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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/146,541	06/07/2005	Shigeki Kawashima	1110/94539	5015

24628 7590 06/04/2007
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EXAMINER
HITESHEW, FELISA CARLA

ART UNIT	PAPER NUMBER
1722	

MAIL DATE	DELIVERY MODE
06/04/2007	PAPER

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

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

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Mailed:

In re Application of:
Daisuke Ebi et al.
Serial No.: 11/146,541
Filed: June 07,2005

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

Title: APPARATUS FOR PULLING SINGLE CRYSTAL BY CZ METHOD

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed May 11, 2007to correct inventorship under 37 CFR 1.48(b) by deleting the names of Toshirou Kotooka, Hiroshi Inagaki, Kengo Hayashi, Tadashi Hata, Makoto Kamogawa, Tadayuki Hanomoto, Toshiaki Saishoji, Kentaro Nakamura, Yoshinobu Hiraishi, Shigeki Kawashima, and Hiroshi Monden from the list of inventors of the instant application.

It is noted that the applicant has met the requirements of (1) a petition including a statement identifying each named inventor who is being deleted and acknowledging that the inventor's invention is no longer being claimed in the application; and (2) the fee set forth in 37 CFR 1.17(i).

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.

Duane S. Smith
Supervisory Patent Examiner
Art Unit 1724
Technology Center 1700

Gerald Sheckleton
WELSH & KATZ, LTD
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COPY MAILED

OCT 17 2007

OFFICE OF PETITIONS

In re Application of:	:
Yekutiely	:
Application No. 11/146,554	: DECISION ON PETITION
Filed: June 6, 2005	: AND
PGPUB: US20060034435A1 02/16/2006	:NOTICE OF ABANDONMENT
Docket No.: 012.P38001REC	:

This is a decision on the petition filed September 7, 2007, requesting under 37 CFR 1.182 that the USPTO convert the above-identified application to an application that is both a continuation and a reissue having the same filing date, from its current status as that of a continuation, but non-reissue, application, and further, to mail a Notice of Missing Parts of a Reissue application that requires inter alia, the filing of a reissue oath or declaration.

The petition is **dismissed**.

BACKGROUND

Original application for patent no. 08/201, 629 was filed February 25, 1994, and was issued in due course as U.S. Patent No. 5,552,408 ('408) on June 11, 1996, with 18 claims.

On February 4,1998, applicant filed an application given the control no. 09/018,358 ('358). The application, as filed, clearly and unambiguously sought to reissue the '408 patent. This was reflected, *inter alia*, in its transmittal letter, reissue declaration, consent of the assignee to the filing of a reissue, request for transfer of drawings from the original patent to the reissue, claim for priority, as well as by way of presentation the specification in the form of the printed patent in double column format as required by 37 CFR 1.173(a)(1), the presence of each of the original patent claims, bearing the same number as in the patent being reissued, per 37 CFR 1.177(b), and the numbering of claims following the numbering of the highest numbered original patent claim, per 37 CFR 1.177(b), with the underlining of each newly present claim in the manner required by 37 CFR 1.173(b), clearly and unambiguously sought to reissue the '607 patent. Thus, the '358 application, as filed, was clearly a broadening reissue application that included new claims. As the error given in the reissue declaration was that the patent claimed less than the inventor had a right to claim in that the original patent claims patent were unduly limited, and as the reissue application was filed within 2 years of the original patent issue date.

On November 10, 2003, the examiner mailed a Notice of Allowance in the '358 reissue application.

On November 24, 2003. applicant paid the issue fee in the '358 reissue application.

On June 5, 2005, the above-captioned divisional application 11/146,554('554) was filed. As indicated in more detail below, applicant did not comply with any of the regulations specific to

reissue applications in general, much less to those regulations specific to an application that is both a continuation and a reissue.

On June 7, 2005, the '358 reissue application was issued as RE38,741 with 26 additional claims over those issued in the original '408 patent.

On July 5, 2005, the USPTO mailed a preliminary filing receipt in the '554 application. The filing receipt included the caveat that applicant was to verify the accuracy of the data presented on the receipt. The filing receipt apprised applicant that he had filed a continuation application of the '358 reissue application; it did not apprise applicant that he had filed an application that was *both* a continuation of the '358 reissue application and a reissue of the '408 patent. The filing receipt contained a caveat that the applicant was to check the filing receipt for any errors thereon and was to promptly bring such information to the attention of the USPTO.

On July 5, 2005, in the instant application, the Office mailed a Notice of Missing Parts ("Notice") which required within a shortened but extendible period of 2 months, the submission of a properly signed oath or declaration, identifying the application by its application number and filing date, to avoid abandonment.

On November 4, 2005, a declaration was filed in an apparent reply to the Notice. However, inspection of the declaration reveals that it was executed on February 16, 1994, which is long prior to the filing of either the '639 reissue or the instant application. Furthermore, the declaration failed to identify the instant application by its application number and filing date, notwithstanding the requirements of the Notice.

On November 10, 2005, the Office mailed an updated filing receipt. The updated receipt, just as the first filing receipt, contained a caveat for applicant to inspect and confirm the information contained therein. The updated filing again receipt apprised applicant that he had filed a continuation application of the '358 reissue application; it again did not apprise applicant that he had filed an application that was *both* a continuation of the '358 reissue application and a reissue of the '408 patent. The filing receipt also reported a projected publication date of February 16, 2006. This is noteworthy, as reissue applications are not subject to publication.

On February 16, 2006, the USPTO mailed a Notice of Publication of Application that advised applicant that the instant application would be published on February 16, 2006, as US-2006-003435-A1.

On February 16, 2006, the instant application was published as indicated immediately above.

OPINION

Petitioner acknowledges that the declaration filed July 5, 2005 was a copy of the declaration from the original application for patent. Petitioner requests that the USPTO change the status of the instant application to that of an application that is both a reissue and a continuation of a prior reissue application, and, in due course that a new Notice–appropriate to the filing of a reissue application-- be mailed which requires the submission of a reissue declaration.

Nevertheless, the instant application was properly treated as a [non-reissue] continuation application of Reissue Patent No. RE38,741. When, as here, an applicant files a continuation of a reissue that lacks compliance with the regulatory indicia that it, too, is an application for reissue, it is reasonable for the USPTO to treat the application as a non reissue application. See In re Bauman, 214 USPQ 585 (CCPA 1982), .Inspection of the record of this application

fails to support any contention that the USPTO has "erroneously" treated this application as any other than the non-reissue continuation application it clearly was, and even more importantly, that petitioner has previously considered the instant application as a continuation reissue of the original '408 patent, or that petitioner was diligent in seeking to correct his filing errors.[1]

While 37 CFR 1.63(d)(iv) expressly authorizes re-submission of the declaration from a parent application when a continuation or divisional application is filed, this application is neither a continuation or a divisional application of the original application that matured into the '308 patent, and from which the declaration filed herein came. It follows that the copy of the declaration filed November 4, 2005 did not adequately toll the period for reply to the Notice. Likewise, the amendment to the first line of the specification was consistent with the filing of a Bauman-type non-reissue, continuation and did not inform the USPTO, as required by 37 CFR 1.177(a), that this application was but one of a plurality of reissues being sought for a single patent.

Indeed, what was conspicuously absent herein on filing are those indicia of the fact that a reissue has been filed (compare the contents of the '358 reissue application as filed with the contents of the instant application as filed), and furthermore, those indicia of the fact that an application that was both a continuation of the '358 application and also a reissue of the '408 patent had been filed:

(a) the lack of the written consent of the assignee to the filing of a reissue of any patent as required by 37 CFR 1.172;
(b) the lack of presentation of the instant specification in the form of the printed patent in double column format as required by 37 CFR 1.173(a)(1);
(c) the lack of compliance of the amendments made herein from filing with 37 CFR 1.173, which governs reissue applications,
(d) the lack of a notice in the first sentence of the specification stating that more than one reissue application had been filed and their relationship, as required by 37 CFR 1.177(a);
(e) the lack of the presence of each, much less any, of the original patent claims, bearing the same number as in the patent being reissued, per 37 CFR 1.177(b),
(f) the lack of the numbering of any claim herein following the numbering of the highest numbered original patent claim, per 37 CFR 1.177(b).

As to petitioner's belated request for extraordinary relief, consideration of all the circumstances of this case mitigates against the requested conversion. Petitioner is reminded that 37 CFR 1.182 applies only where the other rules are inapplicable. However, 37 CFR 1.182 is not a mechanism for avoiding the requirements of the established rules and procedures. See Hicks v. Costello, 1903 Dec. Comm'r Pat. 123, 125 (1903). As shown by consideration of items (a)-(f) above, petitioner failed to follow the established rules and procedures for filing a continuation reissue application, as opposed to merely filing a non-reissue continuation application and was not diligent is seeking to correct his filing error.

Initially, petitioner's failure to identify instant application as both a continuation and an application for reissue prior to the issuance of the first reissue application, operated to preclude

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[1] It should be noted that under the rationale of Bauman, the original '308 patent which issued June 11, 1996, is available under 35 U.S.C. § 102(b) against the claims of the instant non reissue continuation application whose earliest effective filing date is limited to the filing date (under 35 U.S.C. § 120) of the '308 reissue application, which is February 4, 1998.

the USPTO from exercising its discretion to then stay the issuance of the first '358 reissue application, or even merge the '358 and instant application, pursuant to 37 CFR 1.177(c), assuming for the sake of argument this application were to be regarded by the USPTO a reissue application.[2] Of further relevance to the request for extraordinary relief is that the USPTO has been denied such discretion due to petitioner's own failure to know and apply the rules of practice applicable to reissue applications in general, and, in particular, the rules of practice specific to reissue applications that are also divisional. Further, such lack or knowledge of, or misapplication of the rules of practice has led to his current alleged predicament.[3] However, such is not an adequate basis for seeking, much less obtaining, extraordinary relief. The extraordinary remedy provisions of the rules of practice should not be considered a panacea for tactical errors in prosecution. See Nitto Chem. Indus. Co. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (circumstances are not extraordinary, and do not require waiver of the rules, when a party or his representative makes an avoidable mistake in filing or not filing papers); Vincent v. Mossinghoff, 230 USPQ 621, 625 (D.D.C. 1985)(petitioner's failure to take adequate notice of USPTO procedures will not be permitted to shift, in equity, his lack of diligence onto the USPTO.)

Rather, as the alleged failure to comply with the rules and procedures specific to applications for reissue in general, and to the rules specific to continuation applications that are also for reissue is an oversight that could have been avoided by the exercise of reasonable care and diligence, such is not a circumstance beyond the control of petitioner warranting waiver of the rules. See Nitto, supra (Commissioner's refusal to waive requirements of 37 C.F.R. 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 C.F.R. 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 C.F.R. 1.183); Gustafson v. Strange, 227 USPQ 174 (Comm'r Pats. 1985) (counsel's unawareness of 37 C.F.R. 1.8 not extraordinary situation warranting waiver of a rule). The Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and petitioner is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992);Stevens v. Tamai, 70 USPQ2d 1765 (Fed. Cir. 2004)(court denying priority due to counsel's admitted failure to follow the Rules of Practice of the USPTO). Further, it is well settled that a party's inadvertent failure to comply with the requirements of the rules or procedures before the USPTO is not deemed to be an extraordinary situation that would warrant waiver of the rules or other extraordinary relief. See Honigsbaum v. Lehman, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995). Circumstances resulting from petitioner's, or petitioner's counsel's, failure to exercise due care, or lack of knowledge of, or failure to properly apply, the patent statutes or rules of practice are not, in any event, extraordinary circumstances where the interests of

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[2] See Ex parte Johnson, 117 USPQ 412 (Pat. Off. Bd. App. 1956) ``the practice under [Rule 177] ... has been for the Commissioner or some official delegated by him to write a memorandum to the examiner directing what action should be taken insofar as the separation of the original patent into several reissue patents is concerned."

[3] Because the USPTO regulations are published in the Federal Register as required by the Federal Register Act, 44 U.S.C. §1505 (formerly 44 U.S.C. §§5, 7), they are binding, even in the absence of actual knowledge. See, *e.g.*,Timber Access Industries Co. v. United States, 213 Ct. Cl. 648, 553 F.2d 1250, 1255 (1977); Andrews v. Knowlton, 509 F.2d 898, 905 (2d Cir.), cert. denied, 423 U.S. 873 (1975); United States v. Aarons, 310 F.2d 341, 345-48 (2d Cir. 1962); In re Pacific Far East Line, Inc., 314 F.Supp. 1339, 1348 (N.D. Cal. 1970), aff'd, 472 F.2d 1382 (9th Cir. 1973).

justice require the granting of relief. See In re Tetrafluor, Inc., 17 USPQ2d 1160, 1162 (Comm'r Pats. 1990); In re Bird & Son, Inc., 195 USPQ 586, 588 (Comm'r Pats. 1977).

Moreover, petitioner's lack of diligence in this matter also operates against any favorable treatment of his request. In this regard, the first filing receipt mailed July 5, 2005, apprised petitioner that he had filed a continuation application; it did not apprise petitioner that he had filed an application that was both a continuation of the '358 reissue application and a reissue of the '408 patent. The second filing receipt merely confirmed this fact, and further, also indicated a pre grant publication date. Still further, the Notice of Publication of Application mailed February 16, 2006, also advised petitioner that this application would be published on that date. As such, petitioner long ago knew, or should have known, that he hd not filed a reissue application, notwithstanding the same indication on the filing receipt, since a reissue application is not subject to pre-grant publication. See 37 CFR 1.211(b), and the first paragraph of MPEP1441.01. Equitable powers should not be invoked to excuse the performance of a condition by a party that has not acted with reasonable, due care and diligence. U.S. v. Lockheed Petroleum Services, 709 F.2d 1472, 1475 (Fed. Cir. 1983). The Office, where it has the power to do so, should not relax the requirements of established practice in order to save an applicant from the consequence of his delay. See Ex Parte Sassin, 1906 Dec. Comm'r. Pat. 205, 206 (Comm'r Pat. 1906) and compare Ziegler v. Baxter v. Natta, 159 USPQ 378, 379 (Comm'r Pat. 1968) and Williams v. The Five Platters, Inc., 510 F.2d 963, 184 USPQ 744 (CCPA 1975).

Likewise, the public has had since February 16, 2006, to rely on the fact that this published application was facially not an application for reissue, much less one of a plurality of broadening reissue applications for the '408 patent; it was merely a Bauman-type continuing application. As a general rule, public policy does not favor the restoration to the applicant of something that has been freely dedicated to the public, particularly where the public interest is not protected in some manner, *e.g.*, intervening rights in the case of a reissue patent. See Altoona Publix Theatres v. American Tri-Ergon Corp., 294 U.S. 477, 24 USPQ 308 (1935); Wollensak v. Reiher, 115 U.S. 96 (1885). Here, petitioner dedicated to the public his opportunity to file a plurality of broadening continuing reissue applications that likewise sought to reissue the '408 patent during the pendency of the '358 reissue application. Petitioner fails to advance any explanation for his lack of diligence in this matter, which mitigates away from favorable consideration of the request, for the reasons noted above. Furthermore, petitioner does not explain how the rights of the public will be protected if this non-reissue continuation is now converted to a continuation of the '358 reissue application as well as a reissue of the '408 patent, such that the current statutory bar on the claims herein arising under Bauman would be obviated.

Rather, the publication of the above-identified application as a non-reissue continuation was proper, and clearly did not put the public on notice that applicant was seeking yet a further broadening reissue herein, which under § 120 would have an effective filing date within the 2 year limit for filing a broadening reissue application per 35 U.S.C. § 251. Rather, that publication only noticed the public on February 16, 2006, that a Bauman type non-reissue continuation application had been filed on June 6, 2005. As the court observed in In re Graff, 42 USPQ2d 1471 at (Fed Cir 1997):

> "[T]he interested public is entitled to rely on the absence of a broadening reissue application within two years of grant of the original patent.

Here, the public had notice that a single broadening reissue had been filed within 2 years of the grant of the original patent, but the public did not have notice that yet another broadening

continuation reissue claiming § 120 benefit of the prior broadening reissue filed within 2 years of the patent grant, had also been filed. The public only had notice that a non-reissue continuation had been filed, when this application was published.

However, the reissue statute balances the purpose of providing the patentee with an opportunity to correct errors of inadequate claim scope, with the public interest in finality and certainty of patent rights. See Wollensak supra, at 100 ("[N]o one should be relieved who has slept upon his rights, and has thus led the public to rely on the implied disclaimer involved in the terms of the original patent.") Not until applicant filed the instant petition did he begin to seek a true continuation application that was also a reissue of the '408 patent.[4] But see In re Dien, 680 F.2d at 154, 214 USPQ at 14 (court observing that appellant had not thus far really asked for a reissue, and was not now going to get such a reissue approved); In re Fotland, 779 F2d. 31, 228 USPQ 193 (Fed. Cir. 1985) (applicant refused reissue where he had not met requirements for a "true reissue"within the time limit for filing a claim-broadening reissue). However, petitioner's initial lack of compliance with the applicable rules for filing a continuation and a reissue herein, and subsequent failure to act diligently to seek the requested conversion of this application before the termination of proceedings on the '358 reissue application, coupled with the belated request for conversion herein, weigh against petitioner.

DECISION

For the reasons given above, that balancing of the interests of the patentee with that of the public should here be found in favor of the public interest in finality and certainty of claim scope by refusing the requested relief herein. The petition is **dismissed.**

This application is being referenced to the Technology Center for treatment as a non-reissue continuation application that became abandoned for failure to reply to the Notice.

Any request for reconsideration of this decision 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
Randolph Building 401 Dulany Street
Alexandria, VA 22314

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

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[4] There is still no compliance with items (a) through (f) noted above. Petitioner should not assume from the foregoing that even if total compliance with the applicable regulations represented by the aforementioned items (a) through (f) is hereafter sought, that any renewed petition would be favorably considered.

Telephone inquiries related to this communication should be directed to the undersigned at (571) 272-3217.

Brian Hearn
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
BARDY, Gust H.	:	
Application No. 11/146,558	:	DECISION ON PETITION
Filed: June 07, 2005	:	TO WITHDRAW
Attorney Docket No. **003.0483.US.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 March 09, 2009.

The request is **APPROVED**.

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

The request was signed by Patrick Inouye, the sole attorney of record. Patrick Inouye has been withdrawn as attorneys or agents of record; all other attorneys remain of record. Applicant is reminded that there is no attorney of record at this time.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **GUST H. BARDY**
2518 CONTANCE DRIVE W.
SEATLLE WA 98199-3017

cc: **PAULY, DEVRIES SMITH & DEFFNER, L.L.C.**
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45 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-1630

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IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant	: Dries Els Victor Van Gestel	: DECISION ON REQUEST FOR
Patent Number	: 7662702	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/146,564	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : July 24, 2008

TO SPE OF : ART UNIT 2812

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/146572 Patent No.: 7387953 B2

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

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

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

DO NOT SENT TO ATTORNEY

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

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

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: _____

SPE — Art Unit 2812

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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January 24, 2010

Patent No. : 7,581,560 B2
Appl. No. : 11/146,579
Inventor(s) : Reinhard Koch, et al.
Issued : September 1, 2009
Title : **CHECK VALVE**
Docket No. : **F-8701**

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A 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) 273-8300
ATTN: Office of Petitions

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

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

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

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BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO, IL 60606

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JUL 2 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Paul Clement Nicolson, et al.	:	
Application No. 11/146,586	:	DECISION GRANTING PETITION
Filed: June 7, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 003707.00012	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 15, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 26, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Shawn P. Gorman appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Shawn P. Gorman desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

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

---

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

This application is being referred to Technology Center AU 1796 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

April M. Wise
Petitions Examiner
Office of Petitions

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TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 WEST ADAMS STREET
SUITE 3600
CHICAGO, IL 60603

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JUL 21 2005
OFFICE OF PETITIONS

In re Application of:	:	
Ahmed A. El Dessouky	:	
Application No. 11/146,588	:	DECISION GRANTING
Filed: April 30, 2004	:	PETITION UNDER
Attorney Docket No.:	:	37 CFR 1.47(b)
140/41822/CASE 1031	:	

This is in response to the Petition Under 37 CFR 1.47(b), to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Ahmed A. El Dessouky, refuses to join in the application.

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

The application file is being referred to the Office of Initial Patent Examination for continued processing in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232

Derek L. Woods
Petitions Attorney
Office of Petitions

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Ahmed A. El Dessouky
421 SOUTH BEECHTREE COURT
ANAHEIM HILLS, CA 92808

COPY MAILED
JUL 21 2005
OFFICE OF PETITIONS

In re Application of:	:	
Ahmed A. El Dessouky	:	
Application No. 11/146,588	:	LETTER
Filed: April 30, 2004	:	
Attorney Docket No.:	:	
140/41822/CASE 1031	:	

Dear Mr. El Dessouky:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

cc: TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 WEST ADAMS STREET
SUITE 3600
CHICAGO, IL 60603

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Kevin I. Bertness	: DECISION ON REQUEST FOR
Patent Number	: 7598744	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/146,608	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **214** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/20/2010

Applicant	: Vijaya Juturu	: DECISION ON REQUEST FOR
Patent Number	: 7576132	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/146,620	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/06/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1108** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS, MO 63102

Mail Date: 04/20/2010

Applicant	: W. Denis Markiewicz	: DECISION ON REQUEST FOR
Patent Number	: 7649720	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/146,621	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **408** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

DONAL W. MEEKER
924 EAST OCEAN FRONT #E
NEWPORT BEACH, CA 92661

In re Application of :
Stephen Mackin, et al. :
Application No. 11/146,626 : ON PETITION
Filed: June 7, 2005 :
Attorney Docket No. None :

This is a decision on the petition, filed March 21, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed July 23, 2007. this decision precedes the mailing of a Notice of Abandonment. On March 21, 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 corrected drawings; (2) the petition fee of $770 and (3) an adequate statement of unintentional delay.

Accordingly, the petition is **GRANTED**.

The application is being referred to the Office of Data Management to oversee the review of the drawing filed on February 5, 2005.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/146,636	06/06/2005	Gerald Dorros	MP/202F	5192

7590 10/19/2007
GORE ENTERPRISE HOLDINGS, INC.
551 PAPER MILL ROAD
P. O. BOX 9206
NEWARK, DE 19714-9206

EXAMINER
DEAK, LESLIE R

ART UNIT	PAPER NUMBER
3761	

MAIL DATE	DELIVERY MODE
10/19/2007	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☒ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☒ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

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

Patent Publication Branch
Office of Data Management

FORM PET650D (Rev. 08/07)

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BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE, WI 53203

Mail Date: 04/26/2010

Applicant	: Michael S. Osvatic	: DECISION ON REQUEST FOR
Patent Number	: 7617703	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/146,662	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **733** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SUITE 300
BOULDER, CO 80301

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OFFICE OF PETITIONS

In re Application of	:
Woo, et al.	: DECISION ON PETITION
Application No. 11/146,671	:
Filed: June 7, 2005	:
Dkt. No.: 435342	:

This is a decision on the petition under 37 CFR 1.137(b), filed February 9, 2006 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit a complete and proper reply to the Office communication mailed July 1, 2005. This decision precedes Notice of Abandonment.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely submit a proper reply to the Office communication is accepted as having been unintentionally delayed.

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Kathy Manke
Avago Technologies Limited
4380 Ziegler Road
Fort Collins CO 80525

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OFFICE OF PETITIONS

In re Application of :
Daniel Yves Abramovitch :
Application No. 11/146,672 : ON PETITION
Filed: June 6, 2005 :
Attorney Docket No. 10041355-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed April 5, 2007, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on July 6, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee; (2) the petition fee of $1,540; and (3) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

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 Carl Friedman at (571) 272-6842.

The application file is being referred to the Office of Patent Publication.

David Bucci
Petitions Examiner
Office of Petitions

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FROM DIRECTORS OFFICE

OCT 16 2005

TECHNOLOGY CENTER 3600

Donald J. Ersler S.C.
725 Garvene Ave
Brookfield, WI 53005

In re application of
Joseph A. Inzeo et al.
Application No. 11/146,675
Filed: June 7, 2005
For: ROOF FASCIA WITH EXTENSION CLEAT

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the petition filed on September 19, 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 petition to make special under accelerated examination under 37 C.F.R. § 1.102(d) is not acceptable because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on September 19, 2006 the petition must be considered under the new guidelines and thus is properly **DENIED**.

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 regarding this decision should be directed to Steven N. Meyers, Special Program Examiner, at (571) 272-6611.

Steven N. Meyers,
Special Program Examiner
Technology Center 3600

Sm/sm: 10/14/06

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George R. Schultz
Schultz & Associates, P.C.
One Lincoln Center, Suite 1200
5400 LBJ Freeway
Dallas TX 75240

In re Application of	:	
Martha Starr Perry, et al.	::	DECISION ON PETITION
Application No. 11/146,691	:	TO MAKE SPECIAL
Attorney Docket No. 78232.0104	:	37 CFR 1.102(d)

This is a decision on the petition under 37 CFR 1.102(d), filed June 07, 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), MPEP 708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee or attorney/agent registered to practice before the Office alleging:

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

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

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

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

The petitioner meets all the above-listed requirements.

Telephone inquiries concerning this decision should be directed to Mikhail Kornakov at (571) 272-1303 or in his absence, the undersigned at (571) 272-7099.

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

The application file is being referred to Technology Center AU 3728 for action in its regular turn.

David A. Bucci
Petitions Examiner
Office of Petitions

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IP SECTION
MICHAEL E. MARTIN
GARDERE WYNNE SEWELL LLP
1601 ELM STREET, SUITE 3000
DALLAS, TX 75201

Mail Date: 04/21/2010

Applicant	: J. Davis Miller	: DECISION ON REQUEST FOR
Patent Number	: 7621728	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/146,695	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **943** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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IP SECTION
MICHAEL E. MARTIN
GARDERE WYNNE SEWELL LLP
1601 ELM STREET, SUITE 3000
DALLAS, TX 75201

Mail Date: 05/18/2010

Applicant : J. Davis Miller
Patent Number : 7621728
Issue Date : 11/24/2009
Application No : 11/146,695
Filed : 06/07/2005

: 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 **975** 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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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, N. Y. 100368-403

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AUG 01 2008

Applicant: Kuleck et al
Appl. No.: 11/146,697
Filing Date: June 7, 2005
Title: EVAPORATOR ARRANGEMENT FOR AN AIR CONDITIONING SYTSTEM OF AN AIRCRAFT
Attorney Docket: P/4348-52
Pub. No.: US 2005/0284175 A1
Pub. Date: December 29, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 16, 2007, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors as the translation of the provisional application was published.

The request is DISMISSED as moot.

The request for corrected publication, received on March 16, 2007, was not timely filed under 37 CFR 1.221(b).

Since the application has already issued as U.S. Patent No. 7,386,990 on June 17, 2008, the request is deemed moot.

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

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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

Mail Date: 04/26/2010

Applicant	: Carlo Waldfried	: DECISION ON REQUEST FOR
Patent Number	: 7629272	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/146,742	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **753** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

OCT 26 2007

In re Application of	:
Jeremy P. Hilton et al	:
Serial No.: 11/146,743	: PETITION TO MAKE SPECIAL
Filed: May June 6, 2005	:
Attorney Docket No.: 311303US71	:

This is a decision on the petition filed on October 19, 2007 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 **newly** filed 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 it is not a new application filed electronically and the application contains more than three independent claims and more than 20 total claims and is incomplete in that no Pre-

examination Search or Support documents have been provided. Therefore, the application does not qualify for accelerated examination.

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, when complete.

Any inquiry regarding this decision should be directed to William R. Dixon, Jr., Special Program Examiner, at (571) 272-0519.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 5000

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ALEXANDRIA VA 22314

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SEP 10 2008

In re Application of	:	
Jeremy P. Hilton et al.	:	
Application No. 11/146,743	:	DECISION ON PETITION
Filed: June 6, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 311303US71	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 7, 2007 and resubmitted on January 9, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (3) above.

The statement of unintentional delay was signed by Jeremy P. Hilton who was signing on behalf of the assignee, D-Wave Systems, Inc., and therefore compliance with 37 CFR 3.73(b) must be satisfied. In this regard, 37 CFR 3.73(b) provides:

> (1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:
>
> (i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment. For patent matters only, the submission of the documentary evidence must be accompanied by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or
> (ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).
>
> (2) The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:
>
> (i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or
> (ii) Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.
>
> (c) For patent matters only:
>
> (1) Establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted.
> (2) If the submission under this section is by an assignee of less than the entire right, title and interest, such assignee must indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership.

