 1700
TUCSON, AZ 85701-1621

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OCT 28 2005

OFFICE OF PETITIONS

In re Application of	:	
Frank A. Tinker	:	
Application No. 11/129,783	:	DECISION ON PETITION
Filed: May 16, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 122081.00007	:	37 CFR 1.102(c)(2)

This is a decision on the petition under 37 CFR 1.102(c) (2)(ii), filed May 16, 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.

Some of the claims are directed towards improving the efficiency of a heat engine. Practitioner's statement filed in support of the instant petition to make special states, "[i]t is expected that the implementation of the invention will produce an increase in efficiency of about 30%." Expectations of the invention are not sufficient to demonstrate how the invention materially contributes towards a more efficient utilization of energy resources. Additionally, Figure 24 of Applicant's invention, which shows the minimum raw energy required to run the apparatus and includes the frictional forces of the system, shows a single mass data point (0.57 kg) where the reduction in energy is twenty-three percent. The remaining mass data points shown have much less significant reductions in energy. As such at the present time, the above statements are inadequate to establish for the record that the claimed invention materially contributes significantly to the more efficient utilization or conservation of energy resources.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3747 for action in its regular turn.

Denise Pothier
Petitions Examiner
Office of Petitions

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TIMOTHY F. BLISS
HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS TX 75202

In re Application of	:	
Robert J. Carroll, et al.	:	
Application No. 11/129,813	:	DECISION ON REQUEST
Filed: May 16, 2005	:	TO WITHDRAW
Attorney Docket No. 29370.43	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §1.36(b), filed August 4, 2005.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to all the attorneys/agents of record associated with Customer No. 27683 was revoked by the assignee of the patent application on October 20, 2005. Accordingly, the request to withdraw under 37 CFR §1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

There is no outstanding Office action that requires a reply from 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: SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Mail Date: 04/20/2010

Applicant	: Adibettahalli Anand	: DECISION ON REQUEST FOR
Patent Number	: 7627656	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,818	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1050** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.
THE DAVIS BROWN TOWER
215 10TH STREET SUITE 1300
DES MOINES IA 50309

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JAN 07 2010

In re Application of	:	
Simpson et al.	:	
Application No. 11/129,838	:	ON PETITION
Filed: May 16, 2005	:	
Attorney Docket No. 7824030/15280	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 21, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and a Preliminary Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 3652 for processing of the RCE under 37 CFR 1.114 filed concurrently with the instant petition.

Liana Walsh
Petitions Examiner
Office of Petitions

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SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA GA 30307-3592

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MAR 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Helmut Mangold et al	:	
Application No. 11/129,845	:	DECISION GRANTING PETITION
Filed: May 16, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 032301.379DIV	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 13, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Final Rejection of May 9, 2006, is accepted as having been unintentionally delayed.

Additionally, since the filing of the instant petition under 37 CFR 1.137(b), was necessary to revive the above application, the request for refund submitted with the petition on December 13, 2006, is dismissed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 1755.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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JENNIFER L. BALES
MOUNTAIN VIEW PLAZA
1520 EUCLID CIRCLE
LAFAYETTE, CO 80026-1250

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AUG 21 2006

OFFICE OF PETITIONS

In re Application of	:	
Salazar	:	
Application No. 11/129,857	:	DECISION ON PETITION
Filed: May 16, 2005	:	TO WITHDRAW
Attorney Docket No. S06.101	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 6, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Jennifer L. Bales has been revoked by the applicant of the patent application on April 2, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to April Wise at 571-272-1642.

David Bucci
Petitions Examiner
Office of Petitions

cc: Tracy A. Salazar
89 Homestead Drive
Pagosa Springs, CO 81157

cc: Zeb Corporation
PO Box 4832
Pagosa Springs, CO 81147-4832

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OFFICE OF PETITIONS

JONATHAN M. WALDMAN
WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE – 46TH FLOOR
PHILADELPHIA, PA 19103

In re Application of	:	
Valois Gonzalez et al	:	
Application No. 11/129,873	:	DECISION ON PETITION
Filed: May 16, 2005	:	TO WITHDRAW
Attorney Docket No. BELL-0355/02335C1	:	FROM RECORD
	:	

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 17, 2005.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Jonathan M. Waldman has been revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Irvin Dingle at 571-272- 3210.

David Bucci
Petitions Examiner
Office of Petitions

cc: Withers & Keys for Bell South
P.O. Box 71355
Marietta, GA 30007-1355

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Mail Date: 04/21/2010

Applicant	: David William Cabell	: DECISION ON REQUEST FOR
Patent Number	: 7579062	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,877	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **257** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Jonathan A. Bay
Attorney at Law
Suite 314
333 Park Central East
Springfield MO 65806

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MAY 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Steffens et al.	:	
Application No. 11/129889	:	
Filing or 371(c) Date: 05/16/2005	:	DECISION
Attorney Docket Number: 672-1	:	ON PETITION

This is a decision on the "Petition to Withdraw Holding of Abandonment MPEP § 711.03(c) – Part I.B 37 CFR § 1.8(b) MPEP § 512," filed March 20, 2009. The petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed September 3, 2008. The Office action set a three (3 month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned December 4, 2008. A Notice of Abandonment was mailed March 12, 2009.

Applicant's Assertion

Applicant files the present petition and asserts that a timely reply to the Office action was filed in accordance with 37 CFR 1.8, dated March 3, 2009, and received in the Office on March 9, 2009. In support of this assertion, Applicant files a copy of the Reply and a copy of his return-receipt postcard acknowledging receipt by this Office of the Reply on March 9, 2009.

A review of the Reply reveals that the Reply contained a Certificate of Mailing under 37 CFR 1.8, certifying that the Reply was mailed to this Office on March 3, 2009. The Certificate of Mailing was executed by Petitioner herein.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 3637 for processing of the response, and 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JONATHAN A BAY
STE 410
1736 E SUNSHINE
SPRINGFIELD MO 65804

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Steffens, et al.	:	
Application No. 11/129,889	:	DECISION ON PETITION
Filed: May 16, 2005	:	
Attorney Docket No. 672-1	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed April 19, 2010.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the non-final Office action mailed August 10, 2009. This Office action set a shortened statutory period for reply of three (3) months. The Office mailed a Notice of Abandonment on February 18, 2010, stating that no reply had been received.

A review of the application file reveals the presence of an Amendment, filed on February 11, 2010, made timely by obtaining a three month extension of time, and by the fact that Federal Government offices were closed in the Washington DC area on February 10, 2010. A review of Office finance records confirms that the Office received the fee for the three month extension of time on February 11, 2010. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to Group Art Unit 3637 for consideration of the Amendment, timely filed with a three month extension of time on February 11, 2010 (February 10, 2010 being treated as a federal holiday).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 19 2005

Chin Chia Liu
275 E 6th Street #120
Tustin CA 92780

In re Application of	:	
Chin Chia Liu	:	
Serial No.: 11/129,890	:	DECISION ON PETITION
Filed: May 16, 2005	:	
For: Handheld Palm Acupressure Apparatus	:	

This is in response to applicants' petition filed May 16, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact Frederick Schmidt by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (571) 272-2975 or by facsimile transmission at (571) 273-8300.

Frederick R. Schmidt

Frederick R. Schmidt, Director
Technology Center 3700

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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

Mail Date: 04/20/2010

Applicant	: Andrew Piper	: DECISION ON REQUEST FOR
Patent Number	: 7603454	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,900	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1146** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MARVIN L. UNION
Eaton Corporation
Eaton Center
1111 Superior Avenue
Cleveland OH 44114-2584

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DEC 10 2007

OFFICE OF PETITIONS

In re Application of

Mills, et al. :

Application No. 11/129,909

: DECISION ON PETITION

Filed: May 16, 2005

:

Attorney Docket No. 05-AE2-162

This is a decision on the petition under 37 CFR 1.137(b), filed November 26, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to file a proper reply in a timely manner to the final Office action mailed May 3, 2007, which set a shortened statutory period for reply of three (3) months from its mailing date. A response was not received within the allowable period. The application became abandoned on August 4, 2007. A Notice of Abandonment was mailed November 21, 2007.

The Request for Continued Examination filed November 26,2 007, is noted and made of record.

The application is being forwarded to Technology Center 2800, GAU 2832 for further processing.

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 of record until appropriate written instructions to the contrary are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Kirk D. Houser
600 Grant Street
44th Floor
Pittsburgh, PA 15219

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FAEGRE & BENSON LLP
PATENT DOCKETING - INTELLECTUAL PROPERTY
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

Mail Date: 04/20/2010

Applicant	: Joseph P. Ortner	: DECISION ON REQUEST FOR
Patent Number	: 7596397	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,935	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **662** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

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JUN 18 2010

OFFICE OF PETITIONS

In re Application of David M. Holbrook Application No. 11/129938 Filing or 371(c) Date: 05/16/2005 Patent No.: 7,054,870 Issue Date: 05/30/2006 Title of Invention: APPARATUS AND METHODS FOR ORGANIZING AND/OR PRESENTING DATA	DECISION ON PETITION UNDER 37 CFR 1.78(a)(6)

This is a decision on the "Petition for Acceptance of Unintentionally Delayed Priority Claim," filed March 9, 2010, 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 petition fails to satisfy item (1) above. In this regard, 37 CR 1.78(a)(5)(ii) requires that a claim for benefit of priority to a prior-filed provisional application must be submitted during the pendency of the application. Further to this, the MPEP 201.11(E) provides: If the later-filed application is a utility or plant application filed on or after November 29, 2000, the reference to the prior-filed application must be submitted within the time period set forth in 37 CFR 1.78(a) (e.g., during

the pendency of the later-filed application and within the later of 4 months from the actual filing date of the later-filed application or 16 months from the filing date of the prior-filed application) for a benefit claim under 35 U.S.C. 120, 121, or 365(c), and also for benefit claim under 35 U.S.C. 119(e). (Emphasis supplied).

As such, a Certificate of Correction is not a valid mechanism for adding or correcting a priority claim under 35 U.S.C. § 119(e) after a patent has been granted on an application filed on or after November 29, 2000. *See* MPEP 1481.03. Therefore, as this application matured into Patent No. 7,054,870 on May 30, 2006, a claim for benefit of priority to provisional application no. 60/248,802 cannot now be added by way of a Certificate of Correction.

Applicant may attempt to add the benefit claim by way of reissue. The MPEP 1481.03 provides:

> Where the application, which became the patent to be reissued, was filed on or after November 29, 2000, reissue may be employed to correct an applicant's mistake by adding or correcting a benefit claim under 35 U.S.C. 119(e). A petition under 37 CFR 1.78(a)(6) for an unintentionally delayed claim under 35 U.S.C. 119(e) would not be required in addition to filing a reissue application.
> Section 4503 of the American Inventors Protection Act of 1999 (AIPA) amended 35 U.S.C. 119(e)(1) to state that:
>
> > No application shall be entitled to the benefit of an earlier filed provisional application under this subsection unless an amendment containing the specific reference to the earlier filed provisional application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this subsection. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this section ***during the pendency of the application***. (Emphasis added.)
>
> The court in Fontijn held that 35 U.S.C. 251 was sufficiently broad to correct a patent where the applicant failed to assert or failed to perfect a claim for foreign priority during the prosecution of the original application even though 35 U.S.C. 119(b) at that time required a claim and a certified copy of the foreign application to be filed before the patent is granted. Similarly, the Office may grant a reissue for adding or correcting a benefit claim under 35 U.S.C.119(e) that requires the benefit claim to a provisional application be submitted during the pendency of the application. (Emphasis supplied).