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and a statement under 37 CFR 3,73(b) 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 Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Jeremy P. Hilton et al.
Application No. 11/146,743
Filed: June 6, 2005
Attorney Docket No. 311303US71

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

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed October 31, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed non-provisional application, filed December 18, 2002.

The petition is **DISMISSED**.

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

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

The petition lacks item (1).

The amendment filed with the initial petition is unacceptable and, therefore is not considered a proper reference under 37 CFR 1.78(a)(2)(i). Petitioner is claiming benefit under 35 USC 120 of Application No. 10/326,017. However, this statement is not in compliance with MPEP 201.11 III A in that the amendment does not specify if the instant application is a continuation, continuation-in-part or divisional of the prior application.

The decision mailed September 11, 2008 dismissed the petition filed January 9, 2008 for failure to provide a proper statement of unintentional delay. The renewed petition provides a proper statement. The above noted problem with the amendment was not discovered until reviewing the file in preparation of this petition response.

Before the petition can be granted, petitioner must submit a substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(3).[1]

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

By mail: Mail Stop PETITIONS
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Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

[1] The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).

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ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Jeremy P. Hilton et al.	:	
Application No. 11/146,743	:	DECISION ON PETITION
Filed: June 6, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 311303US71	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed February 6, 2009 (and supplemented on March 25, 2009), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37

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

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

Any inquiries concerning this decision may be directed to Carl Friedman at (571) 272-6842. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1631 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.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/146,743	06/06/2005	1631	2550	311303US71	56	6

CONFIRMATION NO. 5065

CORRECTED FILING RECEIPT

22850
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

OC000000035308513

Date Mailed: 04/03/2009

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)

Jeremy P. Hilton, Vancouver, CANADA;
Geordie Rose, Vancouver, CANADA;

Power of Attorney: The patent practitioners associated with Customer Number 22850

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/577,415 06/05/2004
and is a CIP of 10/326,017 12/18/2002 ABN
which is a CIP of 10/028,891 12/22/2001 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 07/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/146,743**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Hybrid classical-quantum computer architecture for molecular modeling

Preliminary Class

703 /

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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WILLKIE FARR & GALLAGHER LLP
INTELLECTUAL PROPERTY LEGAL ASSISTANTS
787 SEVENTH AVE
NEW YORK NY 10019-6099

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JAN 27 2006

OFFICE OF PETITIONS

In re Application of	:	
Deckoff, Stephen H.	:	
Application No. 11/146,748	:	ON PETITION
Filed: June 6, 2005	:	
Attorney Docket No. 115191-01US1	:	

This is a decision on the petition under 37 CFR §1.102(d), filed January 11, 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 3624 for expedited prosecution.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA GA 30339-5948

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AUG 01 2005

OFFICE OF PETITIONS

In re Application of :
Jung-Chun Tseng :
Application No. 11/146,768 :
Filed: June 7, 2005 :
Attorney Docket No. 250122-2580 :

ON PETITION

This is in response to the petition under 37 CFR 1.47(b), filed June 7, 2005.

Applicant is given TWO (2) MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

In the present petition, Daniel R. McClure states that a copy of the application and formal documents were mailed to Jung-Chun Tseng, the non-signing inventor, for his signature via registered mail. Applicant enclosed a photocopy of the postal return receipt, evidencing delivery of the parcel. Additionally, applicant showed that AU Optronics Corp. has a proprietary interest in the above-identified application with the submission of a copy of the employment agreement. The employment agreement stated that the intellectual property right of Mr. Tseng's inventions and creations from his duty belongs to AU Optronics Corp. Lastly, applicant paid the requisite petition fee.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and, (6) proof of irreparable damage.

Applicant lacks items (2), (4), and (6) as set forth above.

As to item (2), the Office notes that pursuant to Section 409.03(b)(A) of the Manual for Patent Examining Procedure:

> 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 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 Section 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).

Applicant did not presented an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 37 CFR 1.64. As stated above, where a corporation is the applicant, an officer (President, Vice-President, Secretary, Treasurer or Chief Executive Officer) thereof should normally sign the declaration. Furthermore, a corporation may authorize any person, including an attorney or agent registered to practice before the USPTO to sign the declaration on its behalf.

In the present petition, Daniel R. McClure stated that Yih-Sheng Yu was an authorized representative of AU Optronics Corp. However, the corporation, not the legal representative, can authorize a person to sign the declaration on its behalf. Moreover, Mr. Yu, the Senior Manager, does not appear to be an officer of the Corporation.

As to item (4), applicant did not state Mr. Tseng's last known address in the petition.

As to item (6), applicant failed to provide proof of irreparable damage. See MPEP 409.03(g). Applicant may submit a statement indicating that the filing is necessary to preserve the rights of the parties.

Accordingly, the petition is dismissed.

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

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

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

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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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AUG 1 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Jung-Chun Tseng	:	ACCORDING STATUS UNDER
Application No. 11/146,768	:	37 CFR 1.47(B)
Filed: June 7, 2005	:	
Attorney Docket No. 250122-2580	:	

This is in response to the renewed petition under 37 CFR 1.47(b), filed August 5, 2005.

The petition is granted.

Applicant showed that Jung-Chun Tseng, the non-signing inventor, refused to join in the application after applicant mailed him a copy of the application papers. Specifically, Daniel R. McClure stated that a copy of the application and formal documents were mailed to the non-signing inventor for his signature via registered mail to his last known address. Applicant enclosed a photocopy of the postal return receipt, evidencing delivery of the parcel. Additionally, applicant showed that AU Optronics Corp. has a proprietary interest in the above-identified application with the submission of a copy of the employment agreement. The employment agreement stated that the intellectual property right of Mr. Tseng's inventions and creations from his duty belongs to AU Optronics Corp. Applicant averred that the filing was necessary to preserve the rights of the parties. Lastly, applicant submitted an acceptable declaration and paid the requisite petition fee.

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

This matter is being referred to Technology Center Art Unit 2819 for examination in due course.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jung-Chung Tseng
No. 53
Beining Rd.
Dongning Village
Neipu Township, Pingtung County 912
Taiwan, R.O.C.

COPY MAILED

AUG 1 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Jung-Chun Tseng	:	LETTER
Application No. 11/146,768	:	
Filed: June 7, 2005	:	
Attorney Docket No. 250122-2580	:	

Dear Mr. Tseng

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

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

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant	: Mohammad Saberan	: DECISION ON REQUEST FOR
Patent Number	: 7581792	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/146,795	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1117** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUN 23 2008

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

In re Application of	:	
BEASLEY, Jim C. et al.	:	
Application No. 11/146,807	:	DECISION ON PETITION
Filed: June 07, 2005	:	TO WITHDRAW
Attorney Docket No. **480062005200**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 05, 2008.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on May 19, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant	: Eric Edward House	: DECISION ON REQUEST FOR
Patent Number	: 7590403	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/146,820	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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Paper No.

IBM_SVL
c/o Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto CA 94303

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MAR 02 2010

In re Application of :
Bell et al. : DECISION ON PETITION
Application No. 11/146,830 :
Filed: June 6, 2005 :
Atty Docket No. CA920050039US1:
/3600P :

This is a decision on both the "PETITION FOR EXPEDITED CONSIDERATION UNDER 37 CFR §1.182" and the "PETITION UNDER 37 CFR 1.182," both filed February 23, 2010.

The petition for expedited consideration includes payment of the petition fee under 1.182. On the record, the relief requested is warranted. Accordingly, the petition to correct inventor information is being considered out of turn.

The petition for expedited consideration under § 1.182 is **GRANTED**.

Applicant petitions for the removal of "Simon Peter FIELD" as a joint inventor in the above-identified application. Applicant explains the circumstances of the error and makes clear that the inventor's legal name is not and has never been "Simon Peter FIELD," but rather is "Simon Ashley FIELD." Applicant states that his name was incorrectly listed on the original unexecuted declaration. Then on the first executed declaration, his name was correctly listed; however, the unexecuted page including the incorrect name was inadvertently included in the new declaration. The petition includes payment of the fee under 37 CFR 1.182.

On August 9, 2007, applicant submitted a declaration for patent signed by all of the inventors, including inventor Field with his name identified as Simon Ashley Field, as well as, supplemental application data sheet identifying the inventorship to not include Simon Peter Field. No petition accompanied this declaration. On February 23, 2010, applicant filed the instant petition to delete inventor "Simon Peter Field" and to issue a corrected filing receipt. The instant petition (with petition fee) was filed prior to payment of the issue fee[1].

The petition is **GRANTED**.

The inventor's name in the records of the Office is corrected to solely "Simon Ashley FIELD." Reference to "Simon Peter Field" as a joint inventor is deleted. A corrected filing receipt is enclosed.

The Office of Data Management has been advised of this decision. The application is thereby forwarded to the Office of Data Management for further action upon submission of the issue fee and any other required responses to the Notice of Allowance (and Notice of Allowability) sent January 15, 2010.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

[1] Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee. See MPEP 605.04(b).

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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
11/146,830	06/06/2005	2166	1230	CA920050039US1/3600P	22	3

CONFIRMATION NO. 5826

CORRECTED FILING RECEIPT

45728
IBM_SVL
c/o Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

OC000000040341183

Date Mailed: 03/01/2010

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

Applicant(s)

John W. Bell, Lees Summit, MO;
Simon Ashley Field, Buckinghamshire, UNITED KINGDOM;
Jason Michael Gartner, Markham, CANADA;
Randall R. Holmes, Apple Valley, MN;
Nancy A. Kopp, Wheaton, IL;
William T. O'Connell, Etobicoke, CANADA;
Paulo Roberto Pereira, Grapevine, TX;

Power of Attorney: The patent practitioners associated with Customer Number 45728

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 07/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/146,830**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

COMPUTER DATA SYSTEMS IMPLEMENTED USING A VIRTUAL SOLUTION ARCHITECTURE

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 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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JAMES E. BRADLEY
BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON, TEXAS 77208-1389

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OCT 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Robert A. Murphy et al	:	
Application No. 11/146,842	:	DECISION ON PETITION
Filed: June 7, 2005	:	
Attorney Docket No.LM P113US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 23, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of 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 January 4, 2007, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 3662 for appropriate action by the Examiner in the normal course of business on the reply received July 23, 2008.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/146,842	06/07/2005	Robert A. Murphy	LM P113US

CONFIRMATION NO. 6072

POA ACCEPTANCE LETTER

JAMES E. BRADLEY
BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON, TX 77208-1389

OC000000032646766

Date Mailed: 10/17/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/23/2008.

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

/kocreasy/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AUG 30 2005

CLIFFORD A. POFF
9800B MCKNIGHT ROAD
SUITE 115
PITTSBURGH, PA 15237

In re application of	:	**DECISION ON PETITION**
Raymond G. Hasley	:	**TO MAKE SPECIAL**
Application No. 11/146,845	:	**(APPLICANT'S AGE)**
Filed: June 7, 2005	:	
For: BUILDING WITH TRIANGULAR FACADES		

This is a decision on the petition submitted on August 15,2005 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 statement signed by Raymond G. Hasley indicating that he is at least 65 years of age.

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

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

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

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(571) 272-6619

RAR/dcg: 8/24/05

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

PAUL A. LEIPOLD
PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

COPY MAILED

DEC 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Ronald S. Cok et al :
Application No. 11/146,850 : ON PETITION
Filed: June 7, 2005 :
Attorney Docket No. 89621AJA :

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

The petition is **DISMISSED.**

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

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

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 February 21, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). *See* MPEP 711.03(c)(III)(A)(2). Since the amendment submitted does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

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

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

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

Attachment: copy of the November 10, 2008 Advisory Action mailed

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.
11/146,850	06/07/2005	Ronald S. Cok	89621AJA	6038

7590 11/10/2008

Paul A. Leipold
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER
PARKER, BRANDON

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
11/10/2008	PAPER

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

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

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/146,850	Applicant(s) COK ET AL.	
	Examiner BRANDON PARKER	Art Unit 2174	

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

THE REPLY FILED 07 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: 1-15.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178

Brandon Parker
Examiner
Art Unit: 2174

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PAUL A. LEIPOLD
PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

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FEB 09 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Ronald S. Cok :
Application No. 11/146,850 :
Filed: June 7, 2005 :
Attorney Docket No. 89621AJA :

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

The petition is **GRANTED.**

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 21, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is May 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810 and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2174 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.

Irvin Dingle
Petition Examiner
Office of Petitions

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Commissioner for Patents
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MAR 23 2007

OFFICE OF PETITIONS

MARSHALL, GERSTEIN & BORUN
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

In re Application of	:	
Ki Chang Kwean	:	
Application No. 11/146,877	:	ON PETITION
Filed: June 7, 2005	:	
Attorney Docket No. 29925/41331	:	

This is a decision on the petition, filed March 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 February 12, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 2819 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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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

COPY MAILED

DEC 27 2005

OFFICE OF PETITIONS

In re Application of:	:	
Asthana et al.	:	
Application No. 11/146,888	:	DECISION DISMISSING
Filed: June 7, 2005	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
APPARATUS, AND AN ASSOCIATED	:	
METHOD, FOR COMMUNICATING DATA IN	:	
HEADER-REDUCED FORM	:	

This is in response to a Petition under 37 CFR 1.47(a), filed December 7, 2005, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)", and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on filed June 7, 2005, without an executed oath or declaration. This Office mailed a Notice to File Missing Parts of Nonprovisional Application on July 7, 2005 requiring, inter alia, an executed oath or declaration.

Applicant files the instant petition to allow these inventors to proceed with the application on their own behalf and of the nonsigning inventor, Clara Nghia Ly. The petition provides a

statement of the last known address of the nonsigning inventor; however, a review of the oath/declaration filed with the petition reveals that it lists an address for the nonsigning inventor that differs from that provided in the statement of the last known address of the nonsigning inventor. No Application Data Sheet has been located among the application papers filed.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration 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). Applicant lacks item (2) as set forth above.

As to item (2), Applicant must provide an oath or declaration that lists the residence of the nonsigning inventor in accordance with 37 CFR 1.63.

Applicant is reminded that the "mailing address" is the address where applicant customarily receives mail. *See* MPEP 601.05.

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

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

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

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

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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ALLSTON BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TYRONE STREET
SUITE 4000
CHARLOTTE, NC 28280-4000

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MAR 15 2006

OFFICE OF PETITIONS

In re Application of	:	
Asthana et al.	:	
Application No. 11/146,888	:	DECISION GRANTING
Filed: June 7, 2005	:	STATUS UNDER
For: APPARATUS AND AN ASSOCIATED	:	37 CFR 1.47(a)
METHOD FOR COMMUNICATING DATA	:	
IN HEAD-REDUCED FORM	:	

This is in response to a Renewed Request for a Petition Under 37 CFR 1.47(a) in Response to Notice to File Missing Parts of Application, filed January 23, 2005, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Clara Nghia Ly, refuses to join in the application.

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

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

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MS. CLARA NGHIA LY
1509 CANYON CREEK
McKINNEY, TX 75070

COPY MAILED
MAR 15 2006
OFFICE OF PETITIONS

In re Application of :
Asthana et al. :
Application No. 11/146,888 : LETTER
Filed: June 7, 2005 :
For: APPARATUS AND AN ASSOCIATED :
METHOD FOR COMMUNICATING DATA :
IN HEAD-REDUCED FORM :

Dear Ms. Ly:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

cc: ALLSTON BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TYRONE STREET
SUITE 4000
CHARLOTTE, NC 28280-4000

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

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JUL 24 2008

OFFICE OF PETITIONS

In re Application of	
Sten Bjorsell	
Application No. 11/146,890	DECISION ON PETITION
Filed: June 6, 2005	TO WITHDRAW
Attorney Docket No. 025959-000200US	FROM RECORD

This is a decision on the petition filed July 15, 2008 under 37 CFR 1.182. The petition is hereby **GRANTED**.

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed April 23, 2008.

The request is **APPROVED**.

A review of the file record indicates that Townsend and Townsend and Crew, LLP: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Townsend and Townsend and Crew, 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 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 April 23, 2008 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: STEN BJORSELL
C/O SHIP CO. LTD.
KILLARNEY ROAD
MACROOM, CO
CORK, IRELAND

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

Mail Date: 05/05/2010

Applicant	: Csaba Truckai	: DECISION ON REQUEST FOR
Patent Number	: 7621952	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/146,893	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **10** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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AUG 1 5 2006

OFFICE OF PETITIONS

DLA PIPER RUDNICK GRAY CARY US LLP
153 TOWNSEND STREET, SUITE 800
SAN FRANCISCO CA 94107-1907

In re Application of

Timothy GOODNOW et al.
Application No. 11/146,897
Filed: June 6, 2005
Attorney Docket No. 354996-991101

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, 2006.

The request is **NOT APPROVED**.

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

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

David Bucci
Petitions Examiner
Office of Petitions

cc: JACKSON & CO. LLP
2410 Carmino Ramon, Suite 120
San Ramon, CA 94583-4328

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FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

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JAN 10 2007

OFFICE OF PETITIONS

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

In re Application of
Kissei Matsumoto
Application No. 11/146,903
Filed: June 7, 2005
Attorney Docket No. S1459.70145US00

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 9, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 4, 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 Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2627 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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

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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OCT 29 2009
OFFICE OF PETITIONS

JOHN VANDEN BOSCHE
6571 LUNDE RD
EVERSON, WA 98247

In re Application of	:	
Mark H. DAWSON, et al	:	
Application No. 11/146,908	:	DECISION ON PETITION
Filed: June 7, 2005	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before September 16, 2008, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed June 16, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 17, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of $755 and Publication Fee of $300; (2) the petition fee of $810; and (3) the required statement of unintentional delay.

The petition was accompanied by an issue fee payment of $1510, however, since the current issue fee for small entity is $755, a refund will be completed. The publication fee of $300 will be deducted from the extra fee, then the remaining $455 will be refunded by Treasury Check within the normal course of business. If petitioner is no longer entitled to small entity status, the Office should be notified immediately.

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.

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

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

/Diane C. Goodwyn/
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WONG, CABELLO, LUTSCH,
RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249, SUITE 600
HOUSTON TX 77070

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of

DROUGHTON, et al.
Application No. 11/146,914
Filed: June 7, 2005
Attorney Docket No. **552-0003US**

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 29, 2007.

The request is **NOT APPROVED**.

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

The request cannot be approved because 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: **CHARLOTTE R. DROUGHTON**
22102 GOLDSTONE
KATY, TX 77450

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WONG CABELLO LUTSCH RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249, SUITE 600
HOUSTON TX 77070

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SEP 18 2008

In re Application of	:	
DROUGHTON, et al.	:	
Application No. 11/146,914	:	DECISION ON PETITION TO
Filed: June 7, 2005	:	WITHDRAW FROM RECORD
Attorney Docket No. 552-0003US	:	
	:	

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 12, 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 Raymond Reese on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed July 8, 2008 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: CHARLOTTE R. DROUGHTON
22102 GOLDSTONE
KATY, TX 77450

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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OCT 1 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Blais, et al.	:	
Application No.: 11/146,915	:	DECISION REFUSING STATUS
Filed: June 6, 2005	:	UNDER 37 CFR 1.47(a)
Attorney Docket No.: LAMA125434	:	
For: ADJUSTABLE BASE BRACKET FOR ROOF SCAFFOLDING POST		

This is a decision on the petition under 37 CFR 1.47(a), filed September 14, 2005 (certificate of mailing date September 12, 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 June 6, 2005 without an executed declaration. On July 12, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath/declaration, filing fees, and a surcharge for their late filing. In response, on September 14, 2005 (certificate of mailing date September 12, 2005), petitioners filed a declaration executed by 2 of 3 joint inventors, filing fees, a surcharge, and a Rule 47 petition with the required fee.[1] The petition is accompanied by a declaration by joint inventor Roger Valiquette that states that Raymond Blais, the non-signing joint inventor refuses to sign the

[1] Regarding the petition fee, the current Rule 47 petition fee is $200.00. Petitioners submitted only a $130.00 check with the instant petition. Pursuant to petitioners' authorization, deposit account. No. 03-1740 was charged the balance due, or $70.00.

declaration because of personal animosity toward Donald Servant, another joint inventor. Mr. Valiquette states that Mr. Blais would rather lose the patent than benefit Mr. Servant.

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), Applicants have failed to establish that Mr. Blais has refused to sign the declaration. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events. The Office requires that the non-signing inventor be provided with a complete copy of the application as filed. This includes the specification with claims, drawings, if any, and a declaration. See MPEP 409.03(d).

Mr. Blais must have the complete application in his possession in order to make an informed decision as to whether he joins in its filing. Mr. Blais cannot make the necessary statements found in the declaration-- i.e. "I have reviewed and understand..." -- without having examined the patent application.

As petitioners are aware, circumstances change and individuals, when faced with opportunities, sometimes waiver from their stated intentions. Mr. Blais must have the complete application in his possession in order to make an informed decision as to whether he joins in its filing.

When petitioners can show that Mr. Blais was mailed or received the complete application and that he either refused to sign the declaration or would not respond to the request that he sign the declaration, petitioners will have satisfied this requirement.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P. O. Box 1450
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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

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OFFICE OF PETITIONS

In re Application of	:	
Blais, et al.	:	
Application No.: 11/146,915	:	DECISION ACCORDING STATUS
Filed: June 6, 2005	:	UNDER 37 CFR 1.47(a)
Attorney Docket No.: LAMA125434	:	
For: ADJUSTABLE BASE BRACKET FOR ROOF SCAFFOLDING POST		

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed December 12, 2005 (certificate of mailing date December 9, 2005).

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Raymond Blais, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration/statement of facts of co-inventor Roger Valiquette establishes that the inventor was in possession application papers, including the specification, claims and drawings and refused to sign the declaration. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

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

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

After this decision is mailed, the above-identified application will be forwarded to Technology Center AU 3635 for examination in due course.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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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RAYMOND BLAIS
12726-94 STREET
EDMONTON, ALBERTA
T5E 3V5
CANADA

COPY MAILED

MAR 0 3 2006

OFFICE OF PETITIONS

In re Application of :
Blais, et al. :
Application No.: 11/146,915 : LETTER
Filed: June 6, 2005 :
Attorney Docket No.: LAMA125434 :
For: ADJUSTABLE BASE BRACKET FOR ROOF SCAFFOLDING POST

Dear Mr. Blais:

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

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

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

E Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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

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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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY MI 48007

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of :
Patterson, et al. : DECISION ON PETITION
Application No. 11/146,927 :
Filed: June 6, 2005 :
Docket No.: DP-312336 (D21-0003) :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed May 25, 2007.

This application was held abandoned January 28, 2007 for failure to timely submit a proper reply to the non-final Office action mailed October 27, 2006. Notice of Abandonment was mailed May 9, 2007.

Petitioners assert that a response to the non-final Office action and a petition for extension of time were timely mailed on April 27, 2007.

The original response, including petition for extension of time, bearing a certificate of mailing date of April 27, 2007 have been located in the application file. Accordingly, in view of the certificate of mailing under 37 CFR 1.8, the reply is deemed timely submitted.

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

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

The application file is being forwarded to the Technology Center 3600 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 31 2007

OFFICE OF PETITIONS

DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY MI 48007

In re Application of
James F. Patterson et al
Application No. 11/146,928
Filed: June 6, 2005
Attorney Docket No. DP-312733

ON PETITION

This is a decision on the petition filed May 29, 2007, requesting withdrawal of the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED as moot.**

Unfortunately, the petition did not reach the appropriate official for decision within sufficient time to avert issuance of the application into a patent. Petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue.** Withdrawal of an application from issue after payment of the issue fee may not be effective to avoid publication of application information.

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

No fees were charged to petitioner's deposit account.

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

Karen Creasy
Petitions Examiner
Office of Petitions

cc:
CANTOR COLBURN LLP
201 WEST BIG BEAVER ROAD,
SUITE 370
TROY, MICHIGAN 48084-4116

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 04/20/2010

Applicant	: Paul E. Pastusek	: DECISION ON REQUEST FOR
Patent Number	: 7604072	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/146,934	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **329** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/146,953	06/07/2005	Weimin Li	MICRON.140DVCDV

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

DATE MAILED: September 17, 2007

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

This is in response to the petition under 37 CFR 1.138(d) filed August 22, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

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

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

Mail Date: 04/21/2010

Applicant	: Wiley L. Parker	: DECISION ON REQUEST FOR
Patent Number	: 7576136	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/146,954	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **976** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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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
11/146,980	06/07/2005	3611	1130	FS.20220US0A	9	7	1

CONFIRMATION NO. 6718

UPDATED FILING RECEIPT

OC000000017069274

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 09/21/2005

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)

Yoshiyuki Kaneko, Shizuoka-ken, JAPAN;
Yoshinori Harada, Shizuoka-ken, JAPAN;
Yutaka Mizuno, Shizuoka-ken, JAPAN;
Tomoyoshi Koyanagi, Shizuoka-ken, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number **20995**.

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2004-189353 06/28/2004
JAPAN 2004-169257 06/07/2004

If Required, Foreign Filing License Granted: 07/05/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/146,980

Projected Publication Date: 12/29/2005

Non-Publication Request: No

Early Publication Request: No

Title

Steering-force detection device for steering handle of vehicle

Preliminary Class

180

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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Paper No.

PROSKAUER ROSE LLP
PATENT DEPARTMENT
1585 BROADWAY
NEW YORK NY 10036-8299

COPY MAILED
SEP 27 2006
OFFICE OF PETITIONS

In re Application of	:	
GOTTARDI	:	
Application No. 11/147,008	:	DECISION ON
Filed: June 6, 2005	:	PETITION
Atty Docket No. 57871-008	:	

This is a decision on the petition filed May 15, 2006, under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Application mailed July 11, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. No reply having been received, the above-identified application became abandoned on September 12, 2005. A Notice of Abandonment was mailed on March 16, 2006.

Petitioner has satisfied the requirements of 37 C.F.R. 1.137(b). Accompanying the instant petition was the required reply in the form of an executed declaration and payment of the late surcharge under 37 C.F.R. §1.16(e), the replies requested in the above-identified notice. Petitioner also submitted the petition fee and made the required statement of unintentional delay.

The application file is being forwarded to the Office of Initial Patent Examination for processing of the responses received on petition filed May 15, 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

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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
11/147,011	06/06/2005	3765	1000	034299-641	2	2	2

CONFIRMATION NO. 6272

CORRECTED FILING RECEIPT

OC000000018411136

Robert E. Krebs
THELEN REID & PRIEST LLP
P.O. Box 640640
SAN JOSE, CA 95165

Date Mailed: 03/29/2006

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)

Franck Bequet, Fonsorbes, FRANCE;

Assignment For Published Patent Application

Airbus France

Power of Attorney:

John Uilkema--20282
Robert Krebs--25885
David Ritchie--31562
Steven Robbins--40299
John Schaub--42125
Marc Hanish--42626
Gerhard Thielman--43186
Adrienne Yeung--44000
William Niece--47824
Thierry Lo--49097

Domestic Priority data as claimed by applicant

This application is a DIV of 10/304,654 11/25/2002 PAT 6,908,526

Foreign Applications

FRANCE 01/15264 11/26/2001

If Required, Foreign Filing License Granted: 03/29/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/147,011

Projected Publication Date: 04/13/2006

Non-Publication Request: No

Early Publication Request: No

Title

Process for making a composite material assembly and aircraft wing and stabilizing element obtained by this process

Preliminary Class

057

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

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

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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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NOV 17 2005

TECHNOLOGY CENTER 3600

WILLIAM BODNAR
LAW OFFICE OF WILLIAM BODNAR
1074 EAST AVE. SUITE F
CHICO, CA 95926

In re application of
Berle G. Blehm
Application No. 11/147,012
Filed: June 07, 2005
For: ADJUSTABLE LADDER STABILIZER

DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)

This is a decision on the petition submitted on June 07, 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 signed declaration indicating Mr. Blehm 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: 11/16//05

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RONALD I. EISENSTEIN
NIXON PEABODY LLP
100 SUMMER STREET
BOSTON, MA 02110

Mail Date: 04/21/2010

Applicant	: James L. Sherley	: DECISION ON REQUEST FOR
Patent Number	: 7655465	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/147,013	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **630** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON, NJ 08540

Mail Date: 04/20/2010

Applicant	: Bernd Peschke	: DECISION ON REQUEST FOR
Patent Number	: 7576062	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/147,017	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: 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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OFFICE OF PETITIONS

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

In re Application of :
Good, et al. :
Filed: June 6, 2005 : ON PETITION
Application No. 11/147,022 :
Dkt. No.: 02420/100J378-US2 :

The above-identified application has been referred to the Office of Petitions for consideration of the "PETITION TO ACCORD FILING DATE," filed August 10, 2005, requesting that the above-identified application be accorded a filing date of June 6, 2005 and requesting a refund of the previously submitted petition fee.

The petition is **GRANTED**.

The application was filed June 6, 2005. On July 11, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application ("Notice"). The Notice indicated that the application had not been accorded a filing date because the application was deposited without drawings as required under 35 USC 113 (first sentence). The Notice indicated the filing date of the application would be date of receipt of the omitted items. Any assertion that the omitted items were in fact submitted or are not necessary for a filing date must be by way of petition.

Petitioners indicate that the application as filed included five drawings and have included a copy of a return postcard date-stamped by the Office. Petitioners further argue that the instant application is a divisional application of parent application 10/200,001 and that the drawings therein were incorporated by referenced into the disclosure of the instant application. Petitioners further argue that drawings are not necessary to an understanding of the invention sought to be patented.

The referenced postcard has been reviewed, however, it does not include a specific reference to the drawings in question. Accordingly, it is not accepted as prima facie evidence of Office receipt of the drawings.

As stated in MPEP 601.01(f), it is the practice of the PTO to treat a non-provisional application that contains at least some disclosure of a process or method as an application for which a drawing is <u>not</u> necessary for an understanding of the invention under 35 USC 113 (first sentence).

Moreover, MPEP 601.01(f) 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. Should the Technology Center determine that drawings are necessary under 35 U.S.C. 113 (first sentence) the filing date issue will be reconsidered by the USPTO.

A review of the official file reveals that the instant application includes at least one process claim. As it is USPTO practice to treat a non-provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary, the application, as submitted, was entitled to a filing date of June 6, 2005. Thus, the instant petition to accord the application a filing date is unnecessary and the Notice of Incomplete Application mailed July 11, 2005 was mailed in error and is hereby withdrawn.

The application will be processed with only the papers present on June 6, 2005, without drawings as part of the original disclosure.

To avoid delay in processing, if petitioners desire to have drawings made part of this application, petitioners should consider submitting a second preliminary amendment to this effect prior to issuance of the first Office action on the merits.

No fee is due in connection with this matter. A refund of the previously submitted petition fee has been requested on petitioners' behalf.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 6, 2005 using only the papers present on that day.

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

Mail Date: 04/21/2010

Applicant	: Hiromi Ohta	: DECISION ON REQUEST FOR
Patent Number	: 7607315	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/147,029	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: 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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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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JAN 0 4 2010

OFFICE OF PETITIONS

In re Patent No. 7,537,008	:	
Issue Date: May 26, 2009	:	
Application No. 11/147,070	:	ON PETITION
Filed: June 6, 2005	:	
Attorney Docket No. **ARVENT.001A**	:	

This is a decision on the petition filed November 6, 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 JoAnne Burke at (571) 272-4584. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

As authorized, the $130 fee for the petition under 37 CFR 3.81(b) has been assessed to petitioner's deposit account.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

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

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HOWARD J. GREENWALD P.C.
70 LINDEN OAKS, THIRD FLOOR
ROCHESTER, NY 14625

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MAY 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Tuszynski et al.	:	DECISION ON PETITION
Application No. 11/147,125	:	TO WITHDRAW
Filed: June 6, 2005	:	FROM RECORD
Attorney Docket No. 23952-0133	:	

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 6, 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 Howard J. Greenwald P.C., has been revoked by the assignee of the patent application on December 1, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

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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.
11/147,127	06/07/2005	Jasbir Singh	21907.0009001	6381

26181 7590 01/08/2010
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
TRUONG, TAMTHOM NGO

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
01/08/2010	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

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JAN 0 8 2010

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

In re Application of:	:
Singh et al.	:
Serial No.: 11/147,127	: PETITION DECISION
Filed: June 7, 2005	:
Attorney Docket No.: **21907.0009001**	:

This is in response to the petition under 37 CFR § 1.181, filed November 3, 2009, requesting that the finality of the Office action of September 3, 2009 be withdrawn.

BACKGROUND

The examiner mailed a non-final Office action on November 25, 2008 setting a three month statutory limit for reply. At the time of this non-final Office action, claims 1-21 were pending. The examiner rejected claims 1, 2, 6, 7, and 19-21 and withdrew claims 3-5 and 8-18 from consideration. The examiner rejected claims 1, 2, and 19-21 under 35 USC 112, second paragraph, as being indefinite. Claims 6 and 7 were rejected under 35 USC 102 (b) as being anticipated by Tang et al. Claims 6 and 7 were rejected under 35 USC 102 (b) as being anticipated by Shenoy et al. Claims 1 and 2 were rejected under 35 USC 102 (b) as being anticipated by Henrie et al. Claims 1, 2 and were rejected under 35 USC 103 (a) as being unpatentable over Tang et al. Claims 1, 2 and 19-21 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-4, 7-12, 39, 43, 51, and 54-57 of copending application 11/832,255.

In reply to the non-final Office action of November 25, 2008, applicants filed a response on May 26, 2009. The response submitted by applicants included remarks, arguments traversing the rejections made in the non-final Office action, and amendments to the claims.

On September 3, 2009, the examiner mailed a final Office action setting a three month statutory limit for reply. At the time of this final Office action, claims 1, 2, 6, 7, and 19-21 were pending and were rejected. In this action, Claims 1, 2, 6, 7, 19 and 21 were rejected under 35 USC 103 (a) as being unpatentable over Tang et al. Claims 1, 2 and 19-21 were again provisionally

rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-4, 7-12, 39, 43, 51, and 54-57 of copending application 11/832,255.

In response thereto, applicants filed this petition on November 3, 2009, requesting that the finality of the Office action of September 3, 2009 be withdrawn.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed by applicants on November 3, 2009, applicants request that the finality of the Office action of September 3, 2009 be withdrawn. Specifically, applicants "respectfully submit that the rejection of claim 21 made under 35 U.S.C. §103(a) over Tang in the September 3, 2009 Office Action constituted a new ground of rejection that was not necessitated by any amendments nor an information disclosure statement (IDS) filed during the period set forth in 37 C.F.R. § 1.97(c)." Applicants point out that "Claim 21 was not previously rejected under 35 U.S.C. § 103(a), so the rejection was a new ground of rejection made for the first time in the September 3, 2009 Office Action. Moreover, the rejection of claim 21 was not necessitated by any amendment made to the claims because claim 21 has not been amended, and although claim 21 depends from claim 1, which was amended, the narrowing amendment made to claim 1 cannot conceivably have necessitated the brand new rejection of claim 21 for obviousness. Moreover, the rejection was based on information (the Tang reference) considered in the Office Action mailed on November 25, 2008 and was therefore not based on information submitted in a subsequent IDS."

MPEP § 706.07 recites:

> 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).

Thus, as applicants correctly point out although second or subsequent office actions may be made final, it is *not* proper for an office action to be made final when 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)." Accordingly, it is decided that Applicants' arguments are well-taken and found persuasive. In view of the evidence, the final Office action issued September 3, 2009 is found to be improper and thus in error. Consequently, the finality of the Office action will be withdrawn in favor of applicants.

DECISION

The petition is **GRANTED.**

The Office action mailed September 3, 2009 is hereby vacated to the extent that it was made "final" and the Office action is now considered to be a non-final Office action. As a result, any amendments submitted in response to that action will be entered.

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.

Remy Yucel
Director, Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/147,137	06/07/2005	David Peter DeCenzo	STL12403	6622

7590 07/09/2008
Fellers, Snider, Blankenship,
Bailey & Tippens, P.C.
100 North Broadway, Ste. 1700
Oklahoma City, OK 73102-8820

EXAMINER
LO, KENNETH M

ART UNIT	PAPER NUMBER
2188	

MAIL DATE	DELIVERY MODE
07/09/2008	PAPER

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

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

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JUL 09 2008

TECHNOLOGY CENTER 2100

Fellers, Snider, Blankenship, Bailey & Tippens, P.C.
100 North Broadway, Ste. 1700
Oklahoma City OK 73102-8820

In re Application of: David Peter DECENZO
Application No. 11/147,137
Attorney Docket No. **STL12403**
Filed: June 7, 2005
For: DATA STORAGE SUBGROUP WITH LOCAL AND SHARED RESOURCES

DECISION ON PETITION

This is a decision on the petition filed on May 12, 2008, requesting that the shortened statutory period for reply set forth in the Office communication (Final Rejection) mailed on February 8, 2008 be reset to run from the date on which the Office communication was actually received at the correspondence address of record.

The petition is **DISMISSED**.

Applicable Prosecution History

May 22, 2007	First action on the merits mailed to address above.
June 1, 2007	Power of Attorney to current firm filed.
June 5, 2007	Power of Attorney processed. New Address: same as above.
November 21, 2007	Amendment and response to Non-Final Action filed (Address on correspondence same as above).
February 8, 2008	Final Rejection mailed to address above.
February 15, 2008	Mail returned to USPTO .
May 12, 2008	Response to Final rejection filed (Address on correspondence same as above).
May 12, 2008	Instant Petition filed (Address on correspondence same as above).

RELIEF REQUESTED

The instant petition requests that the shortened statutory period for reply set forth in the Office communication (Final Rejection) mailed on February 8, 2008 be reset to run from April 9, 2008, the date on which the Office communication was actually received at the correspondence address of record, via download from the PAIR system.

REGULATIONS AND PRACTICE

MPEP 710.06 [R-6] Situations When Reply Period Is Reset or Restarted, states in part:
The Office will grant a petition to restart the previously set period for reply to an Office action to run from the date of receipt of the Office action at the correspondence address when the following criteria are met:
(A) the petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address;
(B) a substantial portion of the set reply period had elapsed on the date of receipt (e.g., at least 1 month of a 2- or 3-month reply period had elapsed); and
(C) the petition includes (1) evidence showing the date of receipt of the Office action at the correspondence address (e.g., a copy of the Office action having the date of receipt of the Office action at the correspondence address stamped thereon, a copy of the envelope (which contained the Office action) having the date of receipt of the Office action at the correspondence address stamped thereon, etc.), and (2) a statement setting forth the date of receipt of the Office action at the correspondence address and explaining how the evidence being presented establishes the date of receipt of the Office action at the correspondence address.

MPEP 711.03(c) states in part:
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.<

OPINION

Petitioner asserts that the Office communication (FAOM) mailed on February 8, 2008 was not received by applicants, and states the following:
1. that the office action (Final Rejection mailed on February 8, 2008) entered in this application was discovered by a routine status check via the PAIR system
2. the office action mailed on February 8, 2008 was returned to the USPTO on February 15, 2008.

ANALYSIS

The petition filed on , fails to comply with any of the M.P.E.P. §710.06 requirements set forth above for a grantable petition to reset a period for reply, because the petition was filed more than 2 weeks from the receipt of the Final rejection on April 9, 2008.

Further, in the absence of any apparent irregularity associated with the mailing of a communication, the Office presumes that the communication was properly mailed to practitioner at the address of record. This presumption, however, may be overcome by showing that office action (Final rejection mailed February 8, 2008) was not in fact received at the address of record.

According to MPEP §711.03(c), the showing required to establish nonreceipt of an Office action includes the following:

a) a statement from the practitioner that the Office action was not received,
b) a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates the Office communication was not received,
c) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed, and
d) a reference to the docket record in the practitioner's statement.

The petition filed on May 12, 2008, fails to fully comply with the M.P.E.P. 711.03(c) requirements detailed above. The evidence submitted to date has not overcome the presumption of receipt. The practitioner has stated that the Office communication was not received, satisfying requirements (a) listed above. However, applicant has not made a statement that a search of the file jacket and docket records were conducted, and the search indicates that the Office communication was not received, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed has not been

attached, and practitioner's statement does not contain a reference to the docket record thus failing to comply with conditions b, c, and d above. See "A. Withdrawing the Holding of Abandonment Based on Failure To Receive Office Action": MPEP 711.03(c), section I.

Accordingly, the petition is **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-4210.

Mano Padmanabhan

Mano Padmanabhan
Quality Assurance Specialist,
Technology Center 2100, Work Group 2180

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Bailey & Tippens, P.C.
100 North Broadway, Ste. 1700
Oklahoma City, OK 73102-8820

In re Application of	:	
David Peter DeCenzo	:	
Application No. 11/147,137	:	DECISION ON PETITION
Filed: June 7, 2005	:	
Attorney Docket No. STL12403	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 11, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The 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 August 8, 2008, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 41.37(b). As no claim was allowed, the application became abandoned on October 9, 2008. See MPEP 1215.04. A Notice of Abandonment was mailed on May 11, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Appeal Brief, with the required fee of $540, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly the Appeal Brief is accepted as being unintentionally delayed.

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

This application is being referred to the Technology Center AU 2189 for appropriate action in the normal course of business for processing of the Appeal Brief received June 11, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

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PERKINS COIE, LLP
P.O. BOX 1247
PATENT - SEA
SEATTLE WA 98111-1247

In re Application of	:	
CARNS, et al.	:	
Application No. 11/147,138	:	DECISION GRANTING PETITION
Filed: June 7, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 030048192US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 22, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 30, 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 3644 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Jill H. Caugherty	: DECISION ON REQUEST FOR
Patent Number	: 7633969	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/147,144	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: 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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Pequignot + Myers LLC
1636 R STREET N.W.
THIRD FLOOR
WASHINGTON DC 20009

In re Application of	:	
Michael J. Gottschalk	:	
Application No.: 11/147190	:	ON PETITION
Filing or 371(c) Date: 06/07/2005	:	
Attorney Docket Number:	:	
12112.451	:	

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 July 16, 2008

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed September 6, 2007. 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 7, 2007. A Notice of Abandonment was mailed March 31, 2008.

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 1796 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/
Derek L. Woods
Attorney
Office of Petitions

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225 KING STREET WEST
10TH FLOOR
TORONTO ON M5V 3M2 CA CANADA

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In re Application of	:	
Brown et al.	:	
Application No. 11/147,195	:	ON APPLICATION FOR
Filed: June 8, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 42783-0130	:	

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT" filed May 25, 2009. This matter is being properly treated under 37 CFR 1.705(b). Applicants request that the determination of patent term adjustment be corrected from seven hundred sixty-six (766) days to at least nine hundred ninety-seven (997) days. Applicants request this correction on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

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

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed February 25, 2009, indicated a patent term adjustment (PTA) to date of 766 days. The instant application for PTA was filed with the issue fee payment on February 25, 2009.

Submission of the patent term adjustment application fee is a prerequisite prior to treatment on the merits of any application submitted pursuant to 37 CFR 1.705. The instant application was filed without the required $200.00 fee. While the application for patent term adjustment references the enclosure of the required fee, no such enclosure was found amongst the papers filed May 25, 2009. The application for patent term adjustment did not authorize the Office to charge the required fee to applicants' deposit account. The fee transmittal submitted February 25, 2009 was not signed in accordance with 37 CFR 1.33(b). Thus, the Office was without authority to charge the required fee.

Accordingly, the application for patent term adjustment is subject to dismissal for lack of fee.

Applicants are, however, advised that given knowledge of the actual date a patent issues is required to calculate the amount, if any, of additional patent term for Office failure to issue the patent within three years, applicants may submit a timely application for patent term adjustment, including the required application fee, within two months of the issue date of the patent in accordance with 37 CR 1.705(d).

Applicants are reminded that if an application is entitled to an adjustment under 35 USC 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 USC 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 USC 154(b)(1)(B) in determining whether periods of delay overlap under 35 USC 154(b)(2)(A).

Thus, any days of delay for Office issuance of the patent more than three years after the filing date of the application which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. *See*, 35 USC 154(b)(1)(B), 35 USC 154(b)(2)(A), and 37 CFR § 1.703(f). *See, also, Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004).

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

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

Telephone inquiries specific to this decision should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/147,213	06/08/2005	Teruyoshi Yao	052659	7816

38834 7590 06/09/2006

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WASHINGTON, DC 20036

EXAMINER
ROSASCO, STEPHEN D

ART UNIT	PAPER NUMBER
1756	

DATE MAILED: 06/09/2006

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

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05192006
MAY 25 2006

In re Application of YAO ET AL.
Appl. No.: 11/147,213
Filed: June 08, 2005
For: LOCAL FLARE CORRECTION

DECISION ON PETITION UNDER 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed January 17, 2006, to expunge information from the above identified application.

The petition is dismissed.

Petitioner requests that a document entitled Information Disclosure Statement, filed September 20, 2005, be expunged from the record.

"Materiality" is defined as any information which the examiner considers as being important to a determination of patentability of the claims.

The petition is deficient because the information has been made public. The Information Disclosure Statement consists of US and Foreign Patent Documents that are public documents.

Further, the petition does not contain a commitment on the part of petitioner to retain the information to be expunged for the life of any patent with regard to which such information has been submitted.

Still further, 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.

Questions regarding this decision should be directed to Jose' G. Dees at (571) 272-1569.

Arthur Grimley, Acting Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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ATTORNEYS FOR CLIENT NO. 016689
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

Applicant	: Hiroto Sugahara	: DECISION ON REQUEST FOR
Patent Number	: 7578579	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/147,233	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **881** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MONTREAL, OC H3A 2Y3

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OFFICE OF PETITIONS

In re Application of	:	
Denis BOIVIN, et al	:	
Application No. 11/147,237	:	DECISION ON PETITION
Filed: June 8, 2006	:	TO WITHDRAW
Attorney Docket No. 87163-5	:	FROM RECORD
	:	

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 5, 2008.

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

A review of the file record indicates that the power of attorney to Ogilvy Renault LLP, has been revoked by the assignee of the patent application on August 8, 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: CAMOPLAST INC.
2675, RUE OMER-BOISVERT
MAGOG QUEBEC J1X 0E6
CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BARNES & THORNBURG
Suite 900
750 17th Street, NW
Washington, DC 20006

COPY MAILED
JAN 12 2010

In re Application of	:	
David D. Green, et al.	:	
Application No. 11/147,274	:	DECISION ON PETITION
Filed: June 8, 2005	:	TO WITHDRAW
Attorney Docket No. 37496/42441	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 9, 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 Perry Palan 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 David D. Greene at the address indicated below.

The application became abandoned for failure to timely respond to the Office action mailed May 22, 2009.

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

Terri Johnson
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **David D. Greene**
1010 Wisconsin Avenue, NW
Suite 400
Washington, DC 20007

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
11/147,274	06/08/2005	David D. Greene	37496/42441

CONFIRMATION NO. 6923

POWER OF ATTORNEY NOTICE

BARNES & THORNBURG
Suite 900
750 17th Street, N.W.
Washington, DC 20006

OC000000039593186

Date Mailed: 01/11/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/09/2009.

- 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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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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MAY 0 2 2007

OFFICE OF PETITIONS

Applicant: Lebre et al.
Appl. No.: 11/147,352
Filing Date: June 8, 2005
Title: HEATING SLEEVE FOR SHRINKING ON OF SHRINK TUBE CONNECTIONS
Attorney Docket No.: AIRBUS 3.0-0222
Pub. No.: US 2005/0287093 A1
Pub. Date: December 29, 2005

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on February 28, 2006, for the above-identified application.

The instant request is that the application be republished because the patent application publication contains material errors, as "°" symbol has been misprinted as a "0" in several dependent claims.

The request is granted.

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

VECTOR PRODUCTS, INC.
ROBERT POWELL
P.O. BOX 34385
c/o VENABLE LLP
WASHINGTON, DC 20043-9998

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JUN 1 1 2007

OFFICE OF PETITIONS

In re Application of

Michael Krieger

Application No. 11/147,363

Filed: June 8, 2005

Attorney Docket No. 32405-218873

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed April 30, 2007.

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

This application was held abandoned on January 11, 2006, after it was believed that no response was received to non-final Office action mailed October 10, 2006. The non-final Office action allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on September 15, 2006, indicating that reply to the non-final Office action was not received.

The instant petition maintains that the response to the non-final Office action was filed on April 10, 2007, with a request for an extension of time within the third month. A review of the application file revealed and amendment filed April 10, 2007, with a request for an extension of time within the third month.

Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center 3700, GAU 3744, for further processing to include processing of the amendment filed April 10, 2007.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VIRGINIA 20191

In re Application of
David L. Whitmore, et al.
Application No. 11/147,396
Filed: June 8, 2005
For: **METHOD AND APPARATUS FOR ROUTING DATA OVER MULTIPLE WIRELESS NETWORKS**

DECISION ON REQUEST FOR SUSPENSION

This is a decision on applicant's request for suspension filed November 02, 2005.

MPEP § 1.103 Suspension of action by the Office, states in part:

(a) *Suspension for cause.* On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:

(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

A review of the request reveals that while Applicants provided the necessary fee and requested a suspension for 6 months, they failed to provide any explanation that would constitute "good and sufficient cause" for suspension of the instant application. Only general statements about commonly assigned cases in pending litigation were provided. No good and sufficient reasons were provided as to why the instant application needs to be suspended for six months.

Therefore, Applicants' request for a suspension under 37 C.F.R. §1.103 is **DISMISSED**. Should applicant desire reconsideration of this decision, he/she should supplement this petition with a showing of good and sufficient cause for the instant application to be suspended. No further petition fee is required.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision.

The application file will be forwarded to the examiner of record to await action in due course.

Applicant should note that since the instant application was filed June 8, 2005, the technology center does not anticipate any office action will be issued on this application for at least 18 months from the date of this communication (about or after February 2008).

Ahmad Matar

Ahmad Matar
Technology Center 2600

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

VIRTUAL LEGAL, P.C.
MICHAEL A. KERR
3476 EXECUTIVE POINTE WAY, UNIT 16
CARSON CITY NV 89706

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of

CHEN, Macushla et al.
Application No. 11/147,412
Filed: June 06, 2005
Attorney Docket No. **WUS 05.001**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 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 Michael A. Kerr, on behalf of all attorneys of record who are associated with customer No. 48008. 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 second named inventor James W. Howard at the address indicated below. There is no mailing address provided for the first named inventor.

There are no outstanding office actions at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **JAMES W. HOWARD**
4782 LANGO DRIVE
CARSON CITY, NEVADA 89706

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/147,412	06/06/2005	Macushla Chen	WUS 05.001

CONFIRMATION NO. 5240

OC000000024516088

48008
VIRTUAL LEGAL, P.C.
MICHAEL A. KERR
3476 EXECUTIVE POINTE WAY, UNIT 16
CARSON CITY, NV 89706

Date Mailed: 06/25/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/19/2007.

- 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.

Michelle R. Eaton

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

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

3-17-09

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

Patent No. : 7,474,883 B2
Ser. No. : 11/147,418
Inventor(s) : Mikael Rudberg
Issued : January 6, 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.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

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

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

A certificate of correction will issue to correct the remaining errors noted in your request.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or 125

Laura C. Brutman
Dickstein Shapiro LLP
1177 Avenue of the Americas
New York, New York 100036-2714

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

4-23-09

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

Patent No. : 7,474,883
Ser. No. : 11/147,418
Inventor(s) : Mikael Rudberg
Issued :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

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

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

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or 125

Laura C. Brutman
Dickstein Shapiro LLP
1177 Avenue of the Americas
New York, New York 10036-2714

ej

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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OCT 19 2005

OFFICE OF PETITIONS

In re Application of :
Pan, et al. :
Application No.: 11/147,420 : DECISION
Filed: June 6, 2005 :
Docket No.: 021713-002212US :
For: REFLECTIVE SPATIAL LIGHT :
MODULATOR :

This decision is in response to the petition under 37 CFR 1.47, filed September 19, 2005

The petition is hereby **GRANTED**.

A review of the official application file reveals that the instant application is a continuation in part of 10/378,936 and that said application was accorded Rule 47 status.

In accordance with 37 CFR 1.63(d)(3), where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by: (i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and (ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

A copy of the declaration and decision according Rule 47 status in application No. 10/756,936 have been placed in the official application file of application No. 11/147,420.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this continuation application.

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

11-12-09

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. : 7,554,547
Application No: 11/147,428
Inventor(s) :. Mari Omuri
Issued: June 30, 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 Rules 1.322.

Respecting the alleged error made on the title page and col. 1, line 4, title, it is the practice to excude words such as "Improvements in", "New", "A", "Novel", etc., from the patent.

In view of the foregoing your request is hereby denied.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Richard A. Golhofer
Staas & Halsey
1201 New York Ave., NW
7th Floor
Washington, DC 20005

ej

OIPE JC22
AUG 1 0 2005
PATENT & TRADEMARK OFFICE

5147-000001/US/CPA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Vandermeer, J., et al.
SERIAL NO.:	11/147,473
FILED:	June 8, 2005
ART UNIT:	1725
EXAMINER:	Not Yet Assigned Lin, Kwong
FOR:	Investment Casting Shells And Compositions Including Rice Hull Ash

Commissioner for Patents
Alexandria, VA 22314

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102
IN ACCORDANCE WITH MPEP 708.02

Introduction

Applicant petitions to have the above-identified application be advanced out of turn for examination and be treated as special throughout its entire prosecution. Grant of this petition will facilitate early examination and allowance to enable the assignee of this application to stop a major competitor from infringing at least one claim of the above-identified application.

A check in the amount of $130.00, which represents the required petition fee under 37 CFR 1.17(h), is attached.

08/12/2005 CNGUYEN2 00000049 11147473
01 FC:1464 130.00 OP

PETITION GRANTED

R Crispino

Richard Crispino
Special Program Examiner
TC 1700

SEP - 1 2005

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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SAWYER LAW GROUP, LLP
P.O. BOX 51418
PALO ALTO, CA 94303

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FEB 08 2008

OFFICE OF PETITIONS

In re Application of
Frode Milch Pedersen
Application No. 11/147,498
Filed: June 7, 2005
Attorney Docket No. 3541P

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed January 2, 2008.

The request is **APPROVED**.

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

The request was signed by Joseph A. Sawyer, Jr. et al. on behalf of all attorneys/agents associated with customer number 29141. All attorneys/agents associated with customer number 29141 have been withdrawn.

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

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

There are no outstanding Office actions in this case.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Frode Milch Pedersen
Ragnhilds gate 1A
Trondheim, Norway N-7030

cc: Schwegman, Lunderg & Woessner/Atmel
P.O. Box 2938
Minneapolis, MN 55502

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/147,498	06/07/2005	Frode Milch Pedersen	3541P

CONFIRMATION NO. 7172

POWER OF ATTORNEY NOTICE

29141
SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO, CA 94303

OC000000028185932

Date Mailed: 02/07/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/02/2008.

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

/kainabinet/

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

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HUNTLEY & ASSOCIATES
1105 NORTH MARKET STREET
P.O. BOX 948
WILMINGTON, DE 19899-0948

In re Application of	:	
OMORI, et al.	:	
Application No. 11/147,519	:	DECISION ON PETITION
Filed: June 8, 2005	:	TO WITHDRAW
Attorney Docket No. Hokushin-10	:	FROM RECORD
	:	

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 27, 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 for parent case requests transfer of prosecution to another attorney" does not meet any of the conditions set forth in 37 CFR 10.40.

A proper change of address was filed by attorney/agent of record Brian Gomez on June 28, 2006. Accordingly, 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 the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **GOMEZ INTERNATIONAL PATENT OFFICE, LLC**
1501 N. RODNEY STREET, SUITE 101
WILMINGTON DE 19806

UNITED STATES PATENT AND TRADEMARK OFFICE

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

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

Mail Date: 04/20/2010

Applicant	: Steven Acreman	: DECISION ON REQUEST FOR
Patent Number	: 7624677	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/147,536	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **672** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/147,556	06/08/2005	Nobuo Sasaki	2803.73108	6847

7590 02/14/2007

Patrick G. Burns, Esq.
GREER, BURNS & CRAIN, LTD.
Suite 2500
300 South Wacker Drive
Chicago, IL 60606

EXAMINER
GARCIA, JOANNIE A

ART UNIT	PAPER NUMBER
2823	

MAIL DATE	DELIVERY MODE
02/14/2007	PAPER

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

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

20070212

DATE MAILED:

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

Commissioner for Patents

A decision on the applicant's petition to delete an inventor accompanies this correspondence.