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.

Christopher Bottorff
Supervisor
Office of Petitions

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Paper No.

EDWARDS ANGELL
PALMER & DODGE LLP
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OFFICE OF PETITIONS

In re Application of	:	
Ito et al.	:	
Application No. 11/129,959	:	DECISION ON
Filed: May 16, 2005	:	PETITION
Atty Docket No. 63452(51379)	:	

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR § 1.181(a) AND MPEP §711.03(C)(I)(A) filed July 18, 2007.

The above-identified application became abandoned for failure to file a timely reply to the non-final Office action mailed December 7, 2006. This Notice set a three month shortened statutory period for reply, with extensions of time obtainable under 37 CFR §1.136(a). No reply having been received and no extensions obtained, the above-identified application became abandoned effective March 8, 2007. A courtesy Notice of Abandonment was mailed on July 11, 2007.

In response, applicants filed the instant petition, asserting that the Office action was never received and requesting that the holding of abandonment be withdrawn. The petition includes a statement by the practitioner attesting to the non-receipt of the Office action. The statement is supported with the submission of a copy of the docket system entries for this application (by docket number) as printed on July 5, 2007. A response to the Office action has been received as petitioner states that a copy of the Office action was received from the examiner after the abandonment of the application.

A review of the application file reveals no irregularities in the mailing of the Office action mailed December 7, 2006. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petitioner has supported his claim of non-receipt with such evidence.

In view thereof, the notice of abandonment mailed July 11, 2007 and the holding of abandonment are hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 2817 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration by the examiner of the response filed July 18, 2007.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

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OFFICE OF PETITIONS

In re Application of :
Lin, et al. :
Application No. 11/129,975 :
Filed: May 16, 2005 :
Attorney Docket No. 2004-0942/24061.606 :

ON PETITION

This is a decision on the papers styled, "Petition," filed August 18, 2005, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of May 16, 2005, including two (2) sheets of drawings.

The application was submitted on May 16, 2005. However, on June 14, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Incomplete Nonprovisional Application" (Notice) that stated the application had not been accorded a filing date, and that the application was deposited without drawings.

In response, on August 18, 2005, the instant petition was submitted. Petitioner argues that two (2) sheets of informal drawings were filed on May 16, 2005. In support, the instant petition is accompanied by a copy of applicants' postcard receipt that acknowledges receipt of "Two (2) informal drawing sheets" on May 16, 2005. A review of the application file indicates the presence of zero (0) sheets of drawings filed on May 16, 2005. It is assumed that missing sheets of drawings were misplaced by the Office.

In view of the above, the petition is granted.

The $400.00 petition fee will be refunded to deposit account no. 08-1394.

This application will be returned to OIPE for further processing with a filing date of May 16, 2005, using the two (2) sheets of drawings, supplied on August 18, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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JENKINS, WILSON, TAYLOR & HUNT, P. A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM, NC 27707

Mail Date: 04/21/2010

Applicant	: Meera Siva	: DECISION ON REQUEST FOR
Patent Number	: 7619971	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/129,991	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1131** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 11/09/09

TO SPE OF : ART UNIT 3663

SUBJECT : Request for Certificate of Correction for Appl. No.: 11130002 Patent No.: 7085042

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X Approved	All changes apply.
☐ Approved In Part	Specify below which changes **do not** apply.
☐ Denied	State the reasons for denial below.

Formatted: Indent: Left: 1.22"

Comments: Directed to formal matters

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE 3663 Art Unit

JACK KEITH
SUPERVISORY PATENT EXAMINER

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Tradem ark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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P.O. Box 1450
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www.uspto.gov

FAEGRE & BENSON LLP
PATENT DOCKETING - INTELLECTUAL PROPERTY (32469)
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

Mail Date: 04/20/2010

Applicant	: Anthony Caparso	: DECISION ON REQUEST FOR
Patent Number	: 7617003	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,022	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1207** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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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
11/130,030	05/16/2005	2812	0.00	8021-305 (SS-21938-US)	8	32	6

CONFIRMATION NO. 9839

CORRECTED FILING RECEIPT

OC000000016565526

22150
F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY, NY 11797

Date Mailed: 07/20/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Chang-Sup Mun, Residence Not Provided;
Hyung-Ho Ko, Residence Not Provided;
Woo-Gwan Shim, Residence Not Provided;
Chang-Ki Hong, Residence Not Provided;
Sang-Jun Choi, Residence Not Provided;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

REPUBLIC OF KOREA 2004/34566 05/15/2004

If Required, Foreign Filing License Granted: 06/27/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/130,030

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Etching solution for removal of oxide film, method for preparing the same, and method of fabricating semiconductor device

Preliminary Class

438

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
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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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CHIEN-YING HUANG
235 CHUNG – HO
BOX 8-24
TAICHUNG TW TAIWAN

COPY MAILED

MAY 3 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Chien-Ying Huang	:	
Application No. 11/130,050	:	ON PETITION
Filed: May 17, 2005	:	
Attorney Docket No. SP5015-P-854_AA C	:	

This is a decision on the petition filed January 24, 2007 and supplemented on January 31, 2007 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed January 13, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 14, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee and Publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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SEP 11 2006

OFFICE OF PETITIONS

3M INNOVATIVE PROPERTIES COMPANY
P.O. BOX 33427
ST. PAUL MN 55133-3427

In re Application of	:	
Roland Winston et al	:	
Application No. 11/130,066	:	ON PETITION
Filed: May 16, 2005	:	
Attorney Docket No. 52538US047	:	

This is a decision on the petition, filed September 8, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 31, 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 2874 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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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY MD 21043

MAILED

FEB 25 2009

OFFICE OF PETITIONS

In re Application of	:	
FISCHELL et al.	:	
Application No. 11/130,110	:	DECISION ON PETITION
Filed: 05/17/2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. MR3065-17	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 30, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications.

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 items (1) and (3)

As to item (1), applicants included a reference to the prior-filed nonprovisional applications in a substitute declaration submitted with the present petition. The Office notes that to claim the benefit of a prior applications under 35 U.S.C. § 120, applicants must include a reference to the prior applications in compliance with 37 CFR 1.78(a) in the first sentence(s) of the specification following the title preferably as a separate paragraph or in an application data sheet (37 CFR 1.76). See MPEP 201.11.

Furthermore, it is noted that the amendment filed March 28, 2008, is unacceptable because it does not comply with the provisions of 37 CFR 1.78(a)(2)(i). Specifically, the amendment fails to state the relationship of Application No. 10/642,245 to Application No. 10/251,505. 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 201.11.

As to item (3), 37 CFR 1.78(a)(3)(iii) 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. However, the statement provided with the petition is unacceptable because it was signed by only one of the joint inventors. With any renewed petition, applicants must submit a statement appropriately signed by all of the inventors or by the attorney of record on their behalves.

Therefore, before a petition under 37 CFR 1.78(a)(3) can be granted, applicants must submit: (1) a renewed petition under 37 CFR 1.78(a)(3); (2) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121, 37 CFR 1.76(b)(5) and 37 CFR 1.33(b)),[1] which states the relationship of the prior-filed applications; and, (3) a properly signed statement under 37 CFR 1.78(a)(3)(iii).

---

[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).**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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ELLICOTT CITY MD 21043

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JUL 10 2009

OFFICE OF PETITIONS

In re Application of	:	
FISCHELL et al.	:	
Application No. 11/130,110	:	DECISION ON PETITION
Filed: 05/17/2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. MR3065-17	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed April 21, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications.

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 3766 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

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/130,110	05/17/2005	3766	2974	MR3065-17	47	1

CONFIRMATION NO. 2693

CORRECTED FILING RECEIPT

4586
ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

OC000000036864512

Date Mailed: 07/10/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

David R. Fischell, Fair Haven, NJ;
Jonathan Harwood, Rumson, NJ;
Steven R. Johnson, Fair Haven, NJ;
Tim A. Fischell, Kalamazoo, MI;

Power of Attorney:
Morton Rosenberg--26049
David Klein--33253
Jun Lee--40262
Harry Sernaker--50595
David Wood--53868

Domestic Priority data as claimed by applicant

This application is a CIP of 10/642,245 08/18/2003
which is a CIP of 10/251,505 09/20/2002 PAT 6,609,023 *
(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 06/10/2005
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/130,110**
Projected Publication Date: Not Applicable
Non-Publication Request: No
Early Publication Request: No

Title

Physician's programmer for implantable devices having cardiac diagnostic and patient alerting capabilities

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.

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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).

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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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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MAR 17 2010

OFFICE OF PETITIONS

Antonelli, Terry, Stout & Kraus, LLP
1300 North Seventeenth Street
Suite 1800
Arlington, VA 22209-3873

In re Patent No. 7,495,415	:	
Issue Date: February 24, 2009	:	
Application No. 11/130,123	:	ON PETITION
Filed: May 17, 2005	:	
Attorney Docket No. 500.42695CX2	:	

This is a decision on the Petition for Suspension of the Rules and Certificate of Correction under 37 CFR 1.232 filed July 30, 2009 which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee in a patent.

The petition under 37 CFR 3.81(b) is **GRANTED**.

37 CFR 3.81(b) reads:

> (b) After payment of the issue fee.: Any request for issuance of an application in the name of the assignee submitted after the date 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.

Since 37 CFR 3.81(b) specifically provides for correction of the assignee in a patent, no waiver of the rules under 37 CFR 1.183 is required.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "Hitachi, Ltd., "Hitachi Maxwell, Ltd., and Hitachi Computer Peripherals Co., Ltd." as the assignees of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed in a patented application.

Inquiries concerning this decision should be directed to the Kimberly Inabinet at (571) 272-4618. 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 a patented application.

Telephone inquiries regarding this communication should be directed to Kimberly Inabinet at (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

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Paper No. None

MCI, INC
1133 19TH STREET NW
4TH FLOOR
WASHINGTON DC 20036

COPY MAILED

OCT 24 2005

OFFICE OF PETITIONS

In re Application of	:	
David B. Sawyer, Ronnie D. King, Jr., Gopinath Srinivasan, Richard S. Bice, Jon P. Brusseau, Richard L. Lacourse, and Herbert T. Raffaele	:	
Application No. 11/130,162	:	DECISION ON PETITION
Filed: May 17, 2005	:	UNDER 37 C.F.R. §1.47(a)
Attorney Docket Number: DGX04001	:	
Title: AUTOMATED MESSAGE HANDLING SYSTEM	:	

This is in response to the petition under 37 C.F.R. §1.47(a), filed September 22, 2005.

On May 17, 2005, the application was deposited, identifying David B. Sawyer, Ronnie D. King, Jr., Gopinath Srinivasan, Richard S. Bice, Jon P. Brusseau, Richard L. Lacourse, and Herbert T. Raffaele as joint inventors. No oath or declaration was included on filing. On June 24, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

With this petition, Petitioner has included the surcharge associated with the late submission of an oath or declaration, the petition fee, and a one-month extension of time to make timely this response.

Petitioner has met requirements (1) – (5) above.

The petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

Mail Date: 04/21/2010

Applicant	: Tai-Ann Chen	: DECISION ON REQUEST FOR
Patent Number	: 7603140	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,165	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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MAY 16 2007

MARTIN D. MOYNIHAN
PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of	:
David Naor et al	:
Serial No.: 11/130,206	: PETITION DECISION
Filed: May 17, 2005	:
Attorney Docket No.: 29306	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed April 9, 2007. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile transmission at 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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PO BOX 747
FALLS CHURCH VA 22040-0747

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AUG 1 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Takeuchi	:	ON PETITION
Application No. 11/130,213	:	
Filed: May 17, 2005	:	
Attorney Docket No. 2927-0191PUS1	:	
For: RACKET FRAME	:	

This is a decision on the petition filed July 15, 2005, requesting, in effect, that the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed June 14, 2005, be withdrawn. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **DISMISSED**.

The application was filed on May 17, 2005. However, on June 14, 2005, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of May 17, 2005, and advising applicant that Page 10C of the specification, appeared to have been omitted.
In response, the present petition was filed.

According to applicant's "Brief Description of the Drawings", the application did include a "Figure 10C". The petition does not allege and is not accompanied by any evidence that a sheet of drawing containing the label "10C" was present in the Office on May 17, 2005.

Therefore, the Notice mailed June 14, 2005, was correct in advising applicant that 10C, as referenced in the specification, appeared to have been omitted. The Notice was properly mailed and will not be withdrawn. The petition fee is required, since the petition was not necessary to correct any PTO error.

The application is being returned the Office of Initial Patent Examination for further processing. Petitioner should file an amendment to the specification, eliminating all references to 10C prior to first action on the merits.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

Mail Date: 04/20/2010

Applicant	: Toru Aoki	: DECISION ON REQUEST FOR
Patent Number	: 7598969	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,226	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **921** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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

Mail Date: 04/21/2010

Applicant	: Yukitoshi Sanada	: DECISION ON REQUEST FOR
Patent Number	: 7590198	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,228	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1011** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HOUSTON TX 77057-2631

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OFFICE OF PETITIONS

In re Application of Williams et al. Application No.11/180,243 Filed: July 13, 2005 Attorney Docket No. JLW.0002US Title of Invention: Orienting A Learner with Recorded Audio	: : : : : : :	DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed January 30, 2007, to revive the above-identified application.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts mailed on August 5, 2005. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on October 6, 2005. This decision precedes the mailing of a Notice of Abandonment. A petitions were dismissed on September 12, 2006 and December 12, 2006.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

This application is being forwarded to the Office of Initial Patent Examination for further processing of the application.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

Mail Date: 04/20/2010

Applicant	: Andrew Piper	: DECISION ON REQUEST FOR
Patent Number	: 7649854	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,252	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1201** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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. _____

Date : September 13, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) :Chris Knotts
Application No. :11/130,256
Filed :May 17, 2005

The above-identified application has been assigned Patent No. 7,113,769 and an issue date of September 26, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of September 26, 2006:

"All reference to Patent No. 7,113,769 to Chris Knotts of Maryland for INTER-CARRIER DIGITAL MESSAGE WITH USER DATA PAYLOAD SERVICE PROVIDING PHONE NUMBER ONLY EXPERIENCE appearing in the Official Gazette of September 26, 2006 should be deleted since no patent was granted."

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03,(FAX-273-5468)
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038
Duane Davis P/OPC MDE-7D89

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OFFICE OF PETITIONS

MANELLI DENISON & SELTER PLLC
7TH FLOOR
2000 M STREET, N.W.
WASHINGTON DC 20036-3307

In re Application of	:	
Chris Knotts	:	
Application No. 11/130,256	:	ON PETITION
Filed: May 17, 2005	:	
Attorney Docket No. 20-825	:	

This is a decision on the petition, filed September 7, 2006, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for express abandonment. See 37 CFR 1.313(c)(3). The above-identified application is expressly abandoned in favor of a continuing application stated to have been filed of even date as the petition on September 7, 2006.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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OCT 2 8 2008

Christopher T. McWhinney
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of	:
Antel et al	:
Serial No.: 11/130,268	:Decision on Petition
Filed: 17 May 2005	:
Attorney Docket No.: 029300.54990US	:

This letter is in response to the Petition filed under 37 C.F.R. 1.144 filed on 25 July 2008 requesting withdrawal of the restriction requirement. The delay in acting upon this petition is regretted.

BACKGROUND

This application was filed under 35 U.S.C. 111(a) and as such is subject to US restriction practice.

On 3 October 2007, the examiner mailed a restriction requirement in which the original claims 1-37 were divided into 7 groups.

On 31 December 2007, Applicants elected Group I and the compound of 4-phenyl-piperzine sulfonic acid amine (Claims 11-13, 15, 16, 23- 25 and 37) with traverse.

On 25 February 2008, the examiner considered the traversal and made the restriction requirement FINAL. (Claims 11-21, 23-35 and 37) were searched and examined on the merits, as follows:

> Claims 1-10, 22 and 36 were withdrawn from consideration as being directed to non-elected inventions.
> Claims 1-14 and 17-20 were objected to for containing non-elected subject matter.
> Claims 28, 30, 32 and 34 were rejected under 35 U.S.C. 112, 1st paragraph for scope of enablement.
> Claims 23-25 and 37 were rejected under 35 U.S.C. 112, 1st paragraph for scope of enablement.

Claims 23-28, 30, 32, 34 and 37 were rejected under 35 U.S.C. 112 2nd paragraph.
Claims 11-16 were rejected under 35 USC 102(b) as being anticipated by Houlan.
Claims 11-14 and 17-20 were rejected under 35 USC 102(b) as being anticipated by Broka.
Claims 11-20 were rejected under 35 USC(b) as being anticipated by Boeger.
Claims 17-20 were rejected under 35 USC 103(a) as being unpatentable over Houlhan.

On 25 July 2008, applicants filed a response to the Office action and this petition to request that the Office withdraw the restriction requirement.

DISCUSSION

The petition and file history have been carefully considered.

A) Groupings the species of claim 11 into Groups I-IV

The Examiner placed the species of claim 11 into one of four groups dependent upon the variable for Ar. This practice is consistent with the guidance in MPEP 806.04(h) and 808.01. 806.04(h) addresses grouping of species as follows:

> In making a requirement for restriction in an application claiming plural species, the examiner should group together species considered clearly unpatentable over each other.

MPEP 808.01 also provides emphatic guidance for grouping species together.

> **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. (emphasis in original)

B) Consideration of Independence and Distinctness for Group I-IV

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).

MPEP 806.06 states in part:

> Inventions as claimed are independent if there is no disclosed relationship between the inventions, that is, they are unconnected in design, operation, and effect.

The petition argues that Groups I-IV are not unrelated inventions. This is correct. The compounds of Groups I-IV appear to be related in two different ways, both as related product with similar anti-obesity effects and as subcombinations disclosed as usable together (see, for example, original claims 23 and the first full paragraph on page 26 of the specification, which discusses administration of combinations of at least one compound of Formula 1.)

MPEP 806.04(f) provides the following guidance for restriction between mutually exclusive species:

> Where two or more species are claimed, a requirement for restriction to a single species may be proper if the species are mutually exclusive. Claims to different species are mutually exclusive if one claim recites limitations disclosed for a first species but not a second, while a second claim recites limitations disclosed only for the second species and not the first. This may also be expressed by saying that to require restriction between claims limited to species, the claims must not overlap in scope.

MPEP 806.04(b) provides guidance on when inventions may be seen as being related in two ways:

> Where inventions as disclosed and claimed are both (A) species under a claimed genus and (B) related, then the question of restriction must be determined by both the practice applicable to election of species and the practice applicable to other types of restrictions such as those covered in MPEP § 806.05 - § 806.05(j). If restriction is improper under either practice, it should not be required.
>
> For example, two different subcombinations usable with each other may each be a species of some common generic invention. If so restriction practice under election of species and the practice applicable to restriction between combination and subcombinations must be addressed.

The restriction did not properly set forth reasons for distinction among the products of Groups I-IV. Distinctness among Groups I-IV, as related products, may be shown using the test in MPEP 806.05(j).

> Inventions I-IV are directed to related products. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as currently claimed have materially different designs in terms of the variable Ar in Formula 1a. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

Distinctness among Groups I-IV, as subcombinations usable together, may be shown using the test in MPEP 806.05(d).

> Inventions I-IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope, are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case each subcombination has separate utility such as use on its own. See MPEP § 806.05(d).
>
> The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Because distinction can be shown using both criteria, restriction to a single group would be proper, if burden can be established.

C) Consideration of Burden

The petition filed 4 February 2008 asserts that the search of all the claimed inventions is not burdensome. The petition also argues that the examiner has improperly relied upon US classification.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above <u>and</u> there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

(a) the inventions have acquired a separate status in the art in view of their different classification;
(b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
(c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
(d) the prior art applicable to one invention would not likely be applicable to another invention;
(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Here, the concurrent search and examination of the patentably distinct Groups I-IV require a different field of searches, for example, searching different classes/subclasses or electronic resources, or employing different search queries. It would require a serious burden to concurrently search and examine Groups I-IV by a database query using the structure of the core

compound of Formula I. A query of this sort is estimated to result in 2.2 million hits, which would require the Office a tremendous amount of resources and time to review. Also, in the core structure represented by Formula I, there are at least 267 possible rings (unsubstituted or substituted with groups listed in the claims) for variable Ar. It would require serious burden on the Office to separately search, and then review and analyze of the results from the possible 267 different ring structures separately attached to Formula I. For these reasons, the restriction requirement is proper.

D) Extent of Examination Required

MPEP 803.02 sets forth guidance for the examination of Markush claims:

> In applications containing a Markush-type claim that encompasses at least two independent or distinct inventions, the examiner may require a provisional election of a single species prior to examination on the merits. An examiner should set forth a requirement for election of a single disclosed species in a Markush-type claim using form paragraph 8.01 when claims limited to species are present or using form paragraph 8.02 when no species claims are present. See MPEP § 808.01(a) and § 809.02(a). Following election, the Markush-type claim will be examined fully with respect to the elected species and further to the extent necessary to determine patentability. If the Markush-type claim is not allowable, the provisional election will be given effect and examination will be limited to the Markush-type claim and claims to the elected species, with claims drawn to species patentably distinct from the elected species held withdrawn from further consideration.

The petition argues that Markush groupings are examined until one of the groups is determined to be anticipated or obvious. This is exactly how the claim has been examined. The Office is under no obligation to extend the search and examination to any second or subsequent invention while there is rejection applied to the elected invention.

E) Objection and requirement to remove non-elected subject matter from the claims.

In the Office action mailed 25 February 2008, the examiner objected to claims 11-14 and 17-20 are containing non-elected subject matter. This is incorrect. MPEP 809 states in part:

> 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.

DECISION

The petition is **GRANTED-IN-PART** for the reasons set forth above.

The objection over non-elected subject matter from claims 11-14 and 17-20 has been withdrawn.

The restriction requirement among Groups I-IV is maintained given the fact that not all claims to the elected invention are in condition for allowance.

The application will be forwarded to the examiner for consideration of the papers filed February 4, 2008 and for preparation of an Office action consistent with this decision.

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.

Remy Yucel
Director, Technology Center 1600

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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON MA 02210

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OFFICE OF PETITIONS

In re Patent No. 7,599,284	:	
Issue Date: October 6, 2009	:	
Application No. 11/130,286	:	ON PETITION
Filed: May 16, 2005	:	
Attorney Docket No. 112025-0201C1	:	

This is a decision on the petition filed September 15, 2009, under 37 CFR 1.182 to expedite processing of the petition and the petition under 37 CFR 1.182 seeking to correct the filing receipt.

The petition to expedite is **GRANTED.**

Petitioner's deposit account has been charged the required $400.00 petition to expedite fee as authorized September 15, 2009.

The petition under 37 CFR 1.182 to correct the filing receipt is **DISMISSED.**

Petitioner's deposit account has been charged the required $400.00 petition fee under 37 CFR 1.182 as authorized September 15, 2009.