UNITED STATES 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. 021207

James K. Folker
Suite 2500
300 South Wacker Drive
Chicago, Illinois 60606

Appl No.: 11/147,556	:	
Inv: Sasaki et al.	:	**DECISION ON PETITION**
Filed: June 8, 2005	:	**UNDER** *37 CFR 1.48(b)*
For: Method for Crystallizing Semiconductor With Laser Beams	:	

This is a decision on the applicant's "Petition to Correct the Inventorship to a Patent Application" under 37 CFR 1.48 filed August 7, 2006. The applicant requests that the name of Tatsuya Uzuka be deleted from the list of joint inventors as originally filed thereby leaving Nobuo Sasaki and Koichi Ohki as the only inventors.

After a careful review of the file and applicant having supplied all of the information and requirements of 37 CFR 1.48(b), the petition is hereby **granted**.

The application is being forwarded to the technical support staff to amend the Palm records to reflect this correction of inventorship naming only the Nobuo Sasaki and Koichi Ohki as the inventors.

Matthew S. Smith
Supervisory Primary Examiner AU 2823
Technology Center 2800

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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PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE, SUITE 1200
1201 PEACHTREE STREET
ATLANTA GA 30361

COPY MAILED

MAY 1 4 2008

OFFICE OF PETITIONS

In re Application of	:	
TRUMBORE, Mark W. et al.	:	
Application No. 11/147,567	:	DECISION ON PETITION
Filed: June 08, 2005	:	TO WITHDRAW
Attorney Docket No. **CFK 1004**	:	FROM RECORD
	:	

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

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

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

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

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **DANA M. GORDON, PH. D.**
FOLEY HOAG LLP
155 SEAPORT BOULEVARD
BOSTON, MA 02210

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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KENNETH H. JACK
2121 MAPLE
WICHITA, KS 67213

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Norman J. Krug	:	
Application No. 11/147,571	:	DECISION ON PETITION
Filed: June 8, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 8, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being referred back to the Technology Center Art Unit 3723 to await a response on the outstanding Office action mailed May 8, 2007.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 21 2008

OFFICE OF PETITIONS

DEFILLO & ASSOCIATES, INC.
P.O. BOX 14104
CLEARWATER, FL 33766

In re Application of	:	
Josesph D. Goade	:	
Application No.: 11/147,572	:	ON PETITION
Filed: June 8, 2005	:	
Attorney Docket No.: 4081.001	:	

This is a decision on the petition, filed March 20, 2008, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 8, 2008, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

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

The application is being referred to Technology Center AU 3711 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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

Mail Date: 04/26/2010

Applicant	: Helen Fields	: DECISION ON REQUEST FOR
Patent Number	: 7665658	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/147,581	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: 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.

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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ROCKWELL AUTOMATION, INC./(FY)
ATTENTION: SUSAN M. DONAHUE
1201 SOUTH SECOND STREET
MILWAUKEE WI 53204

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AUG 1 8 2005

OFFICE OF PETITIONS

In re Application of
Joseph Francis Mann et al.
Application No. 11/147,603
Filed: June 6, 2005
Attorney Docket No: 05AB154/YOD
(ALBR:0179)

ON PETITION

This is a decision on the petition filed under 37 CFR 1.53, on August 8, 2005, in response to the Notice Of Omitted Items mailed June 29, 2005.

The Notice indicated that the application had been accorded a filing date of June 6, 2005 but that Figure 19 described in the specification appeared to have been omitted.

Petitioner asserts that the paper containing Figure 19 was among the papers filed on June 6, 2005, and with the petition, submits, *inter alia*, a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, inter alia, that the application included nineteen (19) sheets of drawings and bears a United States Patent and Trademark Office date-stamp of June 6, 2005. However, only eighteen (18) sheets of drawing figures is of record and while the postcard did not specifically itemize the number of Figures, it is obvious that Figure 19 was on sheet 19 of 19. Additionally, the postcard receipt lacks any notation of non-receipt of any item listed. In view thereof, the petition is **GRANTED.**

The "Notice" was improperly mailed and is withdrawn.

Given the basis for granting the petition, the petition fee in the amount of $400.00 will be credited back to deposit account no. 01-0857.

This matter is being referred to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on June 6, 2005 and the one drawing sheet containing Figure 19, submitted on petition August 8, 2005.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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AUG 2 0 2007

OFFICE OF PETITIONS

SCOTT BOALICK
USPTO
600 DULANY STREET
ALEXANDRIA, VA 22313

In re Application of	:	
Gus F. Plangetis	:	
Application No. 11/147,652	:	DECISION ON PETITION
Filed: June 3, 2005	:	TO WITHDRAW
Attorney Docket No. 96,227	:	FROM RECORD
	:	

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 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: **OFFICE OF COUNSEL, CODE 004**
NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION
9500 MACARTHUR BLVD.
WEST BETHESDA MD 20817

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.
11/147,662	06/08/2005	Daryll A. Emery	293.00040105	6527

26813 7590 04/18/2007
MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581415
MINNEAPOLIS, MN 55458

EXAMINER
DEVI, SARVAMANGALA J N

ART UNIT	PAPER NUMBER
1645	

MAIL DATE	DELIVERY MODE
04/18/2007	PAPER

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DECISION ON PETITION

In re Application of:
Emery *et al.*
Serial No. 11/147,662
Filed: 06/08/05
For: Active immunization using a siderophore receptor protein.

06 April 2007

This is a decision in response to Applicants' petition filed 10/19/05 under 37 C.F.R 1.48(a), to change the inventorship of the instant application, by deleting the names of Richard Huisinga and Beth A. Carlson as co-inventors. The papers filed with the petition comprise: (a) A new declaration by Darryl A. Emery and Darren E. Straub; (b) Separate statements by Richard Huisinga and Beth A. Carlson stating that they are not inventor of the instant application; (c) A consent of Assignee, Epitopix LLC, to this change of inventorship pursuant to 37 C.F.R 1.48; (d) A fee as per 37 C.F.R 1.17(i); and (e) An application data sheet.

In light of various communications and papers filed by the Applicants in compliance of 37 C.F.R 1.48(a), the petition is hereby granted.

PETITION GRANTED.

04/07

S. Devi, MS, Ph.D.
Primary Examiner
Art Unit 1645
Technology Center 1600

S. DEVI, PH.D.
PRIMARY EXAMINER

David L. Provence
Mueting, Raasch & Gebhardt, P.A.
P.O. Box 581415
Minneapolis, MN 55458-1415

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Fenwick & West LLP
Silicon Valley Street
801 California Street
Mountain View, CA 94041

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APR 2 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Jason Gary Krikorian et al.	:	
Application No. 11/147,663	:	DECISION ON PETITION
Filed: June 7, 2005	:	TO WITHDRAW
Attorney Docket No. 066.0016	:	FROM RECORD
	:	

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

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

A review of the file record indicates that the power of attorney to Fenwick & West 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.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Ingrassia Fisher & Lorenz, P.C. (ES)**
7150 E. Camelback Road
Suite 325
Scottsdale, AZ 85251

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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Paper No.

INGRASSIA FISHER & LORENZ, P.C. (ES)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

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MAY 13 2008

OFFICE OF PETITIONS

In re Application of	:	
Jason Krikorian, Blake Krikorian,	:	
Bhupendra Shah, Raghuveer Tarra,	:	
Parimal Bajpai, and Vijayachandran	:	
Velliyan Mariappan	:	DECISION ON PETITION
Application No. 11/147,663	:	PURSUANT TO
Filed: June 7, 2005	:	37 C.F.R. § 1.182
Attorney Docket No. 066.0016	:	
Title: PERSONAL MEDIA BROADCASTING	:	
SYSTEM WITH OUTPUT BUFFER	:	

This is in response to the petition filed on November 28, 2007, pursuant to 37 C.F.R. § 1.182, requesting the change of the names of three of the joint inventors. Specifically, Petitioner has requested the inclusion of a middle name for each of the first three named joint inventors.

Petitioner has submitted the petition fee, but it does not appear that Petitioner has included an affidavit that has been signed by each of the first three joint inventors.

Consequently, this petition must be **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

On renewed petition, Petitioner may wish to consider submitting three affidavits, where each joint inventor makes the request for the name change, and signs the affidavit using both names.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[4].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[5]. All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any 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

Paper No.

INGRASSIA FISHER & LORENZ, P.C. (ES)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

COPY MAILED
AUG 15 2008

In re Application of Jason Krikorian, Blake Krikorian, Bhupendra Shah, Raghuveer Tarra, Parimal Bajpai, and Vijayachandran Velliyan Mariappan Application No. 11/147,663 Filed: June 7, 2005 Attorney Docket No. 066.0016 Title: PERSONAL MEDIA BROADCASTING SYSTEM WITH OUTPUT BUFFER	DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.182

This is in response to the renewed petition filed on July 10, 2008, pursuant to 37 C.F.R. § 1.182, requesting the change of the names of three of the joint inventors. Specifically, Petitioner has requested the inclusion of a middle name for each of the first three named joint inventors.

This petition is **GRANTED-IN-PART**.

An original petition pursuant to 37 C.F.R. § 1.182 was filed on November 28, 2007, and was dismissed via the mailing of a decision on May 13, 2008, due to the fact that Petitioner has did not include an affidavit that had been signed by each of the first three joint inventors. The decision recommended the submission of three affidavits, where each joint inventor made the request for the name change, <u>and signed the affidavit using both names</u>.

With this renewed petition, Petitioner has included three affidavits where each of the inventors made the request for the name change. Mr. Blake Gary Krikorian properly signed the affidavit using both names, however, Messrs. Jason Krikorian and Shah did not[1].

Consequently, this petition is **GRANTED** to the extent that Mr. Blake Gary Krikorian's name has been updated in Office records.

A corrected filing receipt has been enclosed with this decision.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704. On second renewed petition, Petitioner may wish to consider submitting two affidavits, where Messrs. Jason Krikorian and Shah each makes the request for the name change, and each signs the affidavit using both names.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[2], hand-delivery[3], or facsimile[4]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[5].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

---

1 Mr. Krikorian's signature is illegible to the undersigned, however both signatures appear identical. Mr. Shah clearly signed the identical name on both signature lines.
2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[6]. All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Corrected Filing Receipt

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/147,663	06/07/2005	2169	940	066.0016 (SL-1003.3)	21	4

CONFIRMATION NO. 6529

CORRECTED FILING RECEIPT

70560
INGRASSIA FISHER & LORENZ, P.C. (ES)
7010 E. COCHISE ROAD
SCOTTSDALE, AZ 85253

OC000000031219300

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)

Jason Krikorian, San Mateo, CA;
Blake Gary Krikorian, San Mateo, CA;
Bhupendra Shah, Sunnyvale, CA;
Raghuveer Tarra, Sunnyvale, CA;
Parimal Bajpai, Jabalpur, INDIA;
Vijayachandran Velliyan Mariappan, Chennal, INDIA;

Power of Attorney: The patent practitioners associated with Customer Number 70560

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/577,833 06/07/2004

Foreign Applications

If Required, Foreign Filing License Granted: 07/07/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/147,663**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Personal media broadcasting system with output buffer

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 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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SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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FEB 2 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Jason Krikorian et al.	:	
Application No. 11/147,664	:	DECISION ON PETITION
Filed: June 7, 2005	:	
Attorney Docket No. 24069-10411	:	

This is a decision on the petition under 37 CFR 1.182, filed, November 28, 2007, to change the name of inventors "Jason Krikorian and Blake Krikorian" to – Jason Gary Krikorian and Blake Gary Krikorian --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventors' change of names. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to Carl Friedman at (571) 272-6842. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2165 for consideration on the merits in due course.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
11/147,664	06/07/2005	2165	965	24069-10411	36	3

CONFIRMATION NO. 6533

CORRECTED FILING RECEIPT

758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

OC000000028240295

Date Mailed: 02/11/2008

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

Applicant(s)

Jason Gary Krikorian, San Mateo, CA;
Blake Gary Krikorian, San Mateo, CA;

Power of Attorney: The patent practitioners associated with Customer Number 758

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/577,833 06/07/2004

Foreign Applications

If Required, Foreign Filing License Granted: 07/07/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/147,664**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Personal media broadcasting system

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.

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

LICENSE FOR FOREIGN FILING UNDER

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Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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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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OFFICE OF PETITIONS

In re Application of	:	
Jason KRIKORIAN, et al	:	
Application No. 11/147,664	:	DECISION ON PETITION
Filed: June 7, 2005	:	TO WITHDRAW
Attorney Docket No. 24069-10411	:	FROM RECORD
	:	

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

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Fenwick & West LLP, has been revoked by the applicant of the patent application on March 4, 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 inquiries concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: INGRASSIA FISHER & LORENZ, PC
ATTN: BRETT A. CARLSON
7150 E. CAMELBACK ROAD, SUITE 325
SCOTTSDALE, AZ 85251

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/147,664	06/07/2005	Jason Gary Krikorian	24069-10411

CONFIRMATION NO. 6533

POA ACCEPTANCE LETTER

70560
INGRASSIA FISHER & LORENZ, P.C. (ES)
7150 E. CAMELBACK ROAD
SUITE 325
SCOTTSDALE, AZ 85251

OC000000028699225

Date Mailed: 03/07/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/04/2008.

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

/dcgoodwyn/

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
11/147,664	06/07/2005	Jason Gary Krikorian	24069-10411

CONFIRMATION NO. 6533

POWER OF ATTORNEY NOTICE

758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

OC000000028699206

Date Mailed: 03/07/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/04/2008.

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

/dcgoodwyn/

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

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OFFICE OF PETITIONS

PATENT DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER P.C.
65 LIVINGSTON AVENUE
ROSELAND NJ 07068

In re Patent No. 7,110,230 :
Issued: September 19, 2006 :
Application No. 11/147,668 : DECISION ON PETITION
Filed: June 8, 2005 :
Attorney Docket No. 18703-3 :

This is a decision on the petition filed December 4, 2006, which is being treated as a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is GRANTED.

Petitioner requests issuance of a certificate of correction to include "SARNOFF EUROPE BVBA."

In accordance with 37 CFR 3.81(b), effective June 25, 2004,:

> *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 [emphasis added]. *See also* MPEP 1481.01.

The instant petition has been reviewed and found in compliance with current Office provisions concerning certificates of correction to assignee data.

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

Inquiries regarding the issuance of a certificate of correction must be directed to the Certificate of Correction Branch

Telephone inquiries concerning this decision on petition should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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

Mail Date: 04/23/2010

Applicant	: Andreas Lindemann	: DECISION ON REQUEST FOR
Patent Number	: 7663898	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/147,669	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **952** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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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JOHN F. SALAZAR
MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

Mail Date: 04/21/2010

Applicant	: Kyung-Ju Choi	: DECISION ON REQUEST FOR
Patent Number	: 7625418	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/147,681	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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VIDAS, ARRETT & STEINKRAUS, P.A.
6109 BLUE CIRCLE DRIVE
SUITE 2000
MINNETONKA MN 55343-9185

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MAR 22 2006

OFFICE OF PETITIONS

Applicant: Baginski et al.
Appl. No.: 11/147,684
Filing Date: June 8, 2005
Title: DRIVING SYSTEM FOR A MOBILE MACHINE, IN PARTICULAR AN INDUSTRIAL TRUCK
Attorney Docket No.: H01.2B-11933-US01
Pub. No.: US 2005/0274554 A1
Pub. Date: December 15, 2005

This is a decision on the paper titled a "Request for Correct Published Application," received on February 3, 2006, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error as the Office published the application with the wrong drawings. The published drawings were inadvertently submitted to the application file, but a letter was submitted requesting that the Office disregard the drawings and not to make it part of the file history of this application.

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

The instant request does not identify a material mistake in the publication made by the office under 37 CFR 1.221(b). The application was correctly published with the drawings submitted by Applicants' representative on August 22, 2005.

The Office regrets not treating applicant's representative's paper labeled "Facsimile Transmittal Letter," which requests that the Office disregard the response and drawings, which were inadvertently submitted to the above-identified application before publication of the application. It would greatly benefit the Office and expedite handling of petitions for petitions to be clearly labeled as a petition and for the text to be in a larger more legible font. See 37 CFR 1.52.

[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).

Petitions to expunge papers in an application file are under 37 CFR 1.59 and must include the appropriate fee.

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.

Applicant's request for a Corrected Publication on February 3, 2006, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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

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

By facsimile: 571-273-8300

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Daryl Leroy Dahlquist
15238 SE 272nd St
Kent WA 98042

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DEC 05 2008

In re Application of	:	
Daryl L. Dahlquist	:	
Application No. 11/147,693	:	ON PETITION
Filed: June 8, 2005	:	
	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 12, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed January 23, 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) was obtained. Accordingly, the application became abandoned on April 24, 2007. The Notice of Abandonment was mailed August 29, 2007.

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

The proposed reply filed herewith does not place the application in condition for allowance. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). The amendment filed herewith petition does not *prima facie* place the application in condition for allowance.

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

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

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

The centralized facsimile number is **(571) 273-8300.**

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

Chris Bottorff
Petitions Examiner
Office of Petitions

Enclosed: PTOL-303

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/147,693	Applicant(s) DAHLQUIST, DARYL L.	
	Examiner RICHALE L. QUINN	Art Unit 3765	

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

THE REPLY FILED 12 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: _____.

See Continuation Sheet

Applicant recites limiations which have not been previously considered and would require and updated search. Specifially applicant rictes a spandex elastic comprising 15 - 20% spandex fiber. Futher, applicant recites that a front portion is attached to a front end and that a pubic area is attached to a pubic covering.

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Alexandria, VA 22313-1450
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Daryl Leroy Dahlquist
15238 SE 272nd St
Kent WA 98042

MAILED

JUN 10 2009

OFFICE OF PETITIONS

In re Application of Daryl L. Dahlquist Application No. 11/147,693 Filed: June 8, 2005	: : : : :	ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed January 23, 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) was obtained. Accordingly, the application became abandoned on April 24, 2007. The Notice of Abandonment was mailed August 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 a continuing application under 37 CFR 1.53(b); (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing Application No. 12/322,648.

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

The application file is being referred to File Repository.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/147,711	06/08/2005	Rong-Hwa Lin	13062-013001	7183

69713 7590 12/27/2007
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER
WEDDINGTON, KEVIN E

ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
12/27/2007	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 27 2007

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of	:
Rong-Hwa Lin et al	:
Serial No.: 11/147,711	: PETITION DECISION
Filed: June 8, 2005	:
Attorney Docket No.: 50011-013001	:

This is in response to the petition under 37 CFR 1.181, filed December 7, 2007, requesting that the Amendment filed September 7, 2007, be entered.

BACKGROUND

A review of the recent file history shows that the examiner mailed a Final Office action to applicants on June 7, 2007, in which claims 1, 3, 5-6 and 22-27 were rejected for obvious double patenting over SN 11/147,849 and SN 11/500,579. Claims 1, 3 and 5-6 were rejected under 35 U.S.C. 102(b) as anticipated by Erlund et al. Claim 25 was rejected under 35 U.S.C. 102(b) as anticipated by Okada et al and Vessal et al.

Applicants submitted an amendment after Final Office action on September 7, 2007, in which minor amendments were proposed for claims 1, 3 and 24-26. The rejections of record were also addressed.

The examiner mailed an Advisory action to applicants on September 21, 2007, denying entry of the amendments in that "They raise new issues that would require further consideration or search" and repeated this reason without further explanation on the attachment.

Applicants filed this petition on November 6, 2007, requesting that the Amendment filed September 7, 2007, be entered. Applicants filed a Notice of Appeal on December 7, 2007.

DISCUSSION

Applicants claims are directed to a method of use of an effective amount of a prostaglandin reductase in the treatment of obesity, dyslipidemia, inflammatory disease or coronary heart disease (claims 1, 3, 5-6 and 22-24) or type II diabetes (claims 25-27). A review of the amendments made by applicants shows that in claims 1 and 3 the phrase "coronary heart disease" was deleted. That is the claims were narrowed as to the diseases or conditions being

treated. In claims 24 and 25, the spelling of "methylene" as part of a chemical name was corrected. Claim 25 was also amended to delete the terms "coumarin and flavanoid" and claim 26 was made independent from claim 25 since the term "flavanoid" was deleted from claim 25.

The examiner contends that these amendments would raise new issues causing additional consideration or search, but gives no reason or example as to why additional consideration or searching would be necessary. In a telephone interview with the examiner (not part of the record) and subsequently with SPE Ardin Marschal, it was concluded that amendments (1), (2) and (4) should be entered, but that (3) should be denied entry. Amendment (1) relates to deleting the term "coronary heart disease"; (2) relates to deleting "coumarin and flavanoid" from claim 25; and (4) relates to making claim 26 independent. Amendment (3) relates to the spelling correction of "methylene".

A review of the amendments shows that they all either narrow the claims and/or place them in better form for appeal. No additional consideration or searching would be necessitated by entry of these amendments. In view thereof the amendment will be entered.

DECISION

The petition is **GRANTED.** The amendment is entered.

Applicant remains under obligation to file a timely Appeal Brief in view of the Notice of Appeal filed December 7, 2007.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 703-308-3824 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Bruce M. Kisliuk
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 3 0 2008 JAN 3 0 2008
OFFICE OF PETITIONS OFFICE OF PETITIONS

GENENCOR INTERNATIONAL, INC.
ATTENTION: LEGAL DEPARTMENT
925 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of Nigel Dunn-Coleman, et al. Application No. 11/147,725 Filed: June 7, 2005 Attorney Docket No. GC697-D1	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed September 12, 2007.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before August 24, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed May 24, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 25, 2007. On September 12, 2007, the present petition was filed. A Notice of Abandonment was subsequently mailed on January 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,400 issue fee and the $300 publication fee; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

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

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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APR 17 2007

OFFICE OF PETITIONS

PATENT LAW OFFICE OF DAVID G. BECK
P. O. BOX 1146
MILL VALLEY CA 94942

In re Application of	:	
PHILLIPS, DANIEL A.	:	
Application No. 11/147,728	:	DECISION ON PETITION
Filed: June 08, 2005	:	TO WITHDRAW
Attorney Docket No. **IMP025C2**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 20, 2007.

The request is **APPROVED**.

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

The request was signed by David G. Beck. Applicant is reminded that there is no attorney of record at this time.

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

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

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **DANIEL A. PHILLIPS**
10754 RAINBOW RANCH PLACE
GRASS VALLEY, CA 95945

cc: **ROSS TESSIEN C/O IMPULSE DEVICES, INC.**
13366 GRASS VALEY AVE.
UNIT H
GRASS VALLEY, CA 95945

UNITED STATES PATENT and TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

JUN 15 2006

In re Application of	:	AP
Takayuki Tsukada et al.	:	DECISION
Serial No. 11/147,742	:	ON
Filed: March 6, 2006	:	PETITION
For: CARBON FIBEROUS STRUCTURE	:	UNDER 708.02,VIII

This is in response to the petition filed March 6, 2006, requesting that the above-identified application be granted Special Status. The petition has been considered under Section 708.02 (VIII) of the MPEP and 37 CFR 1.102(c) (fee paid).

The petition has been found to be deficient for the following reason: Section 708.02, VIII(C) requires that a pre-examination search be made; this search should cover all areas searchable by the examiner. However, our review shows that Classes 428, Subclass 408, 367, and Class 264, Class 423, Subclass 447.1 should have been searched.

Accordingly, the petition is **DENIED.**

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

08-25-06

IFW

OIPE IAP78
AUG 24 2006
PATENT & TRADEMARK OFFICE

Docket No.: 17185/003001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takayuki Tsukada et al.

22511
PATENT TRADEMARK OFFICE

Application No.: 11/147,742

Confirmation No.: 7095

Filed: June 8, 2005

Art Unit: 1774

For: CARBON FIBROUS STRUCTURE

Examiner: Newton O. Edwards

PETITION TO MAKE SPECIAL
UNDER 37 CFR 1.102(d)

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

Dear Sir:

Submitted herewith is a Petition to Make Special the above-identified patent application. Applicant wishes to petition for accelerated examination of the Patent Application No. 11/147,742, filed on June 8, 2005.

In support of this Petition, Applicant submits the following:

1. the surcharge set forth in 37 CFR 1.17(h) (Group III) in the amount of $130.00; a credit card payment form is attached, Form PTO-2038 (1 page); charge $130.00 to the credit card;

08/28/2006 TBESHAH1 00000026 11147742
01 FC:1464 130.00 OP

2. that all claims are directed to a single invention;

PETITION GRANTED

169156

William Krynski
Special Program Examiner
Technology Center 1700
MAY 2 2 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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PATENT LAW OFFICE OF DAVID G. BECK
P. O. BOX 1146
MILL VALLEY CA 94942

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APR 17 2007

OFFICE OF PETITIONS

In re Application of	:	
PHILLIPS, DANIEL A.	:	
Application No. 11/147,747	:	DECISION ON PETITION
Filed: June 08, 2005	:	TO WITHDRAW
Attorney Docket No. **IMP025C**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 20, 2007.

The request is **APPROVED**.

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

The request was signed by David G. Beck. Applicant is reminded that there is no attorney of record at this time.

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

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

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **DANIEL A. PHILLIPS**
10754 RAINBOW RANCH PLACE
GRASS VALLEY, CA 95945

cc: **ROSS TESSIEN C/O IMPULSE DEVICES, INC.**
13366 GRASS VALEY AVE.
UNIT H
GRASS VALLEY, CA 95945

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Maynard Cooper & Gale, PC
1901 Sixth Avenue North
2400 Regions/Harbert Plaza
Birmingham, AL 35203-2618

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AUG 27 2008

In re Application of	:	
Daniel A. Phillips et al.	:	
Application No. 11/147,747	:	DECISION ON PETITION
Filed: June 8, 2005	:	
Attorney Docket No. 12259-1	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 10, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 11, 2007. A Notice of Abandonment was mailed on May 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the reply received March 31, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106-2399

Mail Date: 04/21/2010

Applicant	: Zhenwen Fu	: DECISION ON REQUEST FOR
Patent Number	: 7638561	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/147,749	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **711** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Oltman, Flynn & Kubler
Suite #415
915 Middle River Drive
Fort Lauderdale, FL 33304

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Cheryl Mancini :
Application No. 11/147,785 :
Filed: June 8, 2005 :
Attorney Docket No. 13279 :

This is a decision on the petition under 37 CFR 1.137(b), filed on February 7, 2007, to revive the above-identified application.

The above application became abandoned for failure to timely file a proper reply to the final Office action mailed on May 9, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114, with the $395 filing fee and an amendment; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of $60 for a one (1) month extension of time filed on February 7, 2007. 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). Since the $60 extension of time fee was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

The application is being revived for consideration of the RCE filed on February 7, 2007.

This application file is being referred to Technology Center Art Unit 3765 for further processing.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

M. Robert Kestenbaum
11011 Bermuda Dunes NE
Albuquerque, NM 87111

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AUG 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Seregin et al.	:	
Application No. 11/147,786	:	
Filed: June 7, 2005	:	ON PETITION
Attorney Docket Number:	:	
(H)02OM0380-Cont USP	:	

This is a decision on the Petition Under 37 CFR 1.181 Requesting Acceptance of papers, filed June 16, 2006.

The petition is **granted.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed September 28, 2005. The Notice set a two (2) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned December 29, 2005. A Notice of Abandonment was mailed on June 22, 2006.

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant asserts that a timely reply was filed on December 28, 2005. In support of this assertion, Applicant files a copy of the Response, that includes a certificate of transmission under 37 CFR 1.8 dated December 28, 2005, executed by Practitioner.

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

No fee has been charged for the petition and none is due.

The application file is being referred to Technology Center Art Unit 1724 for processing of the Response 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JJGJr: 07-05

Paper No: __

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

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AUG 1 8 2005
OFFICE OF PETITIONS

In re Application of	:	
Esposito	:	
Application No. 11/147,806	:	DECISION ON PETITION
Filed: 6 June, 2005	:	
Attorney Docket No.: 5341-1	:	

This is a decision on the renewed petition under 37 C.F.R. §1.10(d)), filed on 28 July, 2005, and seeking for the above-identified application a filing date of 6 June, 2005.

The petition is **DISMISSED**.