Petitioner contends "a USPTO error that has caused the priority claim listed on the Filing Receipt, and on other USPTO records, to be incorrect". However, upon review of the original specification filed May 16, 2005 the information provided by applicant was properly recorded in USPTO records.

The above-identified application issued as patent 7,599,284 on October 6, 2009. A petition under 37 CFR 1.78 is not the proper avenue for deleting a benefit claim (see MPEP 201.11 G); however, the filing of a reissue application may be an appropriate avenue of relief. See MPEP 1481.03

Any questions concerning this decision on petition may be directed to Joan Olszewski at 571-272-7751. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

David Bucci
Petitions Examiner
Office of Petitions

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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 04/21/2010

Applicant	: Marco Di Benedetto	: DECISION ON REQUEST FOR
Patent Number	: 7599284	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,286	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1167** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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NANOSYS INC.
2625 HANOVER ST.
PALO ALTO, CA 94304

Mail Date: 04/20/2010

Applicant	: Jeffery A. Whiteford	: DECISION ON REQUEST FOR
Patent Number	: 7572395	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,296	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **840** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KONRAD RAYNES
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ATTN: IBM37
315 SOUTH BEVERLY DRIVE, SUITE 210
BEVERLY HILLS CA 90212

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OFFICE OF PETITIONS

In re Application of	:	
Palapudi, et al.	:	
Application No. 11/130,344	:	DECISION
Filed: 13 May, 2005	:	
Attorney Docket No. SJO920050007US1	:	

This is a decision on the petition filed on 1 June, 2009, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

Petitioners attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).)

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 29 October, 2008, with reply due absent extension of time on or before 29 January, 2009.

The application went abandoned by operation of law after midnight 29 January, 2009.

The Office mailed the Notice of Abandonment on 6 May, 2009.

On 1 June, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), with a reply in the form of in the form of an amendment, and made a statement of unintentional delay.

Again, Petitioners attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under 37 C.F.R. §1.137(b) have been satisfied.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 2192 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hee-Gyoun Lee, et al.

Title: NOVEL SUPERCONDUCTING ARTICLES, AND METHODS FOR FORMING AND USING SAME

App. No.: 11/130,349 Filed: May 16, 2005

Examiner: UNASSIGNED Group Art Unit: 1751

Atty. Dkt. No.: 1014-SP219-DIV

MS AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102

Sir:

In accordance with Rule 1.102 and MPEP § 708.02 IX entitled "Special Status for Patent Applications Relating to Superconductivity," applicants respectfully request that the above-identified application be accorded special status. The above-identified application contains inventions involving superconductive materials. Accordingly, advancement of the above-identified application is respectfully requested.

No PTO fees are required for consideration and granting of this petition, in accordance with MPEP § 708.02 IX.

Respectfully submitted,

Date 8/15/05

Jeffrey S. Abel, Reg. No. 36,079
Attorney for Applicant(s)
Toler, Larson & Abel, L.L.P.
5000 Plaza on the Lake, Suite 265
Austin, Texas 78746
(512) 327-5515(phone)
(512) 327-5452 (fax)

PAGE 3/3 * RCVD AT 8/18/2005 3:21:22 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/27 * DNIS:27

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700

AUG 3 0 2005

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Lerner Greenberg Stemer, LLP
P.O. Box 2480
Hollywood, FL 33022-2480

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OFFICE OF PETITIONS

In re Application of
Karl Heinz Gast
Application No. 11/130,353
Filed: May 16, 2005
Attorney Docket No. MOH-P050021

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 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 Karl Heinz Gast, on behalf of all attorneys/agents associated with customer number 24131. All attorneys/agents associated with customer number 24131 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed to that of the inventor 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: Karl Heinz Gast
Röthenöckerstrasse 40
Aurachtal, DE 91086

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/130,353	05/16/2005	Karl Heinz Gast	MOH-P050021

CONFIRMATION NO. 3642

POWER OF ATTORNEY NOTICE

24131
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

OC000000032535665

Date Mailed: 10/09/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/25/2008.

- 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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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Ulrich J. Pfeiffer	: DECISION ON REQUEST FOR
Patent Number	: 7588542	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,355	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1091** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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John A. Lopes, Ph.D.
2209 Niagara Drive
Troy MI 48083-5933

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OFFICE OF PETITIONS

In re Application of	:	
John Alex Lopes	:	
Application No. 11/130,455	:	DECISION ON PETITION
Filed: May 16, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. LOP-104-A	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 10, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant's driver's license proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1611 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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Thomas E. Anderson
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
PO Box 7021
Troy, MI 48007-7021

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OFFICE OF PETITIONS

In re Application of	:	
Li, et al.	:	
Application No.: 11/130,467	:	ON PETITION
Filed: May 16, 2005	:	
Attorney Docket No. TTC-17502/08	:	

This is in response to the petition under 37 CFR 1.137(b) filed July 7, 2006.

The petition under 37 CFR 1.137(b) is **granted**.

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on June 14, 2005, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required an oath or declaration to be filed along with a surcharge. A response was not received within the allowable period, and the application became abandoned on August 14, 2005. A Notice of Abandonment was mailed on February 21, 2006.

The declaration and surcharge were received on July 7, 2006.

This application is being directed to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant	: Steve Williams	: DECISION ON REQUEST FOR
Patent Number	: 7627926	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,473	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1240** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BECKMAN COULTER, INC.
Mitchell E. Alter
P.O. BOX 169015
MAIL CODE 32-A02
MIAMI, FL 33116-9015

Mail Date: 04/20/2010

Applicant	: Ronald D. Paul	: DECISION ON REQUEST FOR
Patent Number	: 7625712	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,492	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **653** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

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OFFICE OF PETITIONS

In re Application of	:	
Osada, et al.	:	
Application No. 11/130,498	:	DECISION GRANTING PETITION
Filed: May 17, 2005	:	
Attorney Docket No. 17169/007001	:	

This is a decision on the petition filed July 20, 2005, to vacate the language in the "Notice of Omitted Items in a Nonprovisional Application" (the "Notice") relative to the alleged omission of page 3 of the specification.

The petition is **granted**.

On May 17, 2005, the above-identified application was filed. However, on June 15, 2005, the Office of Initial Patent Examination mailed the Notice stating that application had been accorded a filing date of May 17, 2005, and advising applicant page 3 of the specification appeared to have been omitted. Relative to the alleged omitted item, the notice set a non-extendable period for reply of two months from its mailing date.

In response, on July 20, 2005, applicant filed the present petition, a copy of page 3 of the specification, and an Office date-stamped postcard receipt acknowledging receipt of 9 pages of the specification, among other items.

Upon review of the record, page 3 of the specification was not located among the application papers. However, the evidence is convincing that the application papers deposited May 17, 2005, included page 3 of the specification, which was subsequently misplaced by the Office. Therefore, the application, including page 3 of the specification, was complete on filing and entitled to the presently accorded filing date of May 17, 2005, with page 3 of the specification as part of the original disclosure.

Accordingly, the petition is granted; the Notice is vacated, accordingly. The petition fee of $400.00 will refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of May 17, 2005, with page 3 of the specification included as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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MORGAN LEWIS & BOCKIUS LLP/RAMBUS INC.
2 PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 700
PALO ALTO, CA 94306

Mail Date: 04/20/2010

Applicant	: Mark A. Horowitz	: DECISION ON REQUEST FOR
Patent Number	: 7627043	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,502	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1233** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of :
KELLY, et al. :
Application No. 11/130,518 :
Filed: May 17, 2005 :
Attorney Docket No. **END5233USCIP3** :

This is a decision on the petition under 37 CFR 1.137(b), filed April 26, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 31, 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 September 1, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1500; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center Art Unit 3721 for consideration of the amendment filed April 26, 2007.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Kelly et al.	:	
Application No.: 11/130520	:	ON PETITION
Filing or 371(c) Date: 05/17/2005	:	
Attorney Docket Number:	:	
END5233USCIP1	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed April 19, 2007.

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed August 31, 2006. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on December 1, 2006. A Notice of Abandonment was mailed March 20, 2007.

Applicant files the present petition and includes an Amendment in response to the Office action. 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 is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 3721 for processing of the Amendment filed with the petition 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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MINNEAPOLIS, MN 55440-1022

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OFFICE OF PETITIONS

In re Application of	:	
Masoud MOLAEI, et *al.*	:	
Application No. 11/130,534	:	DECISION GRANTING PETITION
Filed: May 16, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **10527-0627001**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 20, 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 22, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3738 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

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OFFICE OF PETITIONS

In re Application of	:	
Freytag, Vincent R.	:	
Application No. 11/130,536	:	DECISION ON PETITION
Filed: May 16, 2005	:	
Attorney Docket No. 200500488-1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 2186 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DICKSTEIN SHAPIRO LLP
1177 AVENUE OF THE AMERICAS
6TH AVENUE
NEW YORK, NY 10036-2714

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OFFICE OF PETITIONS

In re Application of	:	
Neil S. Hastie	:	
Application No. 11/130,555	:	ON PETITION
Filed: May 16, 2005	:	
Attorney Docket No. I4303.0073	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 16, 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 23, 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 24, 2007.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1020 extension of time submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2184 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
Krafft et al.	:	
Application No. 11/130,566	:	DECISION ON PETITION
Filed: 16 May, 2005	:	
Atty Docket No. 97-002-L1	:	

This is a decision on the petition filed on 22 March, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 18 August, 2005, for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed on 17 June, 2005, which set a

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

two (2) month shortened period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 15 March, 2006.

This application is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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16869 SW 65TH AVENUE
LAKE OSWEGO OR 97035

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OFFICE OF PETITIONS

In re Application of	:	
BROWN, Nicholas Anthony Lindsay et al.	:	
Application No. 11/130,582	:	DECISION ON PETITION
Filed: May 16, 2005	:	TO WITHDRAW
Attorney Docket No. **DWA:MonMan1**	:	FROM RECORD
	:	

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 07, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to LAW OFFICE OF KAREN DANA OSTER, LLC has been revoked by the applicant of the patent application on February 07, 2007. 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 Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **GRAYBEAL, JACKSON, HALEY LLP**
155 - 108TH AVENUE NE
SUITE 350
BELLEVUE, WA 98004-5901

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1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

Mail Date: 04/27/2010

Applicant	: Katsuhiko Miya	: DECISION ON REQUEST FOR
Patent Number	: 7608152	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/130,585	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

Mail Date: 04/21/2010

Applicant	: Yaujen Wang	: DECISION ON REQUEST FOR
Patent Number	: 7616378	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,608	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **351** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Chris Papageorge
14625 S. Vermont #5
Gardena CA 90247

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In re Application of	:	
Kim et al.	:	
Application No. 11/130,610	:	DECISION ON PETITION
Filed: 05/18/2005	:	
Attorney Docket No. K020	:	

This is decision on the petition under 37 CFR 1.137(b), filed August 8, 2008, to revive the above-identified application.

The petition is **GRANTED.**

On September 27, 2007, petitioner filed a notice of appeal, which set a two-month extendable period to submit an appeal brief. In the apparent absence of a timely and proper reply, the application became abandoned on November 28, 2007. On June 12, 2008, the Office mailed a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/221,902.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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RUTAN & TUCKER, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

In re Application of
Katerina Le Shiffer et al.
Application No. 11/130,630
Filed: May 16, 2005
Attorney Docket No. **026515-0009P**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1], or in the alternative under 37 CFR 1.137(a)[2], filed August 14, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.
The petition under 37 CFR 1.137(a) is **DISMISSED** as involving moot issues.