BACKGROUND AND ANALYSIS

The record reflects that:

- the instant application was received on 9 June, 2005, and given by the Office a filing date of 6 June, 2005, after the US Postal Service (USPS) placed that date as the hand-written "date in," of its acceptance of the package bearing USPS Express Mail Label No. EV556790294US, and, not coincidentally, the petition contends that the instant application submitted with that USPS Express Mail Label Number was in fact deposited with the USPS on 6 June, 2005;

- the petition further recites that attachments/enclosures (including, *inter alia*, copies of:

–the USPS Express Mail Label No. EV556790294US–which also bears a date stamp on the right side of the label which stamp evidences "JUN 6 2005 – DENVER DOWNTOWN STATION 802020 USPS"; and

–the transmittal form and receipt card bearing the USPS Express Mail Label No. EV556790294US.

Moreover, a review of the file also indicates that USPS Express Mail Label No. EV556790294US appears on the Transmittal of the instant application.

Finally, a request by the Office of the USPS Track & Confirm data from the USPS website provides the following information as to receipt by USPS of the package bearing USPS Express Mail Label No. EV556790294US: "ACCEPTANCE June 06, 2005, 7:26 pm, DENVER, CO 80202." (A copy of this document, received from USPS via its website, is being submitted to the record.)

Accordingly, the petition hereby is **dismissed as moot** because Office records reflect that the result sought already has been provided.

The petition fee is not waived because the error was not that of the Office, and was charged as authorized.

The instant file is released to OIPE to issue an updated filing receipt reflecting that the filing date accorded to the instant application is a filing date of 6 June, 2005, and to mail to Petitioner a corrected filing receipt reflecting a filing date of 6 June, 2005.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAN 16 2008

OFFICE OF PETITIONS

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

In re Application of	:	
James F. ZUCHERMAN, et al	:	
Application No. 11/147,816	:	DECISION ON PETITION
Filed: June 8, 2005	:	TO WITHDRAW
Attorney Docket No. 5910-181	:	FROM RECORD
	:	

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

The request is **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 December 13, 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 the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JOHN R. OWEN
COATS & BENNETT, P.L.L.C.
1400 CRESCENT GREEN
SUITE 300
CARY, NC 27511

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

5/12/09

Patent No. :7399346
Inventor(s) :MARINUS FRANS VAN DER MASS
Issued : 7/15/2008
Title : QUICK-CHANGE FILTER SYSTEM AND A BASE AND A QUICK-CHANGE FILTER INTENDED FOR SUCH A SYSTEM
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals item [57], col. 3 & 5 is printed in accordance with the record. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

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

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

WEINGARTEN SCHURGIN GAGNEBIN & LEBOVIIVI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

HR/MD

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARK DOPIETRO
MERCHANT & GOULD, PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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MAR 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Mark Pike	:	
Application No. 11/147,856	:	DECISION ON PETITION
Filed: June 7, 2005	:	TO WITHDRAW
Attorney Docket No. 14031.1USD1	:	FROM RECORD
	:	

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 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 request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment; (2) deliver to the client or duly authorized representative of the client 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. The failure to do so may subject the practitioner to discipline.

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

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

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

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

Attachment: Blank copy of the PTO/SB/83

cc: INNOVATIONS, INC
C/O STEPHON M. STEELE, ESQ
3522 PACES PLACE
ATLANTA, GA 30327

Doc Code: PET.POA.WDRW
Document Description: Petition to withdraw attorney or agent (SB83)

PTO/SB/83 (11-08)
Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

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

Please withdraw me as attorney or agent for the above identified patent application, and

☐ all the practitioners of record;

☐ the practitioners (with registration numbers) of record listed on the attached paper(s); or

☐ the practitioners of record associated with Customer Number: _____

NOTE: The immediately preceding box should only be marked when the practitioners were appointed using the listed Customer Number.

The reason(s) for this request are those described in 37 CFR :

☐ 10.40(b)(1)	☐ 10.40(b)(2)	☐ 10.40(b)(3)	☐ 10.40(b)(4)
☐ 10.40(c)(1)(i)	☐ 10.40(c)(1)(ii)	☐ 10.40(c)(1)(iii)	☐ 10.40(c)(1)(iv)
☐ 10.40(c)(1)(v)	☐ 10.40(c)(1)(vi)	☐ 10.40(c)(2)	☐ 10.40(c)(3)
☐ 10.40(c)(4)	☐ 10.40(c)(5)	☐ 10.40(c)(6) Please explain below:	

Certifications

Check each box below that is factually correct. WARNING: If a box is left unchecked, the request will likely not be approved.

1. ☐ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment.

2. ☐ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled.

3. ☐ I/We have notified the client of any responses that may be due and the time frame within which the client must respond.

Please provide an explanation, if necessary:

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/83 (11-08)
Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Complete the following section only when the correspondence address will change. *Changes of address will only be accepted to an inventor or an assignee that has properly made itself of record pursuant to 37 CFR 3.71.*

Change the correspondence address and direct all future correspondence to:

A. ☐ The address of the inventor or assignee associated with Customer Number: _____

OR

B. ☐ Inventor or Assignee name	

Address			
City	State	Zip	Country
Telephone		Email	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature			
Name		Registration No.	
Address			
City	State	Zip	Country
Date		Telephone No.	

NOTE: ***Withdrawal is effective when approved rather than when received.***

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/20/09

TO SPE OF : ART UNIT 1797 Duane Smith

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/147872 Patent No.: 7399346

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

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

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

Comments: OK

DUANE SMITH
SUPERVISORY PATENT EXAMINER

SPE

1797
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/147,879	06/08/2005	Nobuo Sasaki	2803.73112	7295

7590 06/27/2008

Patrick G. Burns, Esq.
GREER, BURNS & CRAIN, LTD.
Suite 2500
300 South Wacker Drive
Chicago, IL 60606

EXAMINER
GARCIA, JOANNIE A

ART UNIT	PAPER NUMBER
2823	

MAIL DATE	DELIVERY MODE
06/27/2008	PAPER

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

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

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.
11147879	6/8/2005	SASAKI ET AL.	2803.73112

EXAMINER
MATTHEW SMITH

ART UNIT	PAPER
2823	20080623

DATE MAILED:

Patrick G. Burns, Esq.
GREER, BURNS & CRAIN, LTD.
Suite 2500
300 South Wacker Drive
Chicago, IL 60606

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

Commissioner for Patents

A decision on applicant's petition to delete Koichi Ohki from the original list of inventors accompanies this letter.

/Matthew S. Smith/
Supervisory Patent Examiner, Art Unit 2823

Matthew S. Smith
SPE
Art Unit: 2823

UNITED STATES 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. 062308

Joseph P. Fox
GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606

Appl No.: 11/147,879	:	
Inv: Sasaki	:	**DECISION ON PETITION**
Filed: June 8, 2005	:	**UNDER** *37 CFR 1.48(b)*
For: APPARATUS FOR CRYSTALLIZING SEMICONDUCTOR WITH LASER BEAMS	:	

This is a decision on the applicant's "Petition to Correct And/Or Add to Originally Named Inventors to a Application for Patent" filed under 37 CFR 1.48(b) filed April 15, 2008. The applicant requests that the name of Koichi Ohki be deleted from the list of inventors as originally filed, namely, Nobuo Sasaki, Tatsuya Uzuka and Koichi Ohki.

After a careful review of the file and applicant having supplied all of the information and satisfied the requirements of 37 CFR 1.48(b), the petition is hereby **granted**.

This document is being is being forwarded to theTechnical Support Staff for entry into the file, correction of Palm records and continue on its process of publication.

Matthew S. Smith
Supervisory Primary Examiner AU 2823
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Lester J. Vincent

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

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SEP 21 2007

OFFICE OF PETITIONS

In re Application of	:
Pathmasuntharan et al.	:
Application No. 11/147,896	: ON PETITION
Filed: June 7, 2005	:
Attorney Docket No. 4404P002D2	:

This is in response to the UPDATED CROSS-REFERENCE UNDER 37 C.F.R. §1.78 filed August 23, 2007, stating that applicants hereby cross-reference to non-provisional applications 09/466,144 filed December 17, 1999 and 11/148,376 filed June 7, 2005. This paper was forwarded to the undersigned for consideration as a petition under 37 CFR 1.78(a)(3).

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.

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 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications.

This petition does not include an amendment or a supplemental Application Data (ADS) pursuant to 37 CFR 1.78(a)(2)(i). The reference required by 37 CFR 1.78(a)(2) or (a)(5) must be included in an ADS or the specification must contain or be amended to contain such reference in the first sentence(s) following the title.

Petitioner only states that this application cross-references the prior-filed applications. (It is noted that a claim for priority under 35 U.S.C. 120 was timely made on filing of the application with respect to application No. 09/466,144.) Therefore, with respect to application No. 11/148,376, no proper claim under 37 CFR 1.78(a)(2) has been made. No petition is necessary to amend the application to include cross-references to related applications. At the same time, merely amending the application to include such a cross-reference is not sufficient to claim benefit under 35 U.S.C. § 120.

If applicant wishes for the Office to accept an unintentionally delayed claim for priority under 35 U.S.C. 120, a proper petition under 37 CFR § 1.78(a)(3), including the surcharge must be filed. Moreover, before a petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either a Supplemental Application Data Sheet (signed in compliance with 37 CFR 1.33(b) and in compliance with 37 CFR 1.76) or a substitute amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

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

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

By 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) 272-3219.

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

Lester J. Vincent
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles CA 90025

COPY MAILED
FEB 18 2010

In re Patent No. 7,293,717 :
Lonnie Johnson :
Issue Date: November 13, 2007 :
Application No. 11/147,896 :
Filed: June 7, 2005 :
Atty Docket No. 4404P002D2

This is in response to the RESPONSE TO DECISION ON PETITION filed February 19, 2009, requesting refund of any petition fee charged as a result of the Cross-Reference filed August 23, 2007 being treated as a petition.

The request is **DISMISSED AS MOOT**.

No fee was charged in association with the paper filed August 23, 2007. Rather, by decision mailed September 21, 2007, petitioner was advised that if applicant wishes the Office to accept an unintentionally delayed claim for priority under 35 U.S.C. 120, a proper petition under 37 CFR § 1.78(a)(3), including the surcharge must be filed.

Any questions 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

F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY NY 11797

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FEB 1 1 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Dong-Kyu Kim et al. :
Application No. 11/147,900 :
Filed: June 8, 2005 :
Attorney Docket No.: **8021-303 (SS-22258-US)** :

This is a decision on the petition filed January 26, 2009, under 37 CFR 1.181, to withdraw the holding of abandonment for the above-identified application.

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

The application was held abandoned on June 25, 2008, for failure to submit a timely response to the Final Office Action mailed March 24, 2008, which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed November 26, 2008.

Petitioner asserts that a response was filed May 22, 2008.

A search of the application file and the USPTO records reveals that in fact, a response was filed May 22, 2008 and that a Notice of Appeal and appropriate fees as well as a Pre Appeal Brief and Request for Review were both filed on September 24, 2008, though without a request for an extension of time.

Accordingly, the amendment was timely filed and the Notice of Abandonment mailed November 26, 2008 was mailed in error and is hereby withdrawn. In view thereof, the petition fee paid in the amount of $130 will be credited back to the credit card used.

The response filed May 22, 2008 will be referred to Technology Center 2618. If the response is found to not place the application in condition for allowance, the Notice of Appeal and Pre Appeal Brief and Request for Review filed September 24, 2008 will be treated upon the charging of petitioner's deposit account for a three month extension of time, as per the authorization found in the Notice of Appeal.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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M. Susan SPIERING
c/o Celanese Ltd.
IP Legal Dept., IZIP 701
P.O. Box 428
Bishop TX 78343

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JUL 27 2009

OFFICE OF PETITIONS

In re Application of	:	
VICARI, RICHARD	:	
Application No. 11/147,910	:	DECISION ON PETITION
Filed: 06/07/2005	:	
Attorney Docket No. 7218C-CIP	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 11, 2009, to revive the above-identified application.

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

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

The application became abandoned for failure to file a timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action of July 22, 2008, which set a three (3) month shortened statutory period for reply. No extensions of this time period were obtained. Accordingly, the application became abandoned on October 23, 2008. A Notice of Abandonment was mailed on January 28, 2009.

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

(1) The 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);

(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 Director may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The present petition does not satisfy requirement (1) above.

Petitioners have failed to submit a reply to the outstanding final Office action of July 22, 2008, with the present petition. In a nonprovisional application abandoned for failure to reply to a final action, the reply required for consideration of a petition to revive must be:

(1) A Notice of Appeal and appeal fee;

(2) An amendment under 37 CFR 1.116 that cancels all the rejected claims or otherwise *prima facie* places the application in condition for allowance;

(3) The filing of an RCE (accompanied by a submission that meets the reply requirements of 37 CFR 1.111 and the requisite fee) under 37 CFR 1.114 for utility or plant applications filed on or after June 8, 1995; or

(4) The filing of a continuing application under 37 CFR 1.53(b) (or a CPA under 37 CFR 1.53(d) if the application is a design application).

Any renewed petition must be accompanied by the required reply to the Office action as a prerequisite for revival of the application.

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

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

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

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

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FERRELLS, PLLC
P. O. BOX 312
CLIFTON VA 20124-1706

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OFFICE OF PETITIONS

In re Application of :
VICARI, RICHARD :
Application No. 11/147,910 : DECISION ON PETITION
Filed: June 7, 2005 :
Attorney Docket No. 7218C-CIP :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 2, 2009, to revive the above-identified application.[1]

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

The application became abandoned for failure to file a timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action of July 22, 2008, which set a three (3) month shortened statutory period for reply. No extensions of this time period were obtained. Accordingly, the application became abandoned on October 23, 2008. A Notice of Abandonment was mailed on January 28, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that applicant has supplied (1) the reply in the form of a RCE, the RCE fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

[1] Applicant submitted a request for an extension of time for response within the first month and fee. Accordingly, the petition is filed timely.

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6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: Brajendra Singh Thakur	: DECISION ON REQUEST FOR
Patent Number	: 7613747	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/147,932	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **355** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

MILLER LAW GROUP, PLLC
AND FORD GLOBAL TECHNOLOGIES, INC.
25 STEVENS AVENUE
WEST LAWN PA 19609

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OFFICE OF PETITIONS

In re Application of	:	
Caliskan et al.	:	DECISION ON PETITION
Application No. 11/147,960	:	
Filed: June 8, 2005	:	
Attorney Docket No. 81112040	:	

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT" filed September 29, 2007.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed February 21, 2007. This Office action set a three-month shortened statutory period for reply, with extensions of time obtainable under § 1.136(a). No reply considered received and no extension obtained, the above-identified application became abandoned on May 22, 2007. A Notice of Abandonment was mailed on September 24, 2007.

In response, applicant promptly filed the instant petition. Petitioner submits that an Amendment was, in fact, mailed to the U.S. Patent and Trademark Office on April 16, 2007, and received thereby on April 18, 2007, as evidenced by the attached return postcard that accompanied the mailing of the Amendment. The petition included a copy of the Amendment as filed on April 16, 2007.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received in the Office of Initial Patent Examination

(now known as the Office of Patent Application Processing) on April 18, 2007; 2) it specifically identifies the items being filed, including "a Response to Office Action" and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, the postcard supports a conclusion that a response was timely received on April 18, 2007.

The amendment as resubmitted does not include a Certificate of Mailing. Nonetheless, given the postcard evidence, it is concluded that a response was timely filed on April 18, 2007.

Accordingly, the Notice of Abandonment mailed September 24, 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 3612 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical staff to withdraw the holding of abandonment and for the examiner to consider the response to the Office action resubmitted on September 29, 2007.

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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Alexandria, VA 22313-1450
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FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN, MI 48126

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OFFICE OF PETITIONS

In re Patent No. **7,441,830** :
Issue Date: October 28, 2008 :
Application No. 11/147,960 :
Filed: June 8, 2005 :
Attorney Docket No. **81112040** :

DECISION ON PETITION
UNDER 37 CFR 3.81(b)

This is a decision on the petition filed February 22, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

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

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

The 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.

Brian W. Brown
Petitions Examiner
Office of Petitions

Cc: **LARRY W. MILLER**
MILLER LAW GROUP, PLLC
25 STEVENS AVEUNE
WEST LAWN, PA 19609

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

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

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OCT 0 1 2009

OFFICE OF PETITIONS

In re Application of :
Feng-Lung G. HSU, et *al.* :
Application No. 11/147,965 :
Filed: June 8, 2005 :
Attorney Docket No. **2818.1540000** :

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 September 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 28, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is March 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 a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) an adequate 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.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the

maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1110 extension of time fee submitted with the petition on August 28, 2009 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

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

This application is being referred to Technology Center AU 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.

Brian W. Brown
Petitions Examiner
Office of Petitions

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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

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OFFICE OF PETITIONS

In re Application of	:	
Jason KRIKORIAN, et al	:	
Application No. 11/147,985	:	DECISION ON PETITION
Filed: June 7, 2005	:	TO WITHDRAW
Attorney Docket No. 24069-10412	:	FROM RECORD
	:	

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

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Fenwick & West LLP, has been revoked by the applicant of the patent application on March 4, 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: INGRASSIA FISHER & LORENZ, PC
ATTN: BRETT A. CARLSON
7150 E. CAMELBACK ROAD, SUITE 325
SCOTTSDALE, AZ 85251

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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
11/147,985	06/07/2005	Jason Krikorian	24069-10412

CONFIRMATION NO. 7234

POA ACCEPTANCE LETTER

70560
INGRASSIA FISHER & LORENZ, P.C. (ES)
7150 E. CAMELBACK ROAD
SUITE 325
SCOTTSDALE, AZ 85251

OC000000028699008

Date Mailed: 03/07/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/14/2007.

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.

/dcgoodwyn/

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
11/147,985	06/07/2005	Jason Krikorian	24069-10412

CONFIRMATION NO. 7234

POWER OF ATTORNEY NOTICE

758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

OC000000028698990

Date Mailed: 03/07/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/14/2007.

- 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).

/dcgoodwyn/

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

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7010 E. COCHISE ROAD
SCOTTSDALE, AZ 85253

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OFFICE OF PETITIONS

In re Application of	:	
Jason Krikorian, et. al.	:	
Application No. 11/147,985	:	NOTICE
Filed: June 7, 2005	:	
Attorney Docket No. 066.0018 (SL-1003.2)	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on August 26, 2008 and supplemented on August 29, 2008.

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.

In view of the above, your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**, and status as a small entity has been removed. All future fees must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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EchoStar Technologies, L.L.C.
Legal Department
9601 SOUTH MERIDIAN BOULEVARD
ENGLEWOOD, CO 80112

Mail Date: 04/21/2010

Applicant	: Jason Krikorian	: DECISION ON REQUEST FOR
Patent Number	: 7647614	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/147,985	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1142** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SIERRA PATENT GROUP, LTD.
1657 Hwy 395, Suite 202
Minden NV 89423

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OFFICE OF PETITIONS

In re Application of	:	
Coley et al.	:	DECISION ON PETITION
Application No. 11/148,005	:	
Filed: 06-07-2005	:	
Attorney Docket No. NES-003COH	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 18, 2006, to revive the above-identified application. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

The above-identified application became abandoned for failure to file a timely response to the nonfinal Office Action, mailed January 12, 2006, which set a three-month shortened statutory period for reply. The above-identified application became abandoned on April 13, 2006. On August 28, 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 an adequate statement of unintentional delay. Accordingly, the petition is **granted.**

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 this paragraph was unintentional" be submitted. However, the statement presented will be accepted and 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 present petition.

This matter is being referred to Technology Center Art Unit 3621.

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 Technology Center.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 05/25/2010

Applicant	: Mark W. Chiles	: DECISION ON REQUEST FOR
Patent Number	: 7648446	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/148,008	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1260** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
EMERYVILLE CA 94662-8097

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JUN 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Chien, et al.	:	
Application No. 11/148,012	:	DECISION
Filed: 7 June, 2005	:	
Attorney Docket No. PP022665.0003	:	

This is a decision on the petition, filed on 1 April, 2009, under the provisions of 37 C.F.R. §1.137(b), seeking revival of the application as having been abandoned due to unintentional delay.

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

As to Allegations of
Unintentional Delay

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

Petitioners' attentions always are directed to the Commentary at MPEP §711.03(c) for guidance as to satisfying the requirements for relief under 37 C.F.R. §1.137.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance and Fees Due mailed on 11 December, 2008, with reply due under a non-extendable deadline on or before 11 March, 2009.

The application went abandoned after midnight 11 March, 2009.

On 12 March, 2009, Petitioner submitted certain fees over a 9 March, 2009, certificate of mailing, however, the fees tendered were insufficient and no authorization appears to have been present to charge a deposit account for the balance due.

The Office mailed the Notice of Abandonment on 24 March, 2009.

On 1 April, 2009, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b) and averred unintentional delay, with a reply in the form of fees due.

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]))

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

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

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

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

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330 TOWN CENTER DRIVE
DEARBORN, MI 48126

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OFFICE OF PETITIONS

In re Patent No. 7,275,785	:	
Issue Date: October 2, 2007	:	
Application No. 11/148,027	:	ON PETITION
Filed: June 8, 2005	:	
Attorney Docket No. 81115043	:	

This is a decision on the petition filed November 6, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: LARRY MILLER
MILLER LAW GRP PLLC
25 STEVENS AVE
WEST LAWN, PA 19609

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

Electronic Acknowledgement Receipt

EFS ID:	2434177
Application Number:	11148027
International Application Number:	
Confirmation Number:	7738
Adjustment date: 03/18/2008 CKHLOK 11/07/2007 INTEFSW 00004009 061510 11148027 01 FC:1464 130.00 CR 02 FC:1811 100.00 CR **Title of Invention:** 03/18/2008 CKHLOK 00000008 061510 7275785 01 FC:1808 130.00 DA 02 FC:1811 100.00 DA	REAR SUBFRAME ATTACHMENT MOUNT FOR HYDROFORMED FRAME
First Named Inventor/Applicant Name:	Ari Caliskan
Customer Number:	22844
Filer:	Larry W. Miller
Filer Authorized By:	
Attorney Docket Number:	81115043
Receipt Date:	06-NOV-2007
Filing Date:	08-JUN-2005
Time Stamp:	22:55:51
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	$230
RAM confirmation Number	4009
Deposit Account	061510
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

File Listing:

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Paper No.

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

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JUL 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Brunnen et al.	:	
Application Number: 11/148036	:	ON APPLICATION FOR
Filing Date: 06/08/2005	:	PATENT TERM ADJUSTMENT
Attorney Docket Number:	:	
3081.118US01	:	

This is in response to the PATENT TERM ADJUSTMENT LETTER OF CANDOR AND GOOD FAITH, filed on November 20, 2009, which is treated as a petition under 37 CFR 1.705(b). Applicants request that the determination of patent term adjustment be increased by 585 days from 637 days to 1222 days. Applicants request this correction, in part, on the basis that the Office will take in excess of three years to issue this patent.

The request is **GRANTED TO THE EXTENT INDICATED**.

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

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

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

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

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

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).

To the extent that the instant application for patent term adjustment requests reconsideration of the PTA at the time of the mailing of the Notice of Allowance, the request is **GRANTED**.

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

The Office has updated the PALM and PAIR screens to reflect that the revised Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 576 days. A copy of the updated PALM screen, showing the revised determination, is enclosed.

On August 27, 2009, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicant was advised that the patent term adjustment to date was 637 days (665 days of PTO delay and 28 days of applicant delay).[2]

The instant application for patent term adjustment was timely filed.[3]

Applicants aver that an additional period of reduction for Office delay should be entered for the filing of a supplemental reply on October 10, 2008.

Upon review, applicants are correct.

37 CFR 1.704(c)(8) states that circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping: Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period 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.

On October 1, 2008, a reply to a non-final Office action was filed. On October 10, 2008, 9 days after the day after the date

---

[2] The 52 day period of reduction for applicant delay pursuant to 37 CFR 1.704(c)(8) for the filing of a supplemental reply on August 17, 2009, 52 days after the filing of the reply filed on June 26, 2009, was not included at the time the Determination of Patent Term Adjustment was mailed. This 52 day period is being included in the subject petition, and petitioners' argument articulated in accordance therewith.

[3] PALM Records indicate that the issue fee was paid on November 20, 2009.

the amendment was filed, a supplemental reply consisting of an Information Disclosure Statement (IDS) was filed. The IDS did not include the statement set forth at 37 CFR 1.704(d). Accordingly, entry of a period of reduction of 9 days for applicant delay is warranted.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 576 days (665 days of Office delay less 89 (9 + 28 + 52) days of applicant delay).

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

The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

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

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

Anthony Knight
Director
Office of Petitions

Encl: Updated PALM Calculation

Day : Wednesday

PALM INTRANET

Date: 6/30/2010
Time: 16:20:27

PTA Calculations for Application: 11/148036			
Application Filing Date:	06/08/2005	PTO Delay (PTO):	665
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	80
Post-Issue Petitions:	0	Total PTA (days):	576
PTO Delay Adjustment:	-9		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
78	06/30/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		9	
63	09/03/2009	MAIL NOTICE OF ALLOWANCE			
62	09/03/2009	MAIL EXAMINER'S AMENDMENT			
61	08/26/2009	ISSUE REVISION COMPLETED			
60	07/31/2009	DOCUMENT VERIFICATION			
59	09/03/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
56	09/03/2009	EXAMINER'S AMENDMENT COMMUNICATION			
55	09/03/2009	NOTICE OF ALLOWABILITY			
54	09/03/2009	DATE FORWARDED TO EXAMINER			
53	08/17/2009	SUPPLEMENTAL RESPONSE		52	41
52	08/17/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
43	07/16/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
42	06/30/2009	DATE FORWARDED TO EXAMINER			
41	06/26/2009	AMENDMENT AFTER FINAL REJECTION			
40	04/27/2009	MAIL FINAL REJECTION (PTOL - 326)			
39	04/27/2009	FINAL REJECTION			
38	02/14/2009	DATE FORWARDED TO EXAMINER			
37	01/30/2009	RESPONSE TO ELECTION / RESTRICTION FILED			
36	12/31/2008	MAIL RESTRICTION REQUIREMENT			
35	12/30/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
34	10/10/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	11/06/2008	MISCELLANEOUS INCOMING LETTER			
32	10/28/2008	DATE FORWARDED TO EXAMINER			

31	10/01/2008	RESPONSE AFTER NON-FINAL ACTION		28	25
30	10/01/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
29	10/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	10/06/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
27	09/29/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
25	06/03/2008	MAIL NON-FINAL REJECTION	665		-1
24	06/02/2008	NON-FINAL REJECTION			
19	12/12/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
18	08/25/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
17	05/13/2008	CASE DOCKETED TO EXAMINER IN GAU			
16	01/06/2008	CASE DOCKETED TO EXAMINER IN GAU			
15	11/15/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14.7	12/12/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	12/12/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	08/25/2005	REFERENCE CAPTURE ON IDS			
12.7	08/25/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	08/25/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	06/08/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
10	07/15/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
9	07/08/2005	APPLICATION RETURN FROM OIPE			
8	07/08/2005	APPLICATION IS NOW COMPLETE			
7	07/08/2005	APPLICATION RETURN TO OIPE			
6	07/08/2005	APPLICATION DISPATCHED FROM OIPE			
5	07/08/2005	APPLICATION IS NOW COMPLETE			
4	06/22/2005	CLEARED BY OIPE CSR			
3	06/22/2005	CASE CLASSIFIED BY OIPE			
2	06/19/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/08/2005	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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FEB 08 2008

OFFICE OF PETITIONS

In re Application of
Frode Milch Pedersen
Application No. 11/148,049
Filed: June 7, 2005
Attorney Docket No. 3540P

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed January 2, 2008.

The request is **APPROVED**.

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

The request was signed by Joseph A. Sawyer, Jr. et al. on behalf of all attorneys/agents associated with customer number 29141. All attorneys/agents associated with customer number 29141 have been withdrawn.

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

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

There are no outstanding Office actions in this case.

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

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Frode Milch Pedersen
Ragnhilds gate 1A
Trondheim, Norway N-7030

cc: Schwegman, Lundberg & Woessner/Atmel
P.O. Box 2938
Minneapolis, MN 55502

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
11/148,049	06/07/2005	Frode Milch Pedersen	3540P

CONFIRMATION NO. 7650

POWER OF ATTORNEY NOTICE

29141
SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO, CA 94303

OC000000028186433

Date Mailed: 02/07/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/02/2008.

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

/kainabinet/

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

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ONE MAIN STREET, ELEVENTH FLOOR
CAMBRIDGE MA 02142

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DEC 11 2006

OFFICE OF PETITIONS

In re Application of :
Lull et al. :
Application No. 11/148,053 :
Filed: June 8, 2005 :
Title: Methods and Apparatus For Pressure :
Compensation in a Mass Flow Controller

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed September 25, 2006.