The above-identified application became abandoned as a result of petitioner's failure to file a proper appeal brief within the time period provided in 37 CFR 1.192(a). A Notice of Appeal was filed August 13, 2008. On October 13, 2008, an appeal brief was filed.

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In 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]A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
(2) the petition fee as set forth in § 1.17(l);
(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

However, on October 30, 2008, a Notification of Non-Compliant Appeal Brief (37 CFR 41.37) was mailed setting a one month period for response. No reply was timely filed and thus, the appeal was dismissed and a Notice of Abandonment was mailed on May 29, 2009.

While the petitioner argues a series of errors on the PTO's part AND errors that occurred in the Law Firm's docket system led to an unintentional delay, petitioner also argues that the admitted errors and deficiency of the Examiner was the cause of an unavoidable delay in the filing of the Amended Appeal Brief.

With respect to the proffer of evidence regarding the unavoidable delay, for the purposes of discussion, petitioner's arguments have been considered but are not persuasive and the record does not support a conclusion that the delay was unavoidable.

It is the applicant's responsibility to take the necessary action in an application to provide a complete and proper reply. An Examiner's action or inaction prior to the end of the period for reply does not relieve applicant of the responsibility to submit a complete and proper reply prior to the end of the statutory period for reply in order to avoid abandonment. Petitioner's failure to take any action in furtherance of the required reply by the due date is the cause of the delay which if Petitioner had been diligent, could have avoided the abandonment. Rather, the failure to act represents a showing of a lack of diligence on the part of the petitioner pursuant to rules of practice and the MPEP and does not constitute an "unavoidable"delay.[3]

Since petitioner seeks relief under the unintentional standard, since petitioner has filed a response herein and authoriized the payment of the fee for a petition under 37 CFR 1.137(b), and since all requirements therefore have been met, this matter is being referred to Technology Center 2624 for a review of the Supplemental Appeal Brief filed August 14, 2009 with the instant petition to revive.

As such, there is no need for any consideration of the argument of unavoidable delay and alternative treatment of the instant petition under 37 CFR 1.137(a).

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

---

[3]See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

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Rutan & Tucker, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

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In re Application of	:	
Katherina L Shiffer et al.	:	DECISION ON PETITION
Application No. 11/130,634	:	TO WITHDRAW
Filed: May 16, 2005	:	FROM RECORD
Attorney Docket No. 026515-0008P	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed November 4, 2009.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' individually when the power of attorney was originally granted by Customer Number in the Power of Attorney filed March 12, 2008. Also it is noted that the change in correspondence address is improper.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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INTELLECTUAL PROPERTY SECTION
LAW DEPT.
8000 WEST SUNRISE BLVD.
FT. LAUDERDALE, FL 33322

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OCT 31 2007

OFFICE OF PETITIONS

In re Application of	:	
Yaron Shemesh et al	:	
Application No. 11/130,652	:	ON PETITION
Filed: May 17, 2005	:	
Attorney Docket No. CM07140EI	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 19, 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 November 16, 2006, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 17, 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 3662 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

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OFFICE OF PETITIONS

In re Application of
Yaron Shemesh et al
Application No. 11/130,652
Filed: May 17, 2005
Attorney Docket No. CM07140EI

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 25, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed June 25, 2009, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on August 26, 2009. *See* MPEP 1215.04.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being forwarded to Technology Center AU 3662 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Ryan Steelberg	: DECISION ON REQUEST FOR
Patent Number	: 7660557	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,655	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1274** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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SEP 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Kenneth Ghiron et al	:	
Application No. 11/130,657	:	DECISION ON PETITION
Filed: May 17, 2005	:	
Attorney Docket No. NN1-0059	:	

This is a decision on the petition under 37 CFR 1.182, filed August 14, 2007, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

Petitioner is advised to file a Supplemental Application Data Sheet, which must be signed in accordance with 37 CFR 1.33(b). *Note* MPEP 605.04(c).

This application is currently before Technology Center AU 3735 awaiting a reply to the final Office action mailed June 8, 2007.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/130,657	05/17/2005	3735	1440	NNI-0059	51	4

CONFIRMATION NO. 3867

CORRECTED FILING RECEIPT

OC000000026074181

23377
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

Date Mailed: 09/28/2007

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)

Kenneth Ghiron, Allentown, PA;
Mark Edward Riehl, Doylestown, PA;

Assignment For Published Patent Application

Neuronetics, Inc., Malvern, PA

Power of Attorney: The patent practitioners associated with Customer Number **23377**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 06/14/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/130,657

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Ferrofluidic cooling and acoustical noise reduction in magnetic stimulators

Preliminary Class

600

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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LISLE IL 60532

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OFFICE OF PETITIONS

In re Application of	:	
Jerry A. Long	:	
Application No. 11/130,666	:	ON PETITION
Filed: May 16, 2005	:	
Attorney Docket No. A4-301 US	:	

This is a decision on the petition filed on August 3, 2007, 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 December 8, 2006. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on March 9, 2007. The Office mailed a Notice of Abandonment on June 25, 2007.

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 2874 for consideration of the RCE, filed August 7, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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PALO ALTO, CA 94304-1050

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of
Nathalie SCHLIENGER, et al
Application No. 11/130,669
Filed: May 16, 2005
Attorney Docket No. 65167.00015

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 9, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Wilson, Sonsini, Goodrich & Rosati has been revoked by the assignee of the patent application on April 16, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquires concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: DR. VICKI NORTON
WILSON, SONSINI
GOODRICH & ROSATI
12235 EL CAMINO RAAL,
SUITE 200
PALO ALTO, CA 94304

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OFFICE OF PETITIONS

SQUIRE, SANDERS &
DEMPSEY L.L.P.
1 MARITIME PLAZA,
SUITE 300
SAN FRANCISCO, CA 94111

In re Application of	:	
Nathalie SCHLIENGER, et al	:	CORRECTED
Application No. 11/130,669	:	DECISION ON PETITION
Filed: May 16, 2005	:	TO WITHDRAW
Attorney Docket No. 65167.00015	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 9, 2007.

The request is **DISMISSED** 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 April 16, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquires concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: DR. VICKI NORTON
WILSON, SONSINI
GOODRICH & ROSATI
12235 EL CAMINO RAAL,
SUITE 200
PALO ALTO, CA 94304

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HOLLINGSWORTH & FUNK
8500 Normandale Lake Blvd
SUITE 320
MINNEAPOLIS, MN 55437

Mail Date: 04/21/2010

Applicant	: Jaeho Kim	: DECISION ON REQUEST FOR
Patent Number	: 7599738	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,671	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **609** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

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OFFICE OF PETITIONS

In re Application of	:	
Dennis Osamu Hirotsu et al.	:	DECISION ON PETITION
Application No. 11/130,674	:	PURSUANT TO
Filed: May 17, 2005	:	37 C.F.R. § 1.181(A)
Attorney Docket Number: AA551C2	:	
Title: DISPOSABLE ABSORBENT	:	
ARTICLES CONTAINED IN PACKAGE	:	
HAVING WINDOW	:	

This is a decision on the petition filed March 11, 2008, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

On January 3, 2007, Petitioner filed an Appeal Brief. On May 7, 2007, the Office mailed an Examiner's Answer. On June 25, 2007, Petitioner submitted an Information Disclosure Statement (IDS). On July 20, 2007, the Office mailed a Supplemental Examiner's Answer. 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 September 21, 2007. A notice of abandonment was mailed on March 3, 2008.

With this petition, Petitioner has indicated that the notice of abandonment was mailed in error and the application should have been forwarded to the Board for Patent Appeals and Interferences

for consideration of the Appeal Brief that was filed on January 3, 2007.

37 C.F.R. § 41.39(b) sets forth, *in toto*:

> (b) If an examiner's answer contains a rejection designated as a new ground of rejection, appellant must within two months from the date of the examiner's answer exercise one of the following two options to avoid sua sponte dismissal of the appeal as to the claims subject to the new ground of rejection:
> (1) Reopen prosecution. Request that prosecution be reopened before the primary examiner by filing a reply under § 1.111 of this title with or without amendment or submission of affidavits (§§ 1.130, 1.131 or 1.132 of this title) or other evidence. Any amendment or submission of affidavits or other evidence must be relevant to the new ground of rejection. A request that complies with this paragraph will be entered and the application or the patent under ex parte reexamination will be reconsidered by the examiner under the provisions of § 1.112 of this title. Any request that prosecution be reopened under this paragraph will be treated as a request to withdraw the appeal.
> (2) Maintain appeal. Request that the appeal be maintained by filing a reply brief as set forth in § 41.41. Such a reply brief must address each new ground of rejection as set forth in § 41.37(c)(1)(vii) and should follow the other requirements of a brief as set forth in § 41.37(c). A reply brief may not be accompanied by any amendment, affidavit (§§ 1.130, 1.131 or 1.132 of this title) or other evidence. If a reply brief filed pursuant to this section is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under paragraph (b)(1) of this section.

The Supplemental Examiner's Answer of July 20, 2007 has been reviewed, and it does not contain a new ground of rejection.[1] As such, Petitioner was not obligated to provide either a response requesting the reopening of prosecution or a Supplemental Reply Brief.

Petitioner's argument has been considered, and it has been deemed to be persuasive. Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Board for Patent Appeals and Interferences will be made aware of this decision, so that the Appeal Brief that was filed on January 3, 2007 can be considered in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal

---

1 It is noted in passing that the Examiner's Answer of May 7, 2007 has also been reviewed, and it does not contain a new ground of rejection either.

of the holding of abandonment has been acknowledged by the Board for Patent Appeals and Interferences 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 Board for Patent Appeals and Interferences where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2]

/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 any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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JUL 1 8 2008

OFFICE OF PETITIONS

MCDERMOTT, WILL & EMERY LLP
227 WEST MONROE STREET, SUITE 4400
CHICAGO, IL 60606-5096

In re Application of	:	
Burns PHILLIPS, et al	:	
Application No. 11/130,678	:	DECISION ON PETITION
Filed: May 17, 2005	:	
Attorney Docket No. 077119-0022	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 20, 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, January 5, 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 April 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 $770; and (3) the required statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 3632 for appropriate action by the Examiner in the normal course of business on the reply received May 20, 2008.

Thurman Page
Petitions Examiner
Office of Petitions

OIPE
MAY 2 0 2008
PATENT & TRADEMARK OFFICE

DAC

PTO/SB/64 (01-08)
Approved for use through 05/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional) 077119-0022

First named inventor: Burns Phillips

Application No.: 11/130,678 Art Unit: 3632

Filed: May 17, 2005 Examiner: Michael D.McDuffie

Title: SLIDE AND SNAP CLAMP

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
☑ Small entity-fee $ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

The Commissioner is authorized to charge any fees associated with this Petition to Deposit Acct. 13-0206.

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of Reply to January 5, 2007 Office Action (identify type of reply):
☐ has been filed previously on _____.
☑ is enclosed herewith.

05/20/2008 NNGUYEN1 00000109 130206 11130678

B. The issue fee and publication fee (if applicable) of $ _____ 01 FC:2453 770.00 DA
☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	May 15, 2008 Date
Matthew J. Gryzlo Typed or printed name	43,648 Registration Number, if applicable
McDermott Will & Emery, LLP Address	312.984.6874 Telephone Number
227 West Monroe Street, Chicago, IL 60606-5096 Address	

Enclosures:
- ☑ Fee Payment
- ☑ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☑ Other: Attachments to Reply as stated therein

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.

May 15, 2008 Date	Signature Sarah J. Goodnight Typed or printed name of person signing certificate

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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OFFICE OF PETITIONS

MOLEX INCORPORATED
2222 WELLINGTON COURT
LISLE IL 60532

In re Application of
Victor Zaderej
Application No. 11/130,683
Filed: May 16, 2005
Attorney Docket No. A5-166 US

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 2, 2006, to revive the above-identified application.

This application became abandoned for failure to pay the issue and publication fees as required by the Notice of Allowance and Fee(s) Due mailed on January 3, 2006, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on April 4, 2006.

Petitioner has met the requirements under 37 CFR 1.137(b). Accordingly, the petition is **granted.**

This matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning the issuance of the application into a patent should be directed to the Office of Patent Publication, Customer Service at (571) 272-4200.

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Notice of Draftsperson's Patent Drawing Review

Form PTO-948 (Rev. 06/03)
Application No. 11/130,683

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 05/02/2006 are:

A. ✓ approved by the Draftsperson under 37 CFR 1.84 or 1.152.

B. _____ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

___ Color drawings are not acceptable until petition is granted. Fig(s)_____

___ Pencil and non black ink not permitted. Fig(s)____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

___ One (1) full-tone set is required. Fig(s)_____

___ Photographs may not be mounted. 37 CFR 1.84(e)

___ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s)_____

___ Poor quality (half-tone). Fig(s)_____

3. TYPE OF PAPER. 37 CFR 1.84(e)

___ Paper not flexible, strong, white, and durable. Fig(s)_____

___ Erasures, alterations, overwritings. interlineations, folds, copy machine marks not accepted. Fig(s)_____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:
21.0 cm by 29.7 cm (DIN size A4) or
21.6 cm by 27.9 cm (8 1/2x 11 inches)

___ All drawing sheets not the same size. Sheet(s)_____

___ Drawings sheets not an acceptable size. Fig(s)____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:
Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

___ Margins not acceptable. Fig(s)_____

_____Top (T) _____ Left (L)

_____Right (R) _____ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

___Views not labeled separately or properly. Fig(s)_____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

____ Sectional designation should be noted with Arabic or Roman numbers. Fig(s)_____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

___ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s)_____

9. SCALE. 37 CFR 1.84(k)

___ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s)_____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

___ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s)_____

11. SHADING. 37 CFR 1.84(m)

___ Solid black areas pale. Fig(s) _____

___ Solid black shading not permitted. Fig(s)_____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

___ Numbers and reference characters not plain and legible. Fig(s)_____

___ Figure legends are poor. Fig(s)_____

___ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s)_____

___ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s)_____

___ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s)_____

13. LEAD LINES. 37 CFR 1.84(q)

___ Lead lines missing. Fig(s)_____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

___ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s)_____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

___ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s)_____

16. DESIGN DRAWINGS. 37 CFR 1.152

___ Surface shading shown not appropriate. Fig(s)_____

___ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s)_____

COMMENTS:

Reviewer SON LAM

Date 10/11/2006

If you have questions, call (703) ~~305-8404~~ 305-0333 (EXT. 133)

Attachment to Paper No. _____

☆ U.S. GOVERNMENT PRINTING OFFICE: 2003-300-153

UNITED STATES PATENT AND TRADEMARK OFFICE

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MOLEX INCORPORATED
2222 WELLINGTON COURT
LISLE IL 60532

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OFFICE OF PETITIONS

In re Application of	:	
ZADERERJ	:	
Application No. 11/130,683	:	DECISION GRANTING PETITION
Filed: May 16, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. A5-166 US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 30, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 2, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2833 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Request for Continued Examination and the Information Disclosure Statement.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

Mail Date: 04/20/2010

Applicant	: Eric M. Halpern	: DECISION ON REQUEST FOR
Patent Number	: 7660824	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,696	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **374** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PAUL L. MARSHALL
DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
P O BOX 5052
TROY, MI 48007

COPY MAILED

NOV 0 7 2005

OFFICE OF PETITIONS

In re Application of	:	
Ming-Cheng Wu et al	:	
Application No. 11/130,706	:	DECISION GRANTING PETITION
Filed: May 17, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. DP-310990	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 4, 2005, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 27, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3747 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement, filed by certificate of mailing on August 22, 2005 (and received in the USPTO on August 30, 2005).

Frances Hicks
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b) (along with any balance due or the amount due at the time of payment), 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
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MARRELL HANEY
1301 WEST 96TH STREET
CHICAGO, IL 60643

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OFFICE OF PETITIONS

In re Application of	:	
Marrell Haney	:	
Application No. 11/130,711	:	DECISION ON PETITION
Filed: May 17, 2005	:	TO MAKE SPECIAL UNDER
For: FISH CYCLE, A NON-TRADITIONAL	:	37 CFR 1.102(c)(1)
BATTERY POWERED CHILDREN RIDE-IN	:	
VEHICLE		

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 10, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The petition includes a statement by Marrell Haney attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3618 for action on the merits commensurate with this decision.

Wan Laymon
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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JUN 2 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Robert H. Russ, et al	:	
Application No. 11/130,730	:	DECISION ON PETITION
Filed: May 16, 2005	:	TO WITHDRAW
Attorney Docket No. 021751-00710US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed March 20, 2007 and March 21, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on March 26, 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: JONATHAN HOLLANDER
LAW OFFICE OF JONATHAN HOLLANDER PC
73 SUMNER STREET
SUITE 301
SAN FRANCISCO, CA 94103-3979

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
11/130,730	05/16/2005	Robert H. Russ	021751-007710US

CONFIRMATION NO. 3931

OC000000024427130

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 06/19/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/26/2007.

- 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/1/07

TO SPE OF : ART UNIT 3637

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/130743 Patent No.: 7044068

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**.

HENRY RANDALL
Certificates of Correction Branch
703-308-9390 ext.

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ Approved — All changes apply.
- ☐ Approved in Part — Specify below which changes do not apply.
- ☐ Denied — State the reasons for denial below.

Comments: _____

Jose V. Chen
Primary Examiner

SPE

3637
Art Unit

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PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

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DEC 23 2009

OFFICE OF PETITIONS

In re Patent No. 7,557,425	:	
Lance L. Sundstrom	:	DECISION DISMISSING
Application No. 11/130,744	:	REQUEST FOR
Issue Date: July 7, 2009	:	RECONSIDERATION OF
Filed: May 17, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	UNDER 37 CFR 1.705
H0004113-5806// 07-497	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT, filed August 18, 2009. Patentee requests that the determination of patent term adjustment be corrected from two hundred fifty-four (254) days to four hundred forty (440) days. The request will be treated as a petition under 37 C.F.R. §1.705(d). The petition appears to have been filed by an attorney representing the assignee.

The request for reconsideration of patent term adjustment is **DISMISSED** because the petition was not accompanied by the $200.00 fee set forth in 37 CFR 1.18(e). A review of the application file reveals that the Director of the USPTO has not been authorized to charge any additional fees required under 37 CFR 1.18. The merits of the petition will not be addressed until the $200.00 fee set forth in 37 CFR 1.18(e) is submitted.

Patentee is given THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer, from the mail date of this decision to respond to this decision. No extensions of time will be granted under § 1.136.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Shirene Willis Brantley, at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/130,746	05/17/2005	Pei-Rin Wu	SPRTA-030A	3567

7663 7590 12/28/2006
STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

EXAMINER
PIHULIC, DANIEL T

ART UNIT	PAPER NUMBER
3662	

MAIL DATE	DELIVERY MODE
12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of : DECISION ON PETITION
Pei-Rin Wu et al. :
SERIAL NO.: 11/130,746 :
FILED: May 17, 2005 :
FOR: SUPER-RESOLUTION BASED ON FREQUENCY DOMAIN INTERFEROMETRIC PROCESSING OF SPARSE MULTI-SENSOR MEASUREMENTS

This is a decision on the request filed August 31, 2006 to waive the requirements of 37 CFR 1.84(a) so as to permit the application to include a color drawing. Applicant has shown that the use of color is an essential element in the representation of the drawing.

Petition Granted.

Thomas H. Tarcza
SPE, Art Unit 3662
571-272-6979

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEGAL DEPARTMENT (M-495)
P.O. BOX 1926
SPARTANBURG, SC 29304

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FEB 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
David E. Wenstrup et al	:	
Application No. 11/130,749	:	ON PETITION
Filed: May 17, 2005	:	
Attorney Docket No. 5815	:	

This is a decision on the petition filed October 2, 2007 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed May 31, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 1, 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 formal drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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OFFICE OF PETITIONS

BRACEWELL & GIULIANI
P.O. BOX 61389
HOUSTON TX 77208-1389

In re Application of	:	
Frank J. Gangi	:	
Application No. 11/130,765	:	ON PETITION
Filed: May 17, 2005	:	
Attorney Docket No. 025656.013	:	

This is a decision on the petition, filed April 5, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 13, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2876 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20081211

DATE : December 17, 2008

TO SPE OF : ART UNIT

SUBJECT : Request for Certificate of Correction on Patent No.:

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

The certificate of correction filed on 11/20/08 has been approved since the mistakes are of a typographical error and the corrections do not constitute new matter or require reexamination.

/MICHAEL G LEE/
Supervisory Patent Examiner.Art Unit 2876

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN LEZDEY & ASSOCIATES
SUITE 118
2401 WEST BAY DRIVE
LARGO FL 33770-4902

MAILED

MAR 3 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Irl E. Ward	:	
Application No. 11/130,768	:	DECISION ON PETITION
Filed: May 17, 2005	:	
Attorney Docket No. 7014-12	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before June 25, 2009, as required by the Notice of Allowance and Fee(s) Due mailed March 25, 2009. Accordingly, the date of abandonment of this application is June 26, 2009. A Notice of Abandonment was mailed July 20, 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 $755.00; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Armstrong Teasdale LLP (12553 - 1000)
Patrick W. Rasche
ONE METROPOLITAN SQUARE, SUITE 2600
ST. LOUIS, MO 63102-2740

Mail Date: 04/20/2010

Applicant	: Xiangyang Tang	: DECISION ON REQUEST FOR
Patent Number	: 7573973	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,769	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **671** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CASCADIA INTELLECTUAL PROPERTY
500 UNION STREET
SUITE 1005
SEATTLE WA 98101

COPY MAILED

JAN 1 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Paul L. Archard, et al.	:	
Application No. 11/130,770	:	DECISION ON PETITION
Filed: May 17, 2005	:	TO WITHDRAW
Attorney Docket No. 011.0476.US.DIV	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed September 29, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Cascadia Intellectual Property has been revoked by the assignee of the patent application on October 13, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: ROBERT JULIEN
PACKETEER, INC.
10201 N. DEANZA BLVD.
CUPETINO, CA 95014

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
11/130,770	05/17/2005	Paul Leslie Archard	011.0476.US.DIV

CONFIRMATION NO. 4130

OC000000021894271

OC000000021894271

22895
CASCADIA INTELLECTUAL PROPERTY
500 UNION STREET
SUITE 1005
SEATTLE, WA 98101

Date Mailed: 01/08/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/13/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Joanne M. Martin
40 North Spring Street
Concord, NH 03301

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of	:	
William Albers, et. al.	:	
Application No. 11/130,777	:	ON PETITION
Filed: May 18, 2005	:	
Attorney Docket No. JHD-1-CIP2	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on December 15, 2008, 2008, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the final Office action mailed April 26, 2007. A Notice of Abandonment was mailed on May 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 a Request for Continued Examination (RCE) under 37 CFR 1.114 with the $405 filing fee; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived for consideration of the RCE filed December 15, 2008.