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

This application became abandoned for failure to timely submit the issue and publication fee(s) , as required by the Notice of Allowance and Fee (s) Due which was mailed April 28, 2006. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on July 29, 2006. A Notice of Abandonment was mailed on October 19, 2006.

Petitioner contends the Notice of Allowance and Fee (s) Due mailed on April 28, 2006 was not received. Petitioner states a search of the file jacket and docket records confirms the Notice of Allowance was not received. In support of petitioner's contention, a copy of the docket records has been provided.

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

This application is being forwarded to Art Unit 2855 for re-mailing of the Notice of Allowance and the Notice of Allowability to the correspondence address of record. The three month non-extendable time period for reply will be set to run from the mailing date of the new Office Communication.

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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NEW YORK NY 10022

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OFFICE OF PETITIONS

In re Application of	:	
Peter Salgo et al.	:	
Application No. 11/148,082	:	ON PETITION
Filed: 8 June 2005	:	
Attorney Docket No. 102734-457-NP	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 21, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before May 29, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed February 26, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 27, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of $700.00 and the Publication fee of $300.00, (2) the petition fee of $750.00; and (3) a statement of unintentional delay. Accordingly, the Issue Fee payments are accepted as having been unintentionally delayed.

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

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

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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AUG 0 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Yi Zhang, et al.	:	
Application No.: 11/148,107	:	ON PETITION
Filed: June 8, 2005	:	
Attorney Docket No.: 279.951US1	:	

This is a decision on the petition, filed August 4, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 30, 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 3766 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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : August 5, 2009

TO : Director, Office of Data Management

FROM : Office of Petitions

SUBJECT : Withdrawal from Issue of **Application No. 11/148,107**

Applicant(s) : Yi Zhang, et al.
Application No. : 11/148,107
Filed : June 8, 2005

The above-identified application has been assigned Patent No. 7,572,233 and an issue date of August 11, 2009.

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 11, 2009:

> **"All reference to Patent No. 7,572,233 to YI ZHANG, ET AL. of MINNESOTA for ISCHEMIA DETECTION USING A HEART SOUND SENSOR appearing in the Official Gazette of August 11, 2009 should be deleted since no patent was granted."**

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Paul Harrison
Deneise Boyd
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie)
Dave Bender
Brad Harris
Kim Terrell
Lamont Fletcher

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JJGJR.: 08-06

Paper No: __

HAHN AND MOODLEY, LLP
P.O. BOX 52050
MINNEAPOLIS MN 55402

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AUG 17 2006

OFFICE OF PETITIONS

In re Application of	:	
DuToit	:	
Application No. 11/148,121	:	ON PETITION
Filed: 8 June, 2005	:	
Attorney Docket No. 000004.P002	:	

This is a decision on a petition filed on 18 April, 2006, under 37 C.F.R. §1.137(b).

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

BACKGROUND

The record indicates:

- Petitioner failed to reply timely and properly to the Notice to File Missing Parts (oath/declaration, surcharge, corrected drawings) mailed on 8 July, 2005, with reply due absent extension of time on or before 8 September, 2005;
- the instant application went abandoned by operation of law after midnight 8 September, 2005;
- the Office mailed a Notice of Abandonment on 16 March, 2006;
- on 18 April, 2006, Petitioner filed the instant petition with fee, and, *inter alia*, reply in the form of fees due, drawings and oath/declaration, and made the statement of unintentional delay, and appears to have satisfied the requirements under 37 C.F.R. §1.137(b).

STATUTES, REGULATIONS AND ANALYSIS

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

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

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

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

Allegations as to
Unintentional Delay

The requirements for relief under the provisions of 37 C.F.R. §1.137(b) are: petition, fee, reply, showing of unintentional delay, and–where appropriate–a terminal disclaimer and fee

---

[1] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[2] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[3] See: *Changes to Patent Practice and Procedure*; *Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[4] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[5] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[6] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

It appears that Petitioner has satisfied the requirements of the regulation.

CONCLUSION

Because Petitioner appears to have satisfied the regulatory requirements, regulation, the petition under 37 C.F.R. §1.137(b) is **granted**.

The application is released to OIPE 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[7]) 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

---

[7] 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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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

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SEP 02 2008

In re Application of	:	
ZALIPSKY, Samuel	:	
Application No. 11/148,122	:	DECISION ON PETITION
Filed: June 08, 2005	:	TO WITHDRAW
Attorney Docket No. **55325-8179.US00**	:	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 01, 2008.

The request is **NOT APPROVED**.

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

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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

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OFFICE OF PETITIONS

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

In re Application of

KASUYA, Atsushi
Application No. 11/148,126
Filed: June 07, 2005
Attorney Docket No. **23642-09788**

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 08, 2008.

The request is **APPROVED**.

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

The request was signed by Kanda Ishihara on behalf of all attorneys of record who are associated with customer No. 00758. All attorneys/agents associated with the Customer Number 00758 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 inventor at the first copied address below until otherwise properly notified by the applicant.

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **ATSUSHI KASUYA**
1643 WRIGHT AVENUE
SUNNYVALE CA 94087

cc: **VENTURE PACIFIC LAW, P.C.**
5201 GREAT AMERICA PARKWAY, SUITE 270
SANTA CLARA CA 95054

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OFFICE OF PETITIONS

DALINA LAW GROUP, P.C.
7910 IVANHOE AVE
SUITE 325
LA JOLLA, CA 92037

In re Application of	:	
Jon Booher	:	
Application No. 11/148,131	:	DECISION ON PETITION
Filed: June 8, 2005	:	TO WITHDRAW
Attorney Docket No. 087503-0300	:	FROM RECORD
	:	

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 27, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Dalina Law Group, PC has been revoked by the assignee of the patent application on September 10, 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: INDICATOR SYSTEMS INTERNATIONAL, INC.
1805 CALLE MAYITA
SAN CLEMENTE, CA 92672

UNITED STATES PATENT AND TRADEMARK OFFICE

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BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN TX 78701-4039

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DEC 07 2005

OFFICE OF PETITIONS

In re Application of	:	
Rainer Kronberger	:	DECISION REFUSING STATUS
Application No. 11/148,133	:	UNDER 37 CFR 1.47(b)
Filed: June 8, 2005	:	
Attorney Docket No. 068758.0330	:	

This is in response to the petition under 37 CFR 1.47(b), filed September 29, 2005.

Applicants showed that they could not reach Rainer Kronberger, the non-signing inventor, after diligent efforts. Additionally, applicants identified the inventor's last known address and indicated that such action was necessary to preserve the rights of the party. Lastly, applicants paid the necessary petition fee.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) proof of irreparable damage. Applicants lack items (2) and (5) as set forth above.

Accordingly, the petition is dismissed.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

As to item (2), applicants failed to submit an oath or declaration for the patent application in compliance with 37 CFR 1.63 with the present petition. The declaration does not identify country of citizenship of the non-signing inventor. The Office notes that the oath or declaration must identify the country of citizenship of each inventor. See 37 CFR 1.63(c)(1). Accordingly, to correct the deficiency, applicants must submit an oath or declaration in compliance with 37 CFR 1.63 and 1.67, which identifies the non-signing inventor's name, last known mailing address and country of

citizenship, and is signed by an appropriate individual, pursuant to MPEP 409.03(b)(A), on behalf the non-signing inventor.

As to item (5), applicants failed to show that Infineon Technologies AG ("Infineon") has sufficient proprietary interest in the subject matter to justify the filing of the application. Pursuant to MPEP 409.03(f):

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove:
>
> (A) the invention has been assigned to the applicant, or
>
> (B) the inventor has agreed in writing to assign the invention to the applicant, or
>
> (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.
>
> If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324)....
> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted.... A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.
>
> If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter. A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

In the present petition, applicants stated that the above-identified application claims priority to German Application No. 10 2004 027 839.3, filed June 8, 2004. Applicants submitted a certified copy of the German application to demonstrate Infineon's proprietary interest in the subject matter of the

application under the laws of Germany. However, applicants did not provide the USPTO with an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to Infineon.

With any renewed petition, applicants must submit a legal memorandum that is prepared and signed by an attorney at law familiar with the law of the jurisdiction involved, accompanied by a copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest. The facts in support of any conclusion that a court would award title to Infineon should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of them.

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

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

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

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN TX 78701-4039

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FEB 2 3 2006

OFFICE OF PETITIONS

In re Application of	:	
Rainer Kronberger	:	DECISION NOTING JOINDER OF
Application No. 11/148,133	:	INVENTOR AND PETITION UNDER
Filed: June 8, 2005	:	37 CFR 1.47(b) MOOT
Attorney Docket No. 068758.0330	:	

This is in response to the renewed petition under 37 CFR 1.47(b), filed on February 7, 2006.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(b) is not necessary. Accordingly, the petition is dismissed as involving a moot issue. This application does not have any Rule 1.47(b) 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(b).

Applicant submitted a duplicate surcharge of $130.00 for the late filing of the declaration. This fee is unnecessary. Additionally, the USPTO mistakenly charged applicant's Deposit Account an additional $70.00 towards a second petition fee. The fees, totaling $200.00, will be refunded to the 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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SCHWEGMAN, LUNDBERG & WOESSNER/SAP
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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OFFICE OF PETITIONS

In re Application of	:	
Karsten A. Schulz, et al.	:	
Application No. 11/148,138	:	DECISION ON PETITION
Filed: June 7, 2005	:	
Attorney Docket No. 2058.198US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment, mailed June 23, 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, by rules of operation the application became abandoned on July 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2451 for appropriate action by the Examiner in the normal course of business on the reply received October 7, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 06/18/2010

Applicant	: Richard Donald McWilliam	: DECISION ON REQUEST FOR
Patent Number	: 7631726	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/148,143	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **203** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of	:
Lorraine J. Gudas	:
Serial No.: 11/148,149	: PETITION DECISION
Filed: June 8, 2005	:
Attorney Docket No.: 1676.029US1	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed July 5, 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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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant	: Lorraine J. Gudas	: DECISION ON REQUEST FOR
Patent Number	: 7604947	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/148,149	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **107** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/148,157	06/07/2005	Marc A. Unger	020174-011210US	7388

20350 7590 01/18/2008
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
CHOI, WILLIAM C

ART UNIT	PAPER NUMBER
2873	

MAIL DATE	DELIVERY MODE
01/18/2008	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
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In re Patent No. UNGER, MARC A.	:	
Issue Date: December 11, 2007	:	**DECISION GRANTING**
Appl No.: 11/148,157	:	**PETITION**
Filed: June 07, 2005	:	*37 CFR 1.324*
For: Optical lens system and method for microfluidic devices	:	

This is a decision on the petition under 37 CFR 1.48, filed November 30, 2006. In view of the fact that the patent has already issued, the request under 37 CFR 1.48 has been treated as a petition to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Ricky Mack
Supervisory Patent Examiner
Art Unit 2873
Patent Examining Group 2800

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

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CHRISTOPHER RAUCH
ILLINOIS TOOL WORKS INC.
3600 WEST LAKE AVENUE
GLENVIEW, IL 60026

Mail Date: 04/27/2010

Applicant	: John F. Horvath	: DECISION ON REQUEST FOR
Patent Number	: 7661917	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/148,159	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **72** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Dong-Ryeol Ryu	: DECISION ON REQUEST FOR
Patent Number	: 7586975	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/148,171	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1125** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET NW
WASHINGTON, DC 20005

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OFFICE OF PETITIONS

In re Application of

Katsushige NAKAMURA
Application No. 11/148,178
Filed: June 9, 2005
Attorney Docket No. **RID0024-US**

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 January 8, 2010.

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

Attachment: Statement Under 37 CFR 3.73(b)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Hyun-Seok Yu	: DECISION ON REQUEST FOR
Patent Number	: 7609772	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/148,179	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MICHELIN NORTH AMERICA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
MARC BLDG 31-2
515 MICHELIN ROAD
GREENVILLE, SC 29605

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OFFICE OF PETITIONS

In re Application of	:	
Martin C. Chapman, et. al.	:	
Application No. 11/148,203	:	DECISION ON PETITION
Filed: June 9, 2005	:	
Attorney Docket No. P50-0093	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 16, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 17, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed June 17, 2008. Accordingly, the date of abandonment of this application is September 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified patent. However, in accordance with 37CFR 1.34(a), the signature of Frank J. Campigotto 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 patent, 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 the Office of Data Management for processing into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

YOUNG & THOMPSON
745 SOUTH 23RD ST
2ND FLOOR
ARLINGTON VA 22202

In re Application of	:	
Tomotake Ooba	:	
Application No. 11/148,225	:	DECISION ON PETITION
Filed: June 9, 2005	:	
Attorney Docket No. 8073-1020	:	

This is a decision on the petition under 37 CFR 1.53, filed September 2, 2005, to accord the above-identified application a filing date of June 9, 2005.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on June 9, 2005. However, on July 28, 2005, the Initial Patent Examination Division mailed applicant a "Notice of Incomplete NonProvisional Application." Applicant was notified that the application papers had not been accorded a filing date because the application was deposited without a specification.

In response, applicant filed the instant petition. Accompanying the petition was a copy of the specification purportedly filed. Applicant maintains that the application as originally filed included this specification. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "23 Pages specification (English) w/ 15 claims" as enclosed, bearing a United States Patent and Trademark Office date-stamp of June 9, 2005, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, the $400 petition fee has been refunded to Deposit Account No. 25-0120.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of June 9, 2005, using the application papers received in the Office on that date and the 20 pages of specification as resupplied on petition filed September 2, 2005.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Oblon, Spivak, McClelland Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Eugene Roussel	:	
Application No. 11/148,283	:	DECISION ON PETITION
Filed: June 9, 2005	:	TO WITHDRAW
Attorney Docket No. 272264US0DIV	:	FROM RECORD
	:	

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 5, 2007.

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

A review of the file record indicates that the power of attorney to Oblon, Spivak, McClelland Maier & Neustadt, P.C. has been revoked by the assignee of the patent application on December 31, 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: **Dr. Eugene Roussel**
Biother Corporation
8027 Oakington Drive
Houston, TX 77071

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

OCT 17 2007

In re Application of	:	
Yushi Matsukubo	:	DECISION ON REQUEST TO
Application No. 11/148298	:	PARTICIPATE IN PATENT
Filed: June 9, 2005	:	PROSECUTION HIGHWAY
Attorney Docket No. **00862.516853.**	:	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 September 14, 2007, 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:

Item (6). Specifically,

- In the PPH petition, it is indicated that the document (2003 – 196058) cited in the JPO office action was provided in IDS dated 11/16/05. It is not.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision 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 be faxed to John Peng at 571-273-7272 (RightFax) or 571-273-0308.

Telephone inquiries concerning this decision should be directed to John Peng at 571-272-7272.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

John Peng
TC 2600
Quality Assurance Specialist

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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

MAIL

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of Yushi Matsukubo Application No. 11/148298 Filed: June 9, 2005 Attorney Docket No. **00862.516853.**	: : : : : : :	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 November 6, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to John Peng at 571-272-7272.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

John Peng
TC 2600
Quality Assurance Specialist

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/148,313	06/09/2005	Koichi Masukura	273629US2RD	9700

7590 03/09/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
PENDLETON, BRIAN T

ART UNIT	PAPER NUMBER
2425	

NOTIFICATION DATE	DELIVERY MODE
03/09/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 03/06/2009 BPOWELL
06/10/2005 AHDOFO1 00000061 11148313
02 FC:1111 -500.00 OP

Adjustment date: 03/06/2009 BPOWELL
06/10/2005 AHDOFO1 00000061 11148313
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

Refund Ref:
03/06/2009 0030067408

Credit Card Refund Total: $500.00

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JAMES C. LYDON
100 DAINGERFIELD ROAD
SUITE 100
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Tero Soukka	: DECISION ON REQUEST FOR
Patent Number	: 7569355	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/148,315	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **739** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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DICKSTEIN SHAPIRO LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
NEW YORK, NY 10036-2714

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AUG 18 2008

In re Application of :
Syuusei Takami :
Application No. 11/148,362 : ON PETITION
Filed: June 9, 2005 :
Attorney Docket No. T2171.0226

This is a decision on the petition, filed August 14, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 6, 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 2812 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

8/26/09

Patent No. :7562198
Inventor(s) :Noda et al.
Issued : 7/14/2009
Title : SEMICONDUCTOR DEVICE AND SEMICONDUCTOR SIGNAL PROCESSING APPARATUS
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals item [75] is printed in accordance with the record please show evidence of supporting data. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

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

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

McDermott Will & Emery LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

HR

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FAEGRE & BENSON LLP
PATENT DOCKETING
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90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

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OFFICE OF PETITIONS

In re Application of	:
Alain Tornier et al	:
Application No. 11/148,377	: DECISION GRANTING PETITION
Filed: June 9, 2005	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 15108	:

This is a decision on the petition, filed December 21, 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 22, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2738 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\Dec10\148377.wpd

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

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Attn: Examiner Thomas Sweet

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Alain Tornier et al.	**Examiner:**	SWEET, Thomas
Appln. No.:	11/148,377	**Group Art Unit:**	3738
Filing Date:	June 9, 2005	**Confirmation No.:**	9287
Title:	SET OF HUMERAL COMPONENTS FOR TOTAL SHOULDER PROSTHESIS	**Customer No.:**	25764
		Docket No.:	79740 - 345361

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I CERTIFY THAT THIS PAPER (ALONG WITH ANY REFERRED TO AS BEING ATTACHED OR ENCLOSED) IS BEING TRANSMITTED TO THE COMMISSIONER FOR PATENTS, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON JULY 23, 2007, VIA THE USPTO-EFS-WEB FILING SYSTEM

/Kristine Stefano/

REQUEST FOR COPIES OF EXAMINER CONSIDERED AND INITIALED 1449 FORMS

Applicants filed a Supplemental Information Disclosure Statement on December 21, 2006 for this application. The Examiner has not returned a considered and initialed copy of the PTO 1449 form filed with this Supplemental IDS.

The Notice of Allowance for this application was mailed on July 5, 2007.

Applicants request that a copy of the considered and initialed 1449 form from the Supplemental IDS filed on December 21, 2006, be returned to the address associated with customer number 25764 before the issue fee payment due date of October 5, 2007.

No fee is believed to be necessary. However, should any fee be required, the Commissioner is authorized to charge our Deposit Account No. 06-0029 and is requested to notify us of the same.

COPY

Respectfully submitted,

FAEGRE & BENSON LLP

By: Karl Schwappach

Karl G. Schwappach, Reg. No. 35,786
612/766-7773
Customer No.: 25764

Dated: July 23, 2007

fb us.2170320.01

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SEP 19 2005

REED SMITH LLP
3110 FAIRVIEW PARK DRIVE, SUITE 1400
FALLS CHURCH, VA 22042

In re application of Michihiro Sato Application No. 11/148,406 Filed: June 09, 2005 For: FIXED RATE FINANCING INSTRUMENT OFFERING A DIVIDED OR PARTIALLY GUARANTEED BY THIRD PARTY TO ISSUANCE, METHOD FOR ESTABLISHING A MARKET FOR THE SAME, METHOD FOR DIRECTLY PUBLIC-OFFFERING THE SAME ON-LINE	: : : :	**DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)**

This is in response to the petition filed on August 22, 2005 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

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

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

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

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

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

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

KJD/slb: 09/01/05

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TECHNOLOGY CENTER 3600

Reed Smith, LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, Virginia 22042

In re Application of:	:	**DECISION ON PETITION**
SATO	:	**REGARDING REQUEST TO**
Application No. 11/148,406	:	**WITHDRAW INFORMATION**
Filed: June 9, 2005	:	**REQUIREMENT UNDER**
For: Fixed Rate Financing Instrument Offering A	:	**37 CFR 1.105**
Dividend Or Partially Guaranteed By Third Party	:	
To Issuance, Method For Establishing A Market	:	
For The Same, Method For Directly Public-	:	
Offering The Same On-Line	:	

This is in response to the petition filed on December 13, 2006 under 37 CFR 1.181 requesting the withdrawal or modification of the request for information in the Office action dated November 27, 2006.

Applicant alleges that "the request for information are not warranted in this case where the burden in obtaining information exceeds the benefit from the information," as indicated by MPEP 704.14. Specifically, the Applicant alleges that, "it is a significant burden on the Applicant to compare the CIP application with its four Japanese priority documents and four US patent applications so as to collect and submit the required information."

A review of the record reveals that since the filing of the petition a Notice of Allowance was mailed on December 14, 2007.

Since the Examiner and Applicant agreed on allowable subject matter in the case, Applicant's arguments as to the withdraw the request for information are considered moot.

The petition is **DISMISSED as moot.**

Telephone inquiries should be directed to James A. Kramer, Supervisory Patent Examiner, at (571) 272-6783.

Wynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

01/17/08: WG/jk
72

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

In re Application of	:
Masakazu Sugiyama et al.	:
Serial No.: 11/148,410	: PETITION DECISION
Filed: June 9, 2005	:
Attorney Docket No.: 271571US0CONT	:

This is in response to the petition under 37 CFR 1.144, filed February 20, 2007, requesting review and withdrawal of the restriction requirement.

BACKGROUND

A review of the file history shows that this application was filed on June 9, 2005, under 35 U.S.C. 111(a). The examiner mailed to applicants on August 8, 2006, a restriction requirement, wherein twenty-eight distinct inventions (Groups I-XXVIII) were identified and rationale set forth establishing the examiner's position.

Applicants' replied on September 8, 2006, electing Group XVI (claim 13), with traverse. Applicants argued that Groups I-VIII, Groups XI-XV, Groups XVI-XXIII, Groups XXIV-XXV, and Groups XXVII-XXVIII, respectively, differ from each other by virtue of only a single specific amino acid or nucleotide mutation and that the Office has not established that a serious burden would be placed on the examiner if restriction is not required.

The examiner mailed a new Office action on November 20, 2006, acknowledging the election of Group XVI and the traversal. The examiner maintained the requirement and made it Final on the basis that the groups were distinct and searches for the inventions were not coextensive. Claims 1-12 and 14-25 were withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention. Claim 13 was rejected under 35 U.S.C. 101 because the claimed invention was directed to non-statutory subject matter. Claim 13 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 13 was rejected under 35 U.S.C. 112, first paragraph, for inadequate written description and lack of enablement. Claim 13 was rejected under 35 U.S.C. 102(b) as being anticipated by Sugiyama et al. Claim 13 was rejected under 35 U.S.C. 102(b) as being anticipated by Frankel et al.

On February 20, 2007, applicants responded with amendments and arguments along with this petition to review and withdraw the restriction requirement set forth on August 8, 2006. The

examiner has not yet responded to the amendment after Non-Final Office action pending this petition decision.

DISCUSSION

The petition and filed history have been carefully considered.

Applicants argue that (1) Group XVI embraces a genus that is generic to Groups XVII-XXIII, and therefore, it is impossible for Group XVI to be found allowable without having also searched Groups XVII-XXIII and found them allowable. Applicants also argue that (2) the Office has not shown that a search or examination of all the Groups XVI-XXIII would impose a serious burden. Applicants also contend that (3) the examiner has overlooked the relationship between Groups I-VIII, Groups IX-X, Groups XI-XV, Groups XVI-XXIII, Groups XXIV-XXV and Groups XXVII-XXVIII, respectively, in which each grouping the sequences differ from each other by virtue of only a single specific amino acid or nucleotide mutation.

1. APPLICANTS ARGUE THAT GROUP XVI EMBRACES A GENUS THAT IS GENERIC TO GROUPS XVII-XXIII

Applicants are incorrect in that Group XVI embraces a genus that is generic to Groups XVII-XXIII. Groups XVI-XXII were set forth by the examiner as follows:

Group XVI: Claim 13, drawn to isolated nucleic acids encoding D-aminotransferase comprising the amino acid sequence of SEQ ID NO: 2;

Group XVII: Claims 13-14 and 16-18, drawn to isolated nucleic acids, vectors and host cells and preparation of modified D-aminotransferase using DNA encoding D-aminotransferase comprising the amino acid sequence of SEQ ID NO: 2 wherein position 100 is replaced;

Group XVIII: Claims 13-14 and 16-18, drawn to isolated nucleic acids, vectors and host cells and preparation of modified D-aminotransferase using DNA encoding D-aminotransferase comprising the amino acid sequence of SEQ ID NO: 2 wherein position 180 is replaced;

Group XIX: Claims 13-14 and 16-18, drawn to isolated nucleic acids, vectors and host cells and preparation of modified D-aminotransferase using DNA encoding D-aminotransferase comprising the amino acid sequence of SEQ ID NO: 2 wherein position 181 is replaced;

Group XX: Claims 13-14 and 16-18, drawn to isolated nucleic acids, vectors and host cells and preparation of modified D-aminotranferase using DNA encoding D-aminotransferase comprising the amino acid sequence of SEQ ID NO: 2 wherein position 182 is replaced;

Group XXI: Claims 13-14 and 16-18, drawn to isolated nucleic acids, vectors and host cells and preparation of modified D-aminotransferase using DNA encoding D-aminotransferase comprising the amino acid sequence of SEQ ID NO: 2 wherein position 183 is replaced;

Group XXII: Claims 13-14 and 16-18, drawn to isolated nucleic acids, vectors and host cells and preparation of modified D-aminotransferase using DNA encoding D-aminotransferase comprising the amino acid sequence of SEQ ID NO: 2 wherein position 243 is replaced;

Group XXIII: Claims 13-14 and 16-18, drawn to isolated nucleic acids, vectors and host cells and preparation of modified D-aminotransferase using DNA encoding D-aminotransferase comprising the amino acid sequence of SEQ ID NO: 2 wherein position 244 is replaced;

Group XVI embraces nucleic acids encoded by SEQ ID NO: 2 without any mutations (i.e. no substitutions, insertions or deletions). Groups XVII-XXIII contain mutations in SEQ ID NO: 2 and are thus not embraced by Group XVI. However, these groupings do not fully reflect the scope of applicants' inventions as described in claim 13. Claim 13 reads:

> 13. (Currently Amended) An isolated DNA comprising a nucleotide sequence selected from the group consisting of:
>
> (A) the nucleotide of SEQ ID NO: 1, wherein said DNA encodes a protein having a D-aminotransferase activity;
>
> (B) a nucleotide sequence which hydridizes under a stringent condition with another DNA composed of a nucleotide sequence complementary to the nucleotide sequence described in SEQ ID NO: 1, wherein said stringent conditions comprise 65 °C, 0.1 x SSC and 0.1% SDS, wherein said DNA encodes a protein having a D-aminotranferase activity;
>
> (C) a nucleotide sequence encoding a protein having the amino acid sequence of SEQ ID NO: 2, wherein said protein has a D-aminotransferase activity; and
>
> (D) a nucleotide sequence encoding a protein having an amino acid sequence having substitution, deletion, insertion, and/or addition of one to ten amino acid residues in the amino acid sequence of SEQ ID NO: 2, wherein said protein has a D-aminotransferase activity.

The groupings as set forth by the examiner, for example, do not allow applicants to elect an isolated DNA comprising the amino acid sequence of SEQ ID NO: 2 containing two or more mutations or an isolated DNA comprising the amino acid sequence of SEQ ID NO: 2, wherein position 43 is replaced. Since the decisions in *In re Weber*, 580 F.2d 455, 198 USPQ 328 (CCPA 1978) and *In re Haas*, 580 F.2d 461, 198 USPQ 334 (CCPA 1978), it is improper for the Office to refuse to examine that which applicants regard as their invention, unless the subject matter in a claim lacks unity of invention. *In re Harnisch*, 631 F.2d 716, 206 USPQ 300 (CCPA 1980); and *Ex parte Hozumi*, 3 USPQ2d 1059 (Bd. Pat. App. & Int. 1984). Broadly, unity of invention exists where compounds included within a Markush group (1) share a common utility, and (2) share a substantial structural feature essential to that utility.

Page 5 of the specification states that "the present inventors have found out that a certain position in amino acid sequences of a D-aminotransferase derived from *Bacillus macerans* and of a D-aminotransferase derived from *Bacillus sphaericus* is involved in efficient production of (2R,4R) monatin, and that substitution of an amino acid residue at this specific position gives a D-aminotransferase capable of efficiently producing (2R,4R)-monatin." As set forth on pages 20-23 of the specification, a region of positions 181 to 183 and a region of positions 243 to 244 in the amino acid sequence described in SEQ ID NO: 2 are sites involved in steric recognition of position 4 in IHOG. Positions 100, 181 and 182 in the amino acid sequence described in SEQ ID NO: 2 are positions involved in the enhancement of the D-aminotransferase activity. Thus, the claimed embodiments have the common utility of being useful for the efficient production of (2R,4R)-monatin.