The application file is being referred to Technology Center Art Unit 1794, for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the previously filed amendment.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

ROBERT C. KAIN, JR.
750 SOUTHEAST THIRD AVENUE
SUITE 100
FT LAUDERDALE FL 33316-1153

In re Application of Arville Friedman Aronson Application No. 11/130791 Filing or 371(c) Date: 05/17/2005 Attorney Docket Number: 6973-1 Title of Invention: METHOD AND COMPUTER READABLE MEDIUM FOR INTEGRATING A DIAMOND CONSUMER, DIAMOND RETAILER, AND DIAMOND WHOLESALER, INCLUDING CONSUMER TRACKING	ON PETITION

This is a decision on the "Petition to Correct Declaration when the Inventor Refuses to Sign Supplemental Declaration," filed August 17, 2009. The petition is properly treated under 37 CFR § 1.183, to waive the requirement under 37 CFR 1.67 that all of the inventors sign a supplemental declaration.

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 1.183."

Initially it is noted that the petition fee is required. The fee for a petition under 37 CFR 1.183 is currently $400.00. Before a renewed petition will be considered on its merits, the petition fee is required.

The application as-filed listed as the sole inventor Arville Friedman Aronson. The oath/declaration filed with the application papers on May 17, 2005, stated the citizenship of inventor Aronson as the United States. Applicant also filed an assignment of the present

invention with the application papers on May 17, 2005, wherein inventor Aronson assigned her rights in the present invention to Payless Certified Diamonds.Com, Inc.

Applicant files the present petition and an unexecuted Supplemental oath/declaration, and provides that the oath/declaration filed with the application papers on May 17, 2005 incorrectly stated the citizenship of inventor Aronson. Applicant provides that on or about July 17, 2009, petitioner herein, Robert C. Kain, Esq., was told by inventor Aronson's new attorney, Alan R. Soven, that inventor Aronson was a citizen of South Africa. Applicant files an unexecuted Supplemental oath/declaration that includes the correct citizenship of inventor Aronson. Applicant petitions that this Office accept the Supplemental oath/declaration without the signature of inventor Aronson. In support of this request, Applicant states that a letter of July 17, 2009, and Supplemental Declaration was sent to inventor Aronson's attorney, Alan R. Soven, requesting inventor Aronson sign the supplemental Declaration. On August 13, 2009 inventor Aronson sent an email to Robert C. Kain, Jr.'s Office. The email, petitioner avers, is clear that inventor Aronson will not sign the supplemental Declaration (she is concerned that the Supplemental Declaration transfers the invention to Robert C. Kain, Jr. by the "power of attorney" clause in the document). Petitioner also notes that Inventor Aronson affirmatively states that she is 'prepared to kill the Patent before seeing the WRONG people make claim to it." Petitioner therefore requests that this Office correct its records to state that Inventor Aronson is a citizen of South Africa.

Applicable Law, Rules and MPEP

The MPEP 601.05 provides, in relevant part, that

> if the oath or declaration under 37 CFR 1.63 incorrectly sets forth the citizenship of one of the inventors, that inventor must submit a supplemental oath or declaration under 37 CFR 1.67 with the correct citizenship notwithstanding the correct identification of the citizenship in an application data sheet or supplemental application data sheet.

37 CFR 1.67 states, in pertinent part:

> (a) The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of §1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.
>
> > (1) Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.

Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires."

In discussing waiver requirements under 37 CFR 1.183, the Office is guided by proof similar to that required when an Applicant is unavailable. In this instance, Applicant asserts 1) that the sole inventor is inventor Aronson, and 2) inventor Aronson refuses to join in the application. As such, the applicable rule is 37 CFR 1.47(b).

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor(s); (5) proof of proprietary interest; and (6) proof of irreparable harm. Applicant lacks items (1), (2), and (6) as set forth above.

As to item (1), the MPEP provides:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration.

MPEP 409.03(d).

Analysis

Applicant has not presented evidence that a copy of the application papers were presented to the non-signing inventor. Applicant must present a copy of the application papers to the nonsigning inventor. The MPEP further provides

> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

MPEP 409.03(d).

In this instance, given that the nonsigning inventor has not expressly refused to sign the Supplemental oath/declaration, a copy of the application (specification, claims and drawings), must be presented to the inventor. Applicant provides that the nonsigning inventor is represented by counsel. A copy of the application papers should be presented to the inventor through her attorney. Applicant is advised that refusal to respond to the request to sign the Supplemental oath/declaration may be treated as a constructive refusal to join in the application.

As to item (2), the oath/declaration is unexecuted.

The MPEP provides the following:

> The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is *authorized to sign* on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. Staeger v. Commissioner, 189 USPQ 272 (D.D.C. 1976), In re Striker, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b). (Emphasis supplied).

A Supplemental Declaration executed by an officer of Payless Certified Diamonds.Com, Inc., or a person authorized to act on behalf of Payless Certified Diamonds.Com, Inc., in compliance with 37 CFR 3.73, is required. See MPEP § 324.

As to item (5), a statement of the last known address of the non-signing inventor is required.

As to item (6), irreparable damage may be established by a showing (a statement) that the filing of the Declaration is necessary to preserve the rights of the party or to prevent irreparable damage. See, MPEP 409.03(g).

Conclusion

The facts presented on the record do not adequately establish an extraordinary situation. Petitioner has not sufficiently established any special circumstances of equities that would require suspension of the rules in the interests of justice.

Applicant must present a copy of the application to the nonsigning inventor before a refusal to join in the application may be alleged. Applicant must also present a Supplemental oath/declaration signed by a person authorized to act on behalf of the company; a statement of the last known address of the non-signing inventor, and a statement that the filing of the Declaration is necessary to preserve the rights of the party or to prevent irreparable damage.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT C. KAIN, JR.
KAIN & ASSOCIATES, ATTORNEYS AT LAW, P.A.
900 SOUTHEAST THIRD AVENUE, SUITE 205
FT LAUDERDALE FL 33316

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MAR 01 2010

In re Application of	:	
Arville Friedman Aronson	:	
Application No. 11/130791	:	ON PETITION
Filing or 371(c) Date: 05/17/2005	:	
Attorney Docket Number: 6973-1	:	
Title of Invention:	:	
METHOD AND COMPUTER READABLE	:	
MEDIUM FOR INTEGRATING A DIAMOND	:	
CONSUMER, DIAMOND RETAILER, AND	:	
DIAMOND WHOLESALER, INCLUDING	:	
CONSUMER TRACKING	:	

This is a decision on the "Second Request to Correct Inventor's Citizenship Based Upon Filed Supplemental Declaration by Signed Inventor," filed December 17, 2009. The petition is properly treated as a renewed under 37 CFR § 1.183, to waive the requirement under 37 CFR 1.67 that all of the inventors sign a supplemental declaration.

The petition is **DISMISSED as INAPPROPRIATE**.

Background

A "Petition to Correct Declaration when the Inventor Refuses to Sign Supplemental Declaration," filed August 17, 2009, was filed to correct the citizenship of the sole inventor, Arville Aronson; however, the supplemental oath/declaration was unexecuted. The petition was dismissed in a Decision mailed September 22, 2009, for failing to meet the requirements of a grantable petition under 37 CFR 1.183.

The present renewed petition

Applicant files the present renewed petition and includes an executed supplemental oath/declaration.

Applicable Law, Rules and MPEP

37 CFR § 1.67, Supplemental oath or declaration, provides:

> (a) The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of § 1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.
>
> > (1) Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.

The MPEP 601.05 provides:

> Similarly, if the oath or declaration under 37 CFR 1.63 incorrectly sets forth the citizenship of one of the inventors, that inventor must submit a supplemental oath or declaration under 37 CFR 1.67 with the correct citizenship notwithstanding the correct identification of the citizenship in an application data sheet or supplemental application data sheet.
>
> The following examples illustrate how certain deficiencies or inaccuracies in an oath or declaration may be corrected:
>
> Example 1: An application was filed with a declaration under 37 CFR 1.63 executed by inventors A, B, and C. If it is later determined that the citizenship of inventor C was in error, a supplemental declaration identifying inventors A, B, and C may be signed by inventor C alone correcting C's citizenship.

A review of the Office records reveal that the sole inventor has executed the submit a supplemental oath or declaration under 37 CFR 1.67 with the correct citizenship. The petition is therefore inappropriate and is dismissed.

The supplemental oath/declaration correcting the citizenship of the inventor has been entered and made of record.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

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NOV 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
William E. Crisp	:	
Application No. 11/130,800	:	DECISION ON PETITION
Filed: May 17, 2005	:	TO WITHDRAW
Attorney Docket No. 4873-045731	:	FROM RECORD
	:	

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 18, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to The Webb Law Firm, PC has been revoked by the applicant of the patent application on April 18, 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: BARBARA E. JOHNSON
ATTORNEY AT LAW
555 GRANT STREET
SUITE 323
PITTSBURGH, PA 15219

UNITED STATES PATENT AND TRADEMARK OFFICE

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MINNEAPOLIS MN 55440-1022

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FEB 22 2007

OFFICE OF PETITIONS

In re Application of
Kuniaki Nagayama
Application No. 11/130,801
Filed: May 16, 2005
Attorney Docket No: **15934-002002**

ON PETITION

This is a decision on the petition filed January 11, 2007, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on August 31, 2006, for failure to file a timely response to the non-Final Office Action mailed May 30, 2006, which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed on December 15, 2006.

Petitioner asserts that a response to the non-Final Office Action was timely filed on November 30, 2006 with a three month extension of time request and submits as proof, a copy of the response which bears a certificate of mail dated November 30, 2006 and a postcard receipt date-stamped on December 4, 2006 by the USPTO.

A review of the file reveals that the response is of record however, the response was filed with an incorrect serial number.

While, the requirement for filing papers with the USPTO is that every paper bear an appropriate application no. or identifier, other identifiable information was found to be on the papers filed as the response and the response was matched with the proper file on December 15, 2006. In view thereof, the response was timely filed and the Notice of Abandonment mailed December 15, 2006 is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 1634 for treatment of the response filed November 30, 2006.

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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FITCH EVEN TABIN & FLANNERY
120 S. LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

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MAR 1 4 2006

OFFICE OF PETITIONS

In re Application of :
McCormick,et al. :
Application No. 11/130,813 : ON PETITION
Filed: May 16, 2005 :
Attorney Docket No. 77258 :
For: METHODS AND APPARATUS TO MECHANICALLY REDUCE FOOD PRODUCTS INTO IRREGULAR SHAPES AND SIZES

This is a decision on the petition under 37 CFR 1.47(a), filed January 3, 2006 (certificate of mailing date December 26, 2005).

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application.

The above-identified application was filed on May 16, 2005 without an executed declaration. On June 27, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, requiring fees, a surcharge, replacement drawings, and an executed oath/declaration. In response, on January 3, 2006(certificate of mailing date December 26, 2005), petitioner filed, *inter alia*, a declaration executed by 1 of 4 joint inventors and a Rule 47 petition with a $130.00 petition fee.[1] The petition is signed by Attorney Jon A. Birmingham. Attorney Birmingham states that non-signing inventors were sent a copy of the application and declaration for signature and no signed papers have been received from them.

[1] The Rule 47 petition fee is currently $200.00. As such, pursuant to petitioner's authorization, deposit account no.06-1135 will be charged the balance due, or $70.00.

A grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), applicant has failed to establish that the non-signing inventors, Atkinson, Butalla, and Yessa, have refused to sign the declaration or cannot be reached. A successful Rule 47 petition requires either (a) a clear refusal to join, whether expressly or by conduct, or (b) a showing of diligence in trying to find an unavailable inventor.