Applicants' assertion that the claimed embodiments differ from each other by virtue of only a single specific amino acid or nucleotide mutation is incorrect. As set forth by claim 13, the embodiments may have "substitution, deletion, insertion, and/or addition of one to ten amino acid residues". Nonetheless, the claimed embodiments do indeed share a substantial structural feature essential for the utility. Thus, there is no lack of unity.

MPEP 803.02 states:

> "A Markush-type claim may include independent and distinct inventions. This is true where two or more of the members are so unrelated and diverse that a prior art reference anticipating the claim with respect to one of the members would not render the claim obvious under 35 U.S.C. 103 with respect to the other member(s). 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...
>
> If prior art is then found that anticipates or renders obvious the Markush-type claim with respect to a nonelected species, the Markush-type claim shall be rejected and claims to the nonelected species held withdrawn from further consideration. The prior art search, however, will not be extended unnecessarily to cover all nonelected species."

2. APPLICANTS ARGUE THAT THE OFFICE HAS NOT SHOWN THAT A SEARCH AND EXAMINATION OF ALL THE GROUPS WOULD IMPOSE A SERIOUS BURDEN

Applicants assert that the Office routinely searches and examines a sequence in which the level of homology is at least 95%. Applicants' argument has been considered and in the particular instance has been found persuasive. Applicants elected Group XVI, claim 13, and the examiner has examined claim 13 on the merits. The species in Groups XVII-XXIII are all encompassed by the genus of claim 13. As such, in view of the prosecution history in this particular application, the Office cannot establish a showing of serious burden.

3. APPLICANTS ARGUE THAT THE EXAMINER HAS OVERLOOKED THE RELATIONSHIP BETWEEN GROUPS I-VIII, GROUPS IX-X, GROUPS XI-XV, GROUPS XVI-XXIII, GROUPS XXIV-XXV AND GROUPS XXVII-XXVIII

As set forth supra, applicants' assertion that the claimed embodiments differ from each other by virtue of only a single specific amino acid or nucleotide mutation is incorrect. However, unity of invention exists between Groups I-VIII, Groups IX-X, Groups XI-XV, Groups XVI-XXIII, Groups XXIV-XXV, and Groups XXVII-XXVIII; said groupings have been renumber as Groups I-VI, respectively.

Groups I, II, IV and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the inventions as claimed are drawn to materially different nucleic acids or proteins. Nucleic acids and proteins are fundamentally different classes of biologically important macromolecules. Nucleic acids are composed of nucleotide units linked by phosphorous bonds, while proteins are composed of amino acids linked by peptide bonds. The amino acid sequences of SEQ ID NO: 2 and SEQ ID NO: 4 differ by over 20 amino acid units randomly located throughout the sequence. Polynucleotide molecules defined by their nucleic acid sequence that encode different proteins are structurally distinct chemical compounds. These sequences are thus deemed to normally constitute independent and distinct inventions within the meaning of 35 U.S.C. 121.

Groups (I and III) and Groups (II and VI) are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the method of Group III can be practiced using a materially different protein, such as the protein of Group II; the method of Groups VI can be practiced using a materially different protein, such as the protein of Group I.

Groups III and VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the methods are not disclosed as being used together. The methods employ the use of distinct proteins which would operate differently and have a different effect.

Groups (I and VI) and (II and III) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of

operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the protein of Group I is not employed in the method of Group VI; the protein of Group II is not employed in the method of Group III.

DECISION

The petition is **GRANTED-IN-PART** for the reasons set forth above. Groups I-VIII, Groups IX-X, Groups XI-XV, Groups XVI-XXIII, Groups XXIV-XXV and Groups XXVII-XXVIII, respectively, have been rejoined. The claims are now grouped as follows:

I. Claims 1-6, drawn to D-aminotransferase comprising the amino acid sequence of SEQ ID NO: 2 or variant thereof.

II. Claims 7-8, drawn to modified D-aminotransferase comprising the amino acid sequence of SEQ ID NO: 4 or variant thereof.

III. Claims 9-12, drawn to a method of production of glutamic acid derivative using modified D-aminotransferase comprising the amino acid sequence of SEQ ID NO: 2 or variant thereof.

IV. Claim 13-14 and 16-18, drawn to an isolated DNA comprising a nucleotide sequence of SEQ ID NO: 1 or a nucleotide sequence encoding a protein having the amino acid sequence of SEQ ID NO: 2 or variant thereof.

V. Claims 15 and 23-25, drawn to isolated nucleic acids, vectors and host cells, and preparation of modified D-aminotransferase comprising the modified amino acid sequence of SEQ ID NO: 4.

VI. Claims 19-22, drawn to method of production of glutamic acid derivative using a modified D-aminotransferase comprising the modified amino acid sequence of SEQ ID NO: 4.

Because applicants have already elected and received examination on the merits for Group XVI, the examiner will continue examination of the elected invention and examine rejoined Groups XVI-XXIII (now renumbered as Group IV).

The application will be forwarded to the examiner for further action consistent with this decision and for consideration of applicants' response filed along with this petition on 20 February 2007.

Any request for reconsideration must be filed within two (2) months of the mailing date of this decision.

Should there be any questions about this decision, please contact Quality Assurance Specialist/Program Manager Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Bruce Kisliuk
Director, Technology Center 1600
jb/pl

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STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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In re Application of Januskewski et al. Application No. 11/148,447 Filed: June 9, 2005 Attorney Docket No. 2073.0660001	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition filed December 1, 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 June 9 , 2005, without an executed oath or declaration. Accordingly, on July 5, 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 September 5, 2005.

In reply, applicant filed a petition, the surcharge for late filing of the declaration and a declaration. To make the reply timely, a three (3) month extension of time was also 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 requirement (2).

As to item (2), the declaration submitted is not in compliance with 37 CFR 1.63 . Rule 47 applicant failed to provide the citizenship of non-signing inventor Foresta pursuant to 37 CFR 1.63 (a)(3). If an application data sheet (37 CFR 1.76) is used, data supplied in the application data sheet need not be provided elsewhere in the application except that the citizenship of each inventor must be provided in the oath or declaration under 37 CFR 1.63 even if this information is provided in the application data sheet (see 37 CFR 1.76(b)). On renewed petition, a newly executed declaration is required.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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WASHINGTON DC 20005

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In re Application of	:	
John Januszewski, Andre Mossiat, Robert Ruth	:	DECISION
and Brian Foresta	:	
Application No.11/148,447	:	
Filed: June 9, 2005	:	
Attorney Docket No. 2073.066001	:	
Title of Invention: Convertible Sandal	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed March 22, 2005.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Foresta 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
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

Brian Foresta
Reyer Anslostraat 4-1
1054 KV, Amsterdam
The Netherlands

In re Application of
John Januszewski, Andre Mossiat, Robert Ruth
and Brian Foresta
Application No.11/148,447
Filed: June 9, 2005
Attorney Docket No. 2073.066001
Title of Invention: Convertible Sandal

LETTER

COPY MAILED
MAY 11 2006
OFFICE OF PETITIONS

Dear Mr. Foresta:

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

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

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005
ATTN: PETER A. SOCARRAS

UNITED STATES 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

FULWIDER PATTON LEE & UTECHT, LLP
200 OCEANGATE, SUITE 1550
LONG BEACH CA 90802

COPY MAILED

SEP 0 1 2005

OFFICE OF PETITIONS

In re Application of :
Martin Saldana et al. :
Application No. 11/148,462 :
Filed: June 9, 2005 :
Attorney Docket Number: :
SALDM.71083 :
Title: CHAMPAGNE BUCKET :

DECISION ON PETITION

This is a decision on the petition filed August 15, 2005, requesting that 2 pages of drawings be accorded a filing date of June 9, 2005, as part of the original disclosure.

The application was deposited on June 9, 2005. However, on July 6, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application (notice)", stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the receipt of drawings. The notice set a two-month period for response.

In response, on August 15, 2005, applicants filed the present petition. The petition is further accompanied by copies of 2 pages of drawings containing Figures 1-8 and a copy of applicants' postcard receipt acknowledging receipt of "Drawings (2 sheets)" in the United States Patent and Trademark Office (Office) on June 9, 2005. Applicants request that these 2 pages of drawings be accorded a filing date of June 9, 2005 as part of the original disclosure.

Upon review of the record, the above-mentioned figures have not been located among the application papers. However, the evidence is convincing that the application papers deposited on June 9,

2005 these 2 pages of drawings, and these sheets were subsequently misplaced in the Office.

Therefore, the application, including these 2 pages of drawings, was complete on filing and these sheets are entitled to a filing date of June 9, 2005 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed July 6, 2005 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee will be refunded to Petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 9, 2005, using the original application papers filed on that date, as well as the 2 pages of drawings submitted on August 15, 2005 and for indication in Office records that these figures were present on filing. OIPE will then mail a corrected filing receipt.

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

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

GLAST, PHILLIPS & MURRAY, P.C.
13355 NOEL ROAD, SUITE 2200
DALLAS, TX 75240

COPY MAILED

JAN 14 2009

In re Application of	:	
Frank EARL	:	
Application No. 11/148,481	:	DECISION ON PETITION
Filed: June 9, 2005	:	TO WITHDRAW
Attorney Docket No. 03617.30	:	FROM RECORD
	:	

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 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 John A. Thomas on behalf of all the attorneys of record .

All the attorneys of record have been withdrawn.

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

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: FRANK EARL
1505 LBJ FREEWAY,
SUITE 300
DALLAS, TX 75234

Cc : COOLLOGIC, INC.
164 GAYLE LANE
HIGHLAND VILLAGE, TX 75077

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHAWN HUNTER
P.O Box 270110
HOUSTON, TX 77277-0110

COPY MAILED

AUG 27 2007

OFFICE OF PETITIONS

In re Application of	:	
HAUN, Richard D.	:	
Application No. 11/148,496	:	DECISION ON PETITION
Filed: June 09, 2005	:	TO WITHDRAW
Attorney Docket No. **OPE-1003-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 June 22, 2007.

The request is **APPROVED**.

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

The request was signed by Shawn Hunter on behalf of all attorneys of record who are associated with customer No. 27447. 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 issue and publication fee that is required from the applicant indicated in the Notice of Allowance and Fee(s) Due mailed July 3, 2007.

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

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **RICHARD D. HAUN**
21411 PARK POST OAK LANE
KATY, TEXAS 77450

cc: **MR. GABRIEL BARRIENTES**
OPE, INC.
10370 RICHMOND AVE., SUITE 1000
HOUSTON, TEXAS 77042

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
11/148,496	06/09/2005	Richard D. Haun	OPE-1003-US

CONFIRMATION NO. 8463

OC000000025533808

27447
SHAWN HUNTER
P.O Box 270110
HOUSTON, TX 77277-0110

Date Mailed: 08/23/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/22/2007.

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

Michelle R. Edson

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

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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RICHARD D. HAUN
21411 PARK POST OAK LANE
KATY, TX 77450

COPY MAILED
JUL 07 2008

In re Application of	:	
Richard D. Haun	:	
Application No. 11/148,496	:	DECISION ON PETITION
Filed: June 9, 2005	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 3, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed July 3, 2007. Accordingly, the date of abandonment of this application is October 4, 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 $770; 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.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain

that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

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 undersigned at (571) 272-1642.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: WILSON DANIEL SWAYZE, JR
3804 CLEARWATER COURT
PLANO, TX 75025

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
11/148,500	06/08/2005	3643	875	PFD 301	7	35	2

CONFIRMATION NO. 8467

CORRECTED FILING RECEIPT

OC000000016826949

23581
KOLISCH HARTWELL, P.C.
520 S.W. YAMHILL STREET
SUITE 200
PORTLAND, OR 97204

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)

Derek T. Hibbs, St. Helens, OR;
Geoffrey A. Parker, St. Helens, OR;

Assignment For Published Patent Application

Performance Design International, Inc.

Power of Attorney: The patent practitioners associated with Customer Number **23581**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/577,828 06/08/2004

Foreign Applications

If Required, Foreign Filing License Granted: 07/07/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/148,500

Projected Publication Date: 12/08/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Collapsible trap

Preliminary Class

043

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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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KULICKE AND SOFFA INDUSTRIES, INC.
1005 VIRGINIA DRIVE
FORT WASHINGTON PA 19034

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MAR 10 2009

OFFICE OF PETITIONS

In re Application of David T. Beatson et al Application No. 11/148,540 Filed: June 9, 2005 Attorney Docket No. KSI-349US	: : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 4, 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 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 December 3, 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 the Office of Data Management to be processed into a patent.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HELLER EHRMAN LLP
1717 RHODE ISLAND AVE, NW
WASHINGTON DC 20036-3001

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APR 1 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Young Man Cho	:	
Application No. 11/148,558	:	DECISION GRANTING PETITION
Filed: June 9, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 40296-0194	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 22, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1765 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAILED

JUN 17 2009

OFFICE OF PETITIONS

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

In re Application of	:	
Jin-Wuk KIM	:	
Application No. 11/148,565	:	DECISION ON PETITION
Filed: June 09, 2005	:	
Attorney Docket No. **8734.406.00 US**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 11, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two (2) months extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is December12, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office Action of July 11, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2783.

This application is being referred to Technology Center AU 1795 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NAVAL RESEARCH LABORATORY
ASSOCIATE COUNSEL (PATENTS)
CODE 1008.2
4555 OVERLOOK AVENUE, S.W.
WASHINGTON DC 20375-5320

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AUG 1 8 2008

In re Application of	:	
Everett E. CARPENTER et al.	:	
Application No. 11/148,570	:	DECISION ON PETITION
Filed: June 01, 2005	:	
Attorney Docket No. NC 84,572	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 25, 2008 and resubmitted May 29, 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 06, 2007, which set a shortened statutory period for reply of three (3) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 07, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1540.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of August 06, 2007 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,050.00 extension of time fee submitted with the petition on February 25, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

The application file is being referred to Technology Center AU 1793 for appropriate action on the concurrently filed amendment.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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22 FEB 2006

24197
KLARQUIST SPARKMAN, LLP
121 SW Salmon Street
Portland, OR 97204

In re Application of
BROWN, Susanne M. *et al*
Application No.: 11/148,575
Filing Date: June 8, 2005
Attorney Docket No.: 6947-67206-02
For: TREATMENT OF NON-NEURONAL CANCER USING HSV-1 VARIANTS

DECISION

Applicants' "Request for Corrected Official Filing Receipt" filed via facsimile on January 19, 2006 is treated as a petition under 37 CFR 1.181 and hereby **GRANTED** as follows:

The filing receipt mailed July 7, 2005 recorded the Domestic Priority data only as: This application is a CON of 09/117,218 01/11/1999. A review of USPTO records show that the Domestic Priority data should also have indicated that 09/117,218 is a national stage of PCT/GB97/00232 filed 01/27/1997.

Accordingly, the filing receipt mailed July 7, 2005 is **VACATED**.

A new filing receipt will be mailed with this decision.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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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IBM CORPORATION
PO BOX 12195
DEPT YXSA, BLDG 002
RESEARCH TRIANGLE PARK, NC 27709

Mail Date: 04/20/2010

Applicant	: Sumanta K. Bahali	: DECISION ON REQUEST FOR
Patent Number	: 7664968	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/148,580	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **442** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/148,583	06/09/2005	Shih-Yuan Wang	200500725-1	8981

22879 7590 03/17/2010
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS, CO 80528

EXAMINER
KIANNI, KAVEH C

ART UNIT	PAPER NUMBER
2883	

NOTIFICATION DATE	DELIVERY MODE
03/17/2010	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
laura.m.clark@hp.com

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United States Patent and Trademark Office
P.O. Box 1450
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
FORT COLLINS, COLORADO 80527-2400

In re Application of: Shih-Yuan Wang Serial No.: 11/148,583 Filed: June 9, 2005 For: OPTICALLY COUPLED INTEGRATED CIRCUIT LAYERS	DECISION *SUA SPONTE* WITHDRAWING HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A Notice of Appeal was filed on August 30, 2009 starting a period extendible to March 30, 2010. A Notice of Abandonment was mailed on February 22, 2010, prior to the expiration of the extendible period. As such, the Notice of Abandonment was premature.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated, the holding of abandonment withdrawn and the application restored to pending status in view of the fact that the extendible period set by the Notice of Appeal has not yet expired. The application is not abandoned in fact.

Any inquiry regarding this decision should be directed to Mark Robinson at 571-272-2319.

Richard Seidel, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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

COPY MAILED

DEC 2 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Nurith Kurn	:	
Application No. 11/148,593	:	DECISION ON PETITION
Filed: June 8, 2005	:	TO WITHDRAW
Attorney Docket No. 492692000701	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 11, 2007.

The request is **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 patent application on July 31, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Wilson Sonsini Goodrich & Rosati**
650 Page Mill Road
Palo Alto, CA 94304-1050

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J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE CA 92618

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SEP 22 2008

OFFICE OF PETITIONS

In re Application of
Chen
Application No. 11/148,606
Filed: June 8, 2005
Attorney Docket No. JCLA13245

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned April 18, 2008 for failure to timely submit a proper reply to the non-final Office action mailed January 17, 2008. The non-final Office action set a three month shortened statutory period of time for reply. A reply was submitted May 16, 2008, however, the reply did not include a for extension of time under 37 CFR 1.136 was filed. This decision precedes Notice of Abandonment.

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

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

This application is being referred to Group Art Unit 2811 for appropriate action by the Examiner in the normal course of business on the reply received August 28, 2008.

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
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

Mailed:

Paper Number _____

In re Patent No.: 7,411,014
Issue Date: August 12, 2008
Serial No.: 11/148,612
Filed: June 9, 2005
For: STABILIZATION OF POLYETHERIMIDE SULFONES

DECISION
GRANTING
PETITION
37 CFR 1.324

This is a decision on the petition filed on August 4, 2008 to correct inventorship under 37 CFR 1.324 The Request under 37 C.F.R 1.324 Applicants submitted herewith an explicit statement from co-inventors Robert R. Gallucci and Jon M. Malinoski indicating their agreement with the addition of Roy Ray Odle as an inventor.

It is noted that the applicants have met the requirements of (1) a petition including a statement identifying each named inventor who is being added and (2) a statement from co-inventors Robert R. Gallucci and Jon M. Malinoski indicating their agreement with the addition of Roy Ray Odle as an inventor.

The Petition is **GRANTED**.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Harold Y. Pyon
Supervisory Patent Examiner 8/20/2009
Art Unit 1796
Technology Center 1700

PATRICIA S. DeSIMONE
CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/148,612	06/09/2005	Robert R. Gallucci	161425-1	9220

23413 7590 09/17/2009
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
SZEKELY, PETER A

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
09/17/2009	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):

usptopatentmail@cantorcolburn.com

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DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Mailed:

Paper Number _____

In re Patent No.: 7,411,014
Issue Date: August 12, 2008
Serial No.: 11/148,612
Filed: June 9, 2005
For: STABILIZATION OF POLYETHERIMIDE SULFONES

DECISION
GRANTING
PETITION
37 CFR 1.324

This is a decision on the petition filed on August 4, 2008 to correct inventorship under 37 CFR 1.324 The Request under 37 C.F.R 1.324 Applicants submitted herewith an explicit statement from co-inventors Robert R. Gallucci and Jon M. Malinoski indicating their agreement with the addition of Roy Ray Odle as an inventor.

It is noted that the applicants have met the requirements of (1) a petition including a statement identifying each named inventor who is being added and (2) a statement from co-inventors Robert R. Gallucci and Jon M. Malinoski indicating their agreement with the addition of Roy Ray Odle as an inventor.

The Petition is **GRANTED**.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Harold Y. Pyon
Supervisory Patent Examiner 8/20/2009
Art Unit 1796
Technology Center 1700

PATRICIA S. DeSIMONE
CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

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RAYTHEON COMPANY
C/O DALY, CROWLEY, MOFFORD & DURKEE, LLP
354A TURNPIKE STREET
SUITE 301A
CANTON, MA 02021

Mail Date: 04/21/2010

Applicant	: Sherie M. Johnson	: DECISION ON REQUEST FOR
Patent Number	: 7620537	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/148,617	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **384** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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RAYTHEON COMPANY
C/O DALY, CROWLEY, MOFFORD & DURKEE, LLP
354A TURNPIKE STREET
SUITE 301A
CANTON, MA 02021

Mail Date: 05/17/2010

Applicant : Sherie M. Johnson
Patent Number : 7620537
Issue Date : 11/17/2009
Application No : 11/148,617
Filed : 06/09/2005

: 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 **433** 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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OFFICE OF PETITIONS

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

In re Application of	:
Onishi, et al.	: LETTER REGARDING PATENT
Application No. 11/148,634	: TERM ADJUSTMENT
Filed: June 9, 2005	:
Atty. Dkt. No: 12062-40	:

This is a decision on the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT" filed November 26, 2007. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application, mailed August 28, 2007, indicated that the PTA to date is 187 days. In the letter filed November 26, 2007, applicants indicate that the adjustment of 187 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 60 days.

As reflected in the Determination of Patent Term Adjustment mailed August 28, 2007, an adjustment of 187 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1).

As rightly pointed out by applicants, due to the Information Disclosure Statement (IDS) filed October 12, 2006, the adjustment of 187 days is incorrect. The adjustment of 187 days is properly reduced 127 days in accordance with 37 CFR 1.704(c)(8). The reduction began June 8, 2006, the day after the date that an initial reply was filed, and ended October 12, 2006, the date the supplemental reply (or, IDS) was filed.

Accordingly, at the time of allowance, the application is entitled to an adjustment of 60 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).

The application is being forwarded to Office of Patent Publications for issuance of a patent.

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

Kery A. Fries

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

Enclosure: Copy of Adjustment PAIR Calculation

PALM INTRANET

Day : Friday
Date: 1/4/2008
Time: 10:10:32

PTA Calculations for Application: 11/148634			
Application Filing Date:	06/09/2005	PTO Delay (PTO):	187
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	60
PTO Delay Adjustment:	-127		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
34	01/04/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		127	
27	08/28/2007	MAIL NOTICE OF ALLOWANCE			
26	08/27/2007	ISSUE REVISION COMPLETED			
25	08/27/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
24	08/27/2007	DOCUMENT VERIFICATION			
23	08/27/2007	NOTICE OF ALLOWABILITY			
22	07/18/2007	DATE FORWARDED TO EXAMINER			
21	07/09/2007	RESPONSE AFTER NON-FINAL ACTION			
20	10/12/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	10/12/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	04/12/2007	MAIL NON-FINAL REJECTION	187		14
17	04/11/2007	NON-FINAL REJECTION			
16	06/09/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
15	03/19/2007	DATE FORWARDED TO EXAMINER			
14	06/07/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
13	06/07/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
12	04/04/2006	MAIL RESTRICTION REQUIREMENT			
11	04/03/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
10	02/08/2006	CASE DOCKETED TO EXAMINER IN GAU			
9	07/14/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
8	07/14/2005	CASE DOCKETED TO EXAMINER IN GAU			
7	06/09/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY			

		PAPERS MAY BE INCLUDED)			
6.7	06/09/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	06/09/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	07/06/2005	APPLICATION DISPATCHED FROM OIPE			
4	07/07/2005	APPLICATION IS NOW COMPLETE			
3	06/18/2005	CLEARED BY OIPE CSR			
2	06/15/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/09/2005	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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Paul V. Keller, Esq.
4585 Liberty Rd.
South Euclid, OH 44121

MAILED

SEP 1 2 2005

Director's Office
Group 3700

In re Application of
McCarthy
Serial No. 11/148,637
Filed: June 09, 2005

DECISION ON PETITION TO MAKE SPECIAL

For: LNT REGENERATION STRATEGY OVER NORMAL TRUCK DRIVING CYCLE

Applicant's petition, filed June 09, 2005, seeks to have this application made special based upon the Environmental Quality Program.

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(V) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

Richard A. Bertsch
Technology Center 3700
571-272-3750

rt/ 9/8/05

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P.O. Box 1450
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OFFICE OF PETITIONS

AT & T LEGAL DEPARTMENT – BHGL
ATTN: PATENT DOCKETING ROOM 2A-207
ONE AT&T WAY
BEDMINSTER NJ 07921

In re Application of	:	
Yongdong ZHAO, et al	:	
Application No. 11/148,654	:	DECISION ON PETITION
Filed: June 9, 2005	:	TO WITHDRAW
Attorney Docket No. 8285/739	:	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 5, 2009.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Scott W. Brim does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SCOTT W. BRIM
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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THE GATES CORPORATION
IP LAW DEPT. 10-A3
1551 WEWATTA STREET
DENVER CO 80202

COPY MAILED

NOV 22 2006

OFFICE OF PETITIONS

In re Application of	:	
Richard Arthur Mirtz et al	:	
Application No. 11/148,664	:	ON PETITION
Filed: June 9, 2005	:	
Attorney Docket No. 004-023A	:	

This is a decision on the petition, filed November 21, 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 3725 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
www.uspto.gov

THE SONI LAW FIRM
55 S. Lake Ave.
Suite 720
Pasadena, CA 91101

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JUL 19 2006

TECHNOLOGY CENTER 2100

In re Application of: Bhavnani, et al.
Application No. 11/148,681
Filed: June 8, 2005
For: ELECTRONIC CALCULATING HAND HELD IMPLEMENT

DECISION ON PETITION TO MAKE SPECIAL UNDER M.P.E.P.§708.02(II): INFRINGEMENT

This is a decision on the petition, filed December 5, 2005 under 37 C.F.R. 1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

A grantable petition under 37 C.F.R. 1.102(d), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R. 1.17(h) and a statement under 37 C.F.R. 1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that: (A) there is an infringing device or product actually on the market or method in use; (B) 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) 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.

The petition filed December 5, 2005, includes all of the requirements set forth above and, therefore, the petition is **GRANTED**.

The application is being forwarded to the examiner to be advanced out of turn for examination in accordance with the procedures set forth in M.P.E.P. §708.02 and 37 C.F.R. 1.102.

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(571) 272-3595

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

Mail Date: 04/21/2010

Applicant	: Michael John Wolterman	: DECISION ON REQUEST FOR
Patent Number	: 7636632	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/148,684	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **955** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

FREESCALE SEMICONDUCTOR, INC.
LAW DEPARTMENT
7700 WEST PARMER LANE MD:TX32/PL02
AUSTIN TX 78729

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SEP 01 2005

OFFICE OF PETITIONS

In re Application of :
George R. Leal et al. :
Application No. 11/148,691 :
Filed: July 19, 2005 :
Attorney Docket No. SC12520TK-D01 :
Title: CIRCUIT DEVICE WITH AT LEAST PARTIAL PACKAGING AND METHOD FOR FORMING :

DECISION ON PETITION

This is a decision on the petition filed July 19, 2005.

On June 9, 2005, the above-identified application was deposited. On July 8, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items in a Non-provisional Application - Filing Date Granted (notice)", advising applicant that Pages 18, 19, and 20 of the specification appeared to have been omitted. The Notice set a two-month period for response.

On July 19, 2005, Petitioner submitted this petition, along with Pages 18, 19, and 20 of the specification, payment of the petition fee, and a supplemental declaration. Based on this petition, it is clear that Petitioner accepts the date of deposit of the formerly omitted drawings as the filing date.

The petition is **GRANTED**.

The Office of Initial Patent Examination will be advised to process this application with a **filing date of July 19, 2005**, the date of receipt of the formerly omitted items, Pages 18, 19, and 20 of the specification, using the original application papers deposited on June 9, 2005, as well as Pages 18, 19, and 20 of the

specification, submitted with the petition on July 19, 2005. **OIPE will then mail a corrected filing receipt**.

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

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

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FOLEY & LARDNER LLP
1530 PAGE MILL ROAD
PALO ALTO CA 94304

In re Application of	:	
Fuerst	:	
Application No. 11/148,701	:	DECISION ON PETITION
Filed: June 8, 2005	:	TO WITHDRAW
Attorney Docket No. 323331-5401	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 13, 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 Lorna L. Tanner on behalf of all attorneys of record who are associated with customer No. 38706.