Attorney Birmingham states that the three non-signing inventors have not signed the declaration despite diligent efforts. The evidence presented is that one mailing was sent to each non-signing inventor and no signed papers have been returned. The Office requires more information.

As stated in MPEP 409.03(d), "When it is concluded that a non-signer inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted."

The Office would like to see a copy of the cover letters mailed to the non-signing inventors and would like to know if the correspondence was delivered. If the correspondence was delivered (not returned), was there sufficient time for the non-signing inventors to review the papers and return an executed declaration?

When petitioner provides evidence that the non-signing inventors received the complete application and that each either refused to sign the declaration or would not respond to the request that he sign the declaration within a reasonable amount of time, petitioner will have established refusal to join in the filing of the application.

If petitioner asserts that the inventors cannot be located, a somewhat modified approach is required. A showing of diligence is critical in obtaining Rule 47 status when an inventor cannot be located or reached.

Petitioner should engage in efforts to locate the non-signing inventors. If the copies of the application and declaration sent to the non-signing inventors' last known addresses were returned to sender, it is a first step towards proving the inventors cannot be reached. In addition, the following is a list of evidentiary sources that are commonly relied upon to prove inability to locate an inventor: searches of Internet databases; inquiries of local telephone directories; telegrams; and documented inquiries of last known employers. Every listed type of search need not be done. However, a diligent effort to find the inventors must be made.

Documentary evidence that supports a finding that the non-signing inventors cannot be found or reached should be made part of any affidavits or declarations that fully describe the exact facts

which are relied on to establish that a diligent effort was made to locate the non-signing inventors. Printed computer records would suffice.

The affidavit or declaration of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay will not normally be accepted. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

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 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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SUITE 1600
CHICAGO IL 60603-3406

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JUN 13 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
McCormick,et al. :
Application No. 11/130,813 :
Filed: May 16, 2005 :
Attorney Docket No. 77258 :
For: METHODS AND APPARATUS TO MECHANICALLY REDUCE FOOD PRODUCTS INTO IRREGULAR SHAPES AND SIZES

Papers filed on May 3, 2006 (certificate of mailing date May 1, 2006) in reply to "Decision Refusing Status Under 37 CFR 1.47(a)" mailed on April 14, 2006, included a Declaration signed by the three previously non-signing inventors in compliance with 37 CFR 1.63.

In view of the joinder of the inventors, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

This application will be forwarded to Technology Center AU 3724 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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8TH FLOOR
SAN FRANCISCO CA 94111

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MAY 04 2010

OFFICE OF PETITIONS

In re Patent No. 7,604,646	:	DECISION ON REQUEST FOR
GOLDFARB et al.	:	RECONSIDERATION OF
Issue Date: October 20, 2009	:	PATENT TERM ADJUSTMENT AND
Application No. 11/130,818	:	NOTICE OF INTENT TO ISSUE
Filed: May 16, 2005	:	CERTIFICATE OF CORRECTION
Attorney Docket No. 7604646	:	

This is a decision on the petition filed on December 18, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred fifty-eight (458) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein.** The term of the above-identified patent is extended or adjusted by **eight hundred sixty (860) days**.

Patentee does not dispute the calculation of 549 days of PTO delay ("A delay"). However, patentee disputes the total period of reduction of 133 days for applicant delay. Specifically, patentee asserts that the period of reduction pursuant to 37 CFR 1.704(c)(10) for submission of an amendment under § 1.312, including a drawing sheet, on August 28, 2008, should be 12 days, not 54 days.

The Office concurs that the period of reduction under 37 CFR 1.704(c)(10) of 54 days for filing the amendment under § 1.312, including a drawing sheet, on August 28, 2009, is incorrect. The record reveals that the Office took action in response to the filing of the amendment under § 1.312 and drawing sheet on September 9, 2009. Accordingly, the period of adjustment of the term of the patent should have been reduced by 13 days (not 12 days as asserted by patentee), beginning on date the amendment under § 1.312 and drawing sheet were filed,[1] August 28, 2009, and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 and drawing sheet, September 9, 2009. The period of reduction of 54 days will be removed and a period of reduction of 13 days will be entered. The total period of applicant delay is 92 days (not 91 days as indicated by patentee).

Further, a review of the record reveals that a period of adjustment pursuant to 37 CFR 1.702(b) should have been entered for the Office issuing the patent in excess of three years after filing the application ("B delay"). Pursuant to 37 CFR 1.703(b), the period of adjustment is 522 days, the number of days in the period beginning on the day after the date that is three years after the actual filing date of the application, May 17, 2008, and ending on the date the patent issued, October 20, 2009. However, A delay and B delay overlap by 119 days (from October 14, 2008 to January 27, 2009, and from August 28, 2009 to September 9, 2009).

Accordingly, the patent term adjustment is 860 days (549 days of A delay + 522 days of B delay - 119 days of overlap - 92 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, patentee is given **one (1) month or thirty (30) days**, whichever is longer,

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[1] "When a period is indicated (in 37 CFR 1.703 or 1.704) as 'beginning' on a particular day, that day is included in the period, in that such day is 'day one' of the period and not 'day zero.'" MPEP 2731. "For example, a period beginning on April 1 and ending on April 10 is ten (and not nine) days in length." Id.

from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

This matter is being referred 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 **eight hundred sixty (860) days.**

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

PALM INTRANET

Day : Tuesday
Date: 5/4/2010
Time: 08:40:39

PTA Calculations for Application: 11/130818			
Application Filing Date:	05/16/2005	PTO Delay (PTO):	549
Issue Date of Patent:	10/20/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	133
Post-Issue Petitions:	0	Total PTA (days):	860
PTO Delay Adjustment:	444		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
83	05/04/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	403		
82	05/04/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	54		
81	05/04/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		13	
76.5	09/30/2009	PTA 36 MONTHS			
76	10/20/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
75	09/14/2009	EXPORT TO FINAL DATA CAPTURE			
74	09/09/2009	FINISHED INITIAL DATA CAPTURE			
73	09/11/2009	DISPATCH TO FDC			
72	09/10/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
71	09/04/2009	ISSUE FEE PAYMENT VERIFIED			
70	08/28/2009	WORKFLOW - DRAWINGS FINISHED		54	69
69	09/09/2009	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
68	08/28/2009	RESPONSE TO AMENDMENT UNDER RULE 312			
67	08/28/2009	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		0	69
66	09/04/2009	ISSUE FEE PAYMENT RECEIVED			
65	08/20/2009	MAIL NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION			
64	08/20/2009	PUB NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION			
63	08/03/2009	EXPORT TO INITIAL DATA CAPTURE			
62	07/31/2009	MAIL NOTICE OF ALLOWANCE			
61	07/30/2009	ISSUE REVISION COMPLETED			
60	07/30/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			

59	07/30/2009	DOCUMENT VERIFICATION			
58	07/20/2009	NOTICE OF ALLOWABILITY			
54	05/14/2009	DATE FORWARDED TO EXAMINER			
53	04/14/2009	RESPONSE AFTER NON-FINAL ACTION			
52	04/06/2009	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
51	04/02/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
50	02/18/2009	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
49	01/27/2009	MAIL NON-FINAL REJECTION	106		45
48	01/22/2009	NON-FINAL REJECTION			
47	01/06/2009	CASE DOCKETED TO EXAMINER IN GAU			
46	07/01/2008	DATE FORWARDED TO EXAMINER			
45	06/13/2008	RESPONSE AFTER NON-FINAL ACTION			
44	05/28/2008	MAIL NON-FINAL REJECTION			
43	05/27/2008	NON-FINAL REJECTION			
41	04/11/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
40	12/28/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
39	02/02/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
38	12/21/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
37	06/23/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
36	04/11/2008	REFERENCE CAPTURE ON IDS			
35	04/11/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT		65	32
34	04/11/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	03/04/2008	DATE FORWARDED TO EXAMINER			
32	02/06/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
31	01/15/2008	MAIL RESTRICTION REQUIREMENT			
30	01/14/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
29	12/12/2007	CORRESPONDENCE ADDRESS CHANGE			
28	10/17/2007	DATE FORWARDED TO EXAMINER			
27	10/15/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
26	10/02/2007	MAIL RESTRICTION REQUIREMENT	443		-1

25	09/30/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
23	05/25/2007	CASE DOCKETED TO EXAMINER IN GAU			
22	12/28/2006	REFERENCE CAPTURE ON IDS			
21.7	12/28/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	12/28/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	12/01/2006	CASE DOCKETED TO EXAMINER IN GAU			
19	11/02/2006	CASE DOCKETED TO EXAMINER IN GAU			
18	10/23/2006	CASE DOCKETED TO EXAMINER IN GAU			
17	03/20/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	06/23/2005	REFERENCE CAPTURE ON IDS			
15.7	06/23/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	06/23/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	02/02/2006	REFERENCE CAPTURE ON IDS			
13.7	02/02/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	02/02/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	12/21/2005	REFERENCE CAPTURE ON IDS			
11.7	12/21/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	12/21/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	10/19/2005	APPLICATION DISPATCHED FROM OIPE			
9	10/19/2005	APPLICATION IS NOW COMPLETE			
8	10/11/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM		14	5
7	10/11/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	10/11/2005	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
5	06/27/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	06/17/2005	CLEARED BY OIPE CSR			
2	06/14/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	05/16/2005	INITIAL EXAM TEAM NN			

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT: 7,604,646 B2

DATED: Oct. 20, 2009 **DRAFT**

INVENTOR(S): GOLDFARB 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 416 days

Delete the phrase "by 416 days" and insert – by 860 days--

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John S. Egbert
HARRISON & EGBERT
412 Main Street, 7th Floor
Houston, TX 77002

In re Application of	:	
Jiro TAKASHIMA	:	
Application No. 11/130,827	:	DECISION ON PETITION
Filed: May 17, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 840,031	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 15, 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/declaration by applicant that he/she is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3732 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

In re Application of	:	
Shadduck, et al.	:	
Application No.: 11/130,837	:	ON PETITION
Filed: May 17, 2005	:	
Attorney Docket No. S-7700-010A	:	

This is in response to the petition under 37 CFR 1.137(b) filed May 31, 2006.

The petition under 37 CFR 1.137(b) is **granted**.

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on June 17, 2005, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required an oath or declaration to be filed and $65.00 surcharge for the late filing of the same, and payment of the filing fee, and additional claim fees. A complete response was not received within the allowable period, and the application became abandoned on August 18, 2005. A Notice of Abandonment was mailed on February 22, 2006.

The declaration and power of attorney filed May 31, 2006, is noted and made of record.

Deposit account 11-1410 will be charged $150.00 for the filing fee, $65.00 for the surcharge, and $175.00 for the additional claim fees.

This application is being directed to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Jeffrey R. Dahn	: DECISION ON REQUEST FOR
Patent Number	: 7615317	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,849	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1198** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Jeffrey R. Dahn	: DECISION ON REQUEST FOR
Patent Number	: 7615312	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,850	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1212** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TraskBritt / Battelle Energy Alliance, LLC
PO Box 2550
Salt Lake City, UT 84110

Mail Date: 04/20/2010

Applicant	: Vance A. Deason	: DECISION ON REQUEST FOR
Patent Number	: 7635942	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/130,853	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1178** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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TraskBritt / Battelle Energy Alliance, LLC
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Salt Lake City, UT 84110

Mail Date: 05/17/2010

Applicant : Vance A. Deason
Patent Number : 7635942
Issue Date : 12/22/2009
Application No : 11/130,853
Filed : 05/16/2005

: 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 **1206** 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).