All attorneys/agents associated with the Customer Number 38706 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 21, 2006 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: RORY W. FUERST
101 ISABELLA AVENUE
ATHERTON, CA 94027

cc: ROB WOOLSTON, ESQ.
PERKINS COIE, L.L.P.
1201 THIRD AVENUE
SUITE 4000
SEATTLE, WA 98101

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GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN TX 78716-0727

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In re Application of	:	
GIRARDEAU, James W. Jr. et al.	:	
Application No. 11/148,704	:	DECISION ON PETITION
Filed: June 09, 2005	:	TO WITHDRAW
Attorney Docket No. **VIXS080**	:	FROM RECORD
	:	

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 12, 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 Timothy Markison on behalf of all attorneys of record who are associated with customer No. 34399. All attorneys/agents associated with the Customer Number 34399 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed August 05, 2008 that requires a reply from the applicant.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **JAMES W. GIRARDEAU, JR.**
2000 MOUNTAINVIEW ROAD
AUSTIN TX 78703

cc: **VIXS SYSTEMS INC.**
1210 SHEPPARD AVE. E., STE 800
TORONTO ON M2K 1E3

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JAMES W GIRARDEAU JR
2000 MOUNTAINVIEW ROAD
AUSTIN TX 78703

In re Application of	:	
Girardeau, et al.	:	
Application No. 11/148,704	:	ON PETITION
Filed: June 9, 2005	:	
Attorney Docket No. 1459-VIXS080	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed July 23, 2009.

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 March 11, 2009. This Notice set a statutory period for reply of three months for issue fee transmittal. No issue fee having been received, the application became abandoned on June 12, 2009. The Office mailed a Notice of Abandonment on July 6, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of 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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JAMES RALABATE
5792 MAIN STREET
WILLIAMSVILLE, NY 14221

In re Application of	:	
Jenkins, et al.	:	
Application No. 11/148,711	:	DECISION ON PETITION
Filed: June 9, 2005	:	TO WITHDRAW
Attorney Docket No. XIP240	:	FROM RECORD
	:	

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 16, 2005

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, "firm no longer represents XYBernaut Corporation, the applicant/patentee", 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: XYBERNAUT CORPORATION
ATTN: CHRISTOPHER TUCKER, PATENT AGENT
12701 FAIR LAKES CIRCLE
FAIRFAX VA 22033

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PATRICK W RASCHE
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE SUITE 2600
ST LOUIS MO 63102-2740

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OFFICE OF PETITIONS

In re Application of	:	
Michael B. McLeod	:	
Application No. 11/148,729	:	ON PETITION
Filed: June 9, 2005	:	
Attorney Docket No. 80006/58	:	

This is a decision on the "PETITION TO WITHDRAW PAYMENT OF EXTENSION OF TIME FEE", filed February 8, 2006, which is being treated as a petition under 37 CFR 1.181.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The Office mailed a Notice to File Corrected Application Papers on July 5, 2005. This Notice set a two (2) month extendable period for reply. On February 6, 2006, applicant filed a reply, made timely by including a five month extension of time and by the fact that February 5, 2006 fell on a Sunday. See 37 CFR 1.7(a). On February 8, 2006, applicant filed the instant petition, requesting that the five month extension of time fee be refunded. Petitioner argues that he never received the 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.[1] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[2] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing **all** replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[3]

Here, the docket record submitted on petition is only a copy of the prosecution history for the instant application. As set forth above, to establish that the July 5, 2005 Notice to File Corrected Application Papers was not received, petitioner would need to submit his docket records showing all of his replies docketed for the due date of September 5, 2005.

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

The matter is being forwarded to Group Art Unit 3782 for examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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

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

[3] Id.

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PATRICK W. RASCHE
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE, SUITE 2600
ST. LOUIS, MO 63102-2740

Mail Date: 06/18/2010

Applicant	: Michael B. McLeod	: DECISION ON REQUEST FOR
Patent Number	: 7665654	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/148,729	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1174** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SEP 15 2005

Warren B. Kice
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, TX 75202-3789

In re Application of:	:	**DECISION ON PETITION**
Ennis Cornelius Sullivan, II	:	**TO MAKE SPECIAL**
Serial No. 11/148,730	:	**(ENERGY/ENVIRONMENT)**
Filed: June 9, 2005	:	

For: RAIL TRANSPORTATION SYSTEM AND METHOD OF CONSTRUCTING SAME

This is a decision on the petition filed July 27, 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 V: Environmental Quality, or in the alternative, Section VI: Energy.

A grantable petition to make an application special under 37 C. F. R. 1.102(c), MPEP 708.02, Section V for an invention which materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements-air, water and soil, must be accompanied by statements by the applicant or his attorney explaining how the invention contributes to the maintenance or restoration of one of these life sustaining elements.

A grantable petition to make an application special under 37 C.F.R. 1.102 (c), MPEP 708.02, Section VI for an invention which materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources must be accompanied by statements by

applicant or his attorney explaining how the invention materially contributes to category (A) or (B) set forth above.

Applicant's statements are insufficient to grant a petition under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section V: Environmental Quality. In this regard, no statements have been made that establish for the record how applicants' invention contributes to the maintenance or restoration of the basic life-sustaining elements-air, water and soil.

The petition states the invention "is directed to a transportation system, according to which an electrically-operated relatively large, rail car travels along a track and is located relative to the track so that the composite center of gravity of the car is offset from the track in a lateral and longitudinal direction. Since the preferred embodiment utilizes an electric motor, the energy saving realized by transporting a high volume of people, which otherwise could be using automobiles powered by internal combustion engines, is significant". However, applicant has not provided any facts in support of this statement. The petition should include an explanation describing the features and/or uses of the claimed invention that result in the conservation of energy. The petition itself should provide all the facts necessary to render a decision.

Applicant's Specification describes the invention as directed toward a further improvement of this transportation system involving two parallel guide ways adapted to accommodate one or more vehicles while absorbing torque generated by the offset center of gravity, the transportation system itself being the subject of a separate application. This does not provide any evidence that the invention of <u>this</u> application directly and primarily contributes to energy efficiency or environmental improvements. Any peripheral benefits arising from the increased efficiency are insufficient to qualify for special status.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above. Applicant should promptly submit a renewed petition to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

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

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

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

KJD/js: 9/9/05

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LUCAS & MERCANTI, L.L.P.
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK, NY 10016

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OFFICE OF PETITIONS

In re Application of	:	
Nakamura et al.	:	
Application No. 11/148,745	:	DECISION ON PETITION
Filed: June 9, 2005	:	
Attorney Docket No. KON-2007	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 22, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability mailed September 20, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 21, 2007. A Notice of Abandonment was mailed January 16, 2008.

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

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

This application is being referred to the Office of Data Management for processing into a patent and review of drawings submitted on January 22, 2008.

Liana Walsh
Petitions Examiner
Office of Petitions

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DECHERT LLP
P.O. BOX 10004
PALO ALTO, CA 94303

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
SINGH, R. et al.	:	
Application No. 11/148,746	:	DECISION ON PETITION
Filed: June 08, 2005	:	TO WITHDRAW
Attorney Docket No. **375462-011C3**	:	FROM RECORD
	:	

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 21, 2007.

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

A review of the file record indicates that the power of attorney to Dechert LLP has been revoked by the assignee of the patent application on April 10, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **RIGEL PHARMACEUTICALS INC.**
C/O FOLEY & LARDNER LLP
1530 PAGE MILL ROAD
PALO ALTO, CA 94304

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DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

Mail Date: 04/20/2010

Applicant	: Kevin Song	: DECISION ON REQUEST FOR
Patent Number	: 7586903	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/148,758	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1126** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
601 SW Second Avenue, Suite 1600
Portland OR 97204

MAILED

JUN 21 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
John Vivian Wood et al	:	
Application No. 11/148,781	:	
Filed: June 8, 2005	:	
Attorney Docket No. SWIN 2012D1	:	

This is a decision on the petition under the **unintentional** provisions of 37 CFR 1.137(b), filed February 18, 2010, to revive the above-identified application. It is noted the cover page for the petition is for a Petition For Revival of an Application for a Patent Abandoned **Unavoidably** Under 37 CFR 1.137**(a),** but the second page of the petition form and fee paid are clearly for a petition for unintentional abandonment under 37 CFR 1.137(b) as is the additional two page "STATEMENT ESTABLISHING UNINTENTIONAL DELAY".

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

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 12, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). An amendment was filed December 10, 2009 but failed to place the application in condition for allowance. A three month extention of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is December 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6842.

This application is being referred to Technology Center AU3731for 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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DIW Mar-06

WAGNER, MURABITO & HAO LLP
THIRD FLOOR
TWO NORTH MARKET STREET
SAN JOSE CA 95113

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APR 0 3 2006

OFFICE OF PETITIONS

In re Application of	:	
Chisholm, Petitt, and Schmidt	:	
Application No. 11/148,791	:	DECISION ACCORDING STATUS
Filed: 8 June, 2005	:	UNDER 37 CFR 1.47(a)
Atty Docket No. LEAP-P0220.01	:	

This is in response to the petition filed under 37 CFR 1.47(a)[1] on 31 January, 2006.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Alex Chisholm, has refused to sign and return the declaration after having been sent a copy of the application. Specifically, petitioners have shown that a copy of the application papers were sent to the non-signing inventor's last known address, but that the non-signing inventor failed to sign and return the declaration naming him as a joint inventor along with Eric Petitt and Chris Schmidt.

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*.

Although petitioners stated that a check for $130.00 for the petition fee was enclosed, no check for the petition fee is

[1] A petition under 37 CFR 1.47(b) is inappropriate in this instance since all but one of the inventors has signed the declaration. A petition under 37 CFR 1.47(b) is only appropriate where none of the inventors will sign. Accordingly, the petition will be treated as a petition under 37 CFR 1.47(a).

located among the papers received with the present petition. The petition fee of $200.00 will be charged to counsel's deposit account as authorized in the response to notice to file missing parts.

The application is being referred to the Technology Center for examination in due course.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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DIW Mar-06

Alex Chisholm
3615 20th Street, No. 5
San Francisco CA 94110

COPY MAILED
APR 0 3 2006
OFFICE OF PETITIONS

In re Application of
Chisholm et al.
Application No. 11/148,791
Filed: 8 June, 2005
For: INTERACTIVE SYSTEM INCLUDING INTERACTIVE APPARATUS AND GAME

Dear Mr. Chisholm:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood
Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

WAGNER, MURABITO & HAO LLP
THIRD FLOOR
TWO NORTH MARKET STREET
SAN JOSE CA 95113

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

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MAR 16 2010

In re Patent No. 7,584,511	: DECISION ON REQUEST
Fujinami et al.	: FOR
Issue Date: September 1, 2009	: RECONSIDERATION OF
Application No. 11/148,795	: PATENT TERM ADJUSTMENT
Filed: June 9, 2005	: and
Atty Docket No. 275907US6	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on November 2, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand one hundred nineteen (1119) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand one hundred nineteen (1119) days is **GRANTED**.

Pursuant to patentees' authorization, the $200.00 fee set forth in 37 CFR 1.18(e) is being charged to deposit account no. 15-0030. 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 one hundred nineteen (1119)** days days.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,584,511 B2

DATED : **September 1, 2009** **DRAFT**

INVENTOR(S) : Fujinami, 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 799 days

Delete the phrase "by 799 days" and insert -- by 1,119 days--

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J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE CA 92618

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APR 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Ta-Yung Yang :
Application No. 11/148,821 :
Filed: June 8, 2005 :
Attorney Docket No. JCLA15988 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571)272-3213.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

Irvin Dingle
Petitions Examiner

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CATERPILLAR/FINNEGAN, HENDERSON, L.L.P.
901 New York Avenue, NW
WASHINGTON, DC 20001-4413

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JAN 14 2009

OFFICE OF PETITIONS

In re Application of :
Usama Y. Awwad, et al. :
Application No. 11/148,829 : ON PETITION
Filed: June 9, 2005 :
Attorney Docket No. 04-451 :

This is a decision in response to the petition, filed October 20, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of July W. Chung appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 20, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. A Notice of Abandonment was subsequently mailed on August 4, 2008. On October 20, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay[1].

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being referred to Technology Center AU 3746 for consideration of the response filed October 20, 2008.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Baker & Botts L.L.P.
30 Rockefeller Plaza
44th Floor
New York, NY 10112-4498

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OFFICE OF PETITIONS

In re Application of	:	
Jae-Yong Lee	:	
Application No. 11/148,843	:	DECISION ON PETITION
Filed: June 9, 2005	:	TO WITHDRAW
Attorney Docket No. A33863-1 (067515.0176)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 5, 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. Scheinfeld on behalf of all attorneys of record who are associated with Customer No. 21003.

All attorneys/agents associated with the Customer Number 21003 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: **Jae-Yong Lee**
136-1, Ami-ri, Bubal-eub
Ichon-shi, Kyoungki-do
Korea

cc: **Hae-Chan Park**
H.C. Park & Associates
8500 Leesburg Pike, Suite 7500
Vienna, VA 22182

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/148,843	06/09/2005	Jae-Yong Lee	A33863-1 (067515.0176)

CONFIRMATION NO. 9198

OC000000021800364

OC000000021800364

21003
BAKER & BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK, NY 10112-4498

Date Mailed: 12/29/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/05/2006.

- 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 Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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OFFICE OF PETITIONS

H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA VA 22182

In re Application of	:	
Jae-Yong LEE	:	
Application No. 11/148,843	:	DECISION ON PETITION
Filed: June 09, 2005	:	
Attorney Docket No. P2007USD1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 06, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 25, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 26,2008.

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

Petition was not accompanied by the required reply. A Request for Continued Examination is not a proper reply to a Non-Final Office action.

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

By Mail: Mail Stop PETITION
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Alexandria, VA 22313-1450

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

The centralized facsimile number is **(571) 273-8300.**

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA VA 22182

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OFFICE OF PETITIONS

In re Application of	:	
Jae-Yong LEE	:	
Application No. 11/148,843	:	DECISION ON PETITION
Filed: June 09, 2005	:	
Attorney Docket No. P2007USD1	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 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, August 25, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 26, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of $1,620.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of August 25, 2008 is accepted as having been unintentionally delayed.

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

The application file is being referred to Technology Center AU 2611 for appropriate action on the concurrently filed amendment.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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

Mail Date: 04/20/2010

Applicant	: Angelo Bosco	: DECISION ON REQUEST FOR
Patent Number	: 7580589	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/148,850	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **858** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 25 2010

OFFICE OF PETITIONS

TROJAN LAW OFFICES
9250 WILSHIRE BLVD
SUITE 325
BEVERLY HILLS CA 90212

In re Application of	:	
Heath Nichols	:	
Application No. 11/148,856	:	DECISION ON PETITION
Filed: June 8, 2005	:	
Attorney Docket No. 05-05-2474	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed June 25, 2008. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on September 26, 2008. A Notice of Abandonment was mailed on December 31, 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 reply to the amendment and replacement drawings, (2) the petition fee of $810.00, and (3) a statement of unintentional delay.

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

This application is being referred to Technology Center AU 3771 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

HELLER EHRMAN LLP
275 MIDDLEFIELD ROAD
MENLO PARK CA 94025-3506

In re Application of

HANSON, Eric et al.
Application No. 11/148,859
Filed: September 06, 2005
Attorney Docket No. **41269-0003**

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 23, 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 Leslie Overman on behalf of all attorneys of record who are associated with customer No. 25213. All attorneys/agents associated with the Customer Number 25213 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed March 27, 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: **ERIC HANSON**
11784 CARMEL CREEK ROAD, APT. #B202
SAN DIEGO, CA 92130

cc: **FOX ROTHSCHILD LLP**
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE, BUILDING #3
LAWRENCEVILLE, NJ 08648

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ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ITW)
136 S WISCONSIN ST
PORT WASHINGTON, WI 53074

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AUG 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Mark R. Christopher et al.	:	
Application No. 11/148,878	:	DECISION ON PETITION
Filed: June 9, 2005	:	TO WITHDRAW
Attorney Docket No. 15158-(ITWO:0345)	:	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 18, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 33647 has been revoked by the assignee of the patent application on June 19, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: FLETCHER YODER (ILLINOIS TOOL WORKS INC.)
P.O. BOX 692289
HOUSTON TX 77269-2289

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LAW OFFICE OF LEO ZUCKER
2591 DUNING DRIVE
PO BOX 1177
YORKTOWN HEIGHTS, NY 10598

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OFFICE OF PETITIONS

In re Application of	:	
Thomas Brradford Hogan	:	
Application No. 11/148,881	:	DECISION ON PETITION
Filed: June 9, 2005	:	TO WITHDRAW
Attorney Docket No. 0815AP002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2008.

The request is **APPROVED**.

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

The request was signed by Leo Zucker on behalf of all attorneys of record who are associated with customer No. 31282.

All attorneys/agents associated with the Customer Number 31282 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 August 20, 2008 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: ESTATE OF T. BRADFORD HOGAN
C/O MAREK LESNIEWSKI-LAAS, ATTORNEY
22 PRATT COURT
COHASSET, MA 02025

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/148,881	06/09/2005	Thomas Bradford Hogan	0815AP002

CONFIRMATION NO. 9508

POWER OF ATTORNEY NOTICE

OC000000032441112

31282
LAW OFFICE OF LEO ZUCKER
2591 Duning Drive
PO BOX 1177
Yorktown Heights, NY 10598

Date Mailed: 10/06/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/14/2008.

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

/amwise/

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

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CHICAGO, IL 60610

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OFFICE OF PETITIONS

In re Application of	:	
Okada	:	
Application No. 11/148,892	:	LETTER REGARDING
Filed: June 9, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 12062-56	:	

This letter is in response to the "Request for Review of Patent Term Adjustment" filed April 24, 2009. Pursuant to applicant's duty of good faith and candor to the Office, applicant requests the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the patent term adjustment is **dismissed**.

On January 26, 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 the patent term adjustment to date is 42 days. The Office has reviewed the patent term adjustment pursuant to applicant's request. However, as will be discussed, the Office has not determined the patent term adjustment on the Determination of Patent Term Adjustment is erroneous.

The Office mailed a Notice of Panel Decision from Pre-Appeal Brief Review on February 1, 2008. Applicant states a reduction of 29 days may be appropriate as a result of applicant filing a reply more than three months later on May 30, 2008.

37 CFR 1.704(b) provides for a reduction when a party takes more than 3 months to respond to any notice or action by the Office making any rejection, objection, argument or other request. Specifically, 37 CFR 1.704(b) states,

> [A]n applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed.

The provisions of 37 CFR 1.704(b) do not normally result in a reduction of patent term adjustment as a result of delay in the filing of an appeal brief (or RCE) since the time period to file the brief is set forth in 37 CFR 41.37(a)(1) and not in a notice mailed to an applicant. However, in this case, a Notice was mailed to applicant. Specifically, on February 1, 2008, the Office mailed a Notice of Panel Decision from Pre-Appeal Brief Review stating the period of time to file a brief "will be reset to be one month from [the] mailing [date of] this decision, or the balance of the two-month period running from the receipt of the notice of appeal, whichever is greater."

The issue raised by applicant is:

> Will a RCE or appeal brief filed more than three months after the mailing of a Notice of Panel Decision from Pre-Appeal Brief Review result in a reduction in patent term adjustment for applicant delay?

The Office has determined a reduction in patent term adjustment is not appropriate as a result of an applicant delaying more than three months in the filing of a brief or RCE in response to a Notice of Panel Decision from Pre-Appeal Brief Review. Therefore, a reduction of 28 days will not be entered for the RCE filed May 30, 2008.

As this letter was submitted as an advisement to the Office of an error in applicant's favor, the Office will not assess the $200.00 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 Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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SUITE 200
PHILADELPHIA PA 19130

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OFFICE OF PETITIONS

In re Application of	:	
Piburn et al.	:	
Application No. 11/148,898	:	ON PETITION
Filed: June 9, 2005	:	
Attorney Docket No. 12022-1	:	

This is a decision on the petition under 37 CFR §1.102(d), filed December 20, 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 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 ~~2677~~ 2621 for expedited prosecution.

Amelia Au
Petitions Examiner
Office of Petitions

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THOMAS R. BERTHOLD
18938 CONGRESS JUNCTION COURT
SARATOGA CA 95070

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OFFICE OF PETITIONS

In re Application of :
Albrecht, et al. :
Application No. 11/148,918 :
Filed: June 9, 2005 :
Attorney Docket No. HSJ920050119US1 :
For: MAGNETIC RECORDING DISK WITH PATTERNED NONDATA ISLANDS OF ALTERNATING POLARITY

ON PETITION

This is a decision on petition, filed April 1, 2008, requesting revival of the above-identified application. The petition will be treated as a petition under 37 CFR 1.181.

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

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

The above-identified application became abandoned for failure to properly reply to the final Office action, mailed September 6, 2007. Petitioners filed an amendment after final on October 3, 2007. The amendment after final failed to place the above-identified application in *prima facie* condition for allowance, as stated in the November 5, 2007 Advisory Action. A RCE was filed on November 25, 2007. A Notice of Improper RCE was mailed on December 6, 2007. No timely and proper reply was received. The application became abandoned on December 7, 2007. A Notice of Abandonment was mailed on April 4, 2008.

Petitioners assert that the entire delay was unavoidable because the December 6, 2007 Notice of Improper RCE was not received at the correspondence address of record and that the Notice itself was improper because the RCE filed on November 25, 2007 was proper.

Regarding petitioners' argument that the delay was unavoidable because the Notice of Improper RCE was not received at the correspondence address of record: Petitioners are reminded that the Notice of Improper RCE did not set a new time period for response.

Regarding the validity of the Notice, petitioners' Amendment After Final failed to eliminate all of the examiner's rejections, as was stated in the Advisory action of November 5, 2007.

Petitioners' RCE, filed November 25, 2007 lacked a specified submission. Petitioners did not check a box on the November 25, 2007 RCE transmittal form. Petitioners argue that the Office should have considered the October 3, 2007 amendment after final as the submission. Therefore, petitioners argue the Notice of Improper RCE was mailed in error.

Petitioners utilized an Office form entitled, "REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL (Submitted Only via EFS-Web)". The first box in the section called, "SUBMISSION REQUIRED UNDER 37 CFR 1.114", is used when the required submission was previously submitted. It states, "...If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked."

Thus, the October 3, 2007 amendment should have been considered as the submission.

The petition under 37 CFR 1.181 is granted. The holding of abandonment is withdrawn and the April 4, 2008 Notice of Abandonment is vacated.

The petition under 37 CFR 1.137(a) is dismissed as moot. The $510.00 petition fee will be refunded to petitioners' deposit account.

After the mailing of this decision, the application will be returned to Technology Center AU 1794 for consideration of the RCE filed on November 25, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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GAINESVILLE FL 32614

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In re Application of	:	
Kim, et al.	:	
Application No. 11/148,927	:	LETTER REGARDING
Filed: June 9, 2005	:	PATENT TERM ADJUSTMENT
Docket No. PI.129	:	

This is in response to the "COMMUNICATION REGARDING CORRECTION OF PATENT TERM ADJUSTMENT" filed October 27, 2009. Pursuant to applicants' duty of good faith and candor to the Office, applicants request that the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is **579 days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 20, 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 is 580 days. On October 27, 2009, applicants submitted the instant comment. Applicants disclose that they believe that the patent term adjustment indicated in the Determination of Patent Term Adjustment is incorrect and should be recalculated. Applicants state that it appears that the PTA Calculations in PAIR incorrectly reflects the date of receipt of

and amendment under 37 CFR 1.111 as July 30, 2008, instead of July 31, 2008.

A review of the application history reveals that applicants are correct. The Office incorrectly entered the date of receipt of the amendment under 37 CFR 1.111 in the PTA Calculations as July 30, 2008, instead of July 31, 2008.[1] Thus, the date of July 31, 2008, not July 30, 2008, should have been used for the purpose of calculating patent term adjustment. In accordance with 37 CFR 1.704(b), the period of adjustment of the term of the patent should have been reduced by 31 days (not 30 days), counting the number of days in the period beginning on the day after the date that is three months after the mailing date of the non-final Office action, July 1, 2008, and ending on the date the reply was filed, July 31, 2008. Accordingly, the period of reduction of 30 days will be removed and a period of reduction of 31 days will be entered.

In view thereof, the correct patent term adjustment at the time of mailing of the notice of allowance is **579 days** (610 days of Office delay - 31 days of applicant delay).

As this letter was submitted to advise the Office of an error in applicants' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

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.

---

[1] It is noted that the Image File Wrapper for the instant application indicates the date of receipt of the amendment under 37 CFR 1.111 as July 31, 2008.

Telephone inquiries specific to this decision should be directed to Shirene Willis Brantley, Senior Petitions Attorney, at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Day : Friday
Date: 2/19/2010

PALM INTRANET

Time: 19:24:43

PTA Calculations for Application: 11/148927			
Application Filing Date:	06/09/2005	PTO Delay (PTO):	610
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	30
Post-Issue Petitions:	0	Total PTA (days):	579
PTO Delay Adjustment:	-1		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
57	02/19/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		31	
56	02/19/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	30		
46	10/20/2009	MAIL NOTICE OF ALLOWANCE			
45	10/13/2009	ISSUE REVISION COMPLETED			
44	10/13/2009	DOCUMENT VERIFICATION			
43	10/13/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
42	10/13/2009	CASE DOCKETED TO EXAMINER IN GAU			
41	10/13/2009	NOTICE OF ALLOWABILITY			
37	10/05/2009	DATE FORWARDED TO EXAMINER			
36	08/18/2009	RESPONSE AFTER NON-FINAL ACTION			
35	05/19/2009	MAIL NON-FINAL REJECTION			
34	05/18/2009	NON-FINAL REJECTION			
33	03/13/2009	DATE FORWARDED TO EXAMINER			
32	03/10/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
31	03/13/2009	DATE FORWARDED TO EXAMINER			
30	03/10/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
29	03/13/2009	DISPOSAL FOR A RCE / CPA / R129			
28	03/10/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
27	12/10/2008	MAIL FINAL REJECTION (PTOL - 326)	10		24
26	12/08/2008	FINAL REJECTION			
25	09/24/2008	DATE FORWARDED TO EXAMINER			
24	07/30/2008	RESPONSE AFTER NON-FINAL ACTION		30	19
23	07/30/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			

20	07/31/2008	NEW OR ADDITIONAL DRAWING FILED			
19	03/31/2008	MAIL NON-FINAL REJECTION	600		-1
18	03/28/2008	NON-FINAL REJECTION			
17	11/08/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
16	11/29/2007	CASE DOCKETED TO EXAMINER IN GAU			
15	11/27/2007	CASE DOCKETED TO EXAMINER IN GAU			
14	06/29/2007	CASE DOCKETED TO EXAMINER IN GAU			
13	01/13/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	06/27/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
11.7	11/08/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	11/08/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	08/31/2005	APPLICATION DISPATCHED FROM OIPE			
9	08/31/2005	APPLICATION IS NOW COMPLETE			
8	08/22/2005	ADDITIONAL APPLICATION FILING FEES			
7	08/22/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	07/07/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	06/18/2005	CLEARED BY OIPE CSR			
2	06/15/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/09/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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OFFICE OF PETITIONS

In re Application of
Conforti et al.
Application No. 11/148,939
Filed: 06-09-2005
Attorney Docket No. AP36032-A
(070457.2002)

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed April 26, 2007, to withdraw the holding of abandonment for the above-identified application.

On October 5, 2006, the Office mailed a nonfinal Office action, which set a three month shortened statutory period to reply. On April 10, 2007 (certificate of mailing dated April 5, 2007), applicants submitted a response, a request for an extension of time for filing a response within the third month, and the requisite fee. On April 18, 2007, the Office mailed a Notice of Abandonment, indicating the application was abandoned because no reply was received.

In the present petition, applicants asserted that they filed a timely reply pursuant to 37 CFR 1.8. In support of the assertion, applicants submitted a copy of the reply and a copy of the return postcard receipt, acknowledging receipt of an amendment and request for an extension of time within the third month.

A review of the record reveals that on April 10, 2007, the Office received applicant's request for a three-month extension of time to respond, the required fee, and the reply, which included a certificate of mailing dated April 5, 2007. Accordingly, the response is considered timely filed on April 5, 2007. See 37 CFR 1.8(a).

The petition is **granted**. The Notice of Abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that a response was timely submitted.

The matter is being referred to Technology Center Art Unit 3691 for a review of the reply filed on April 10, 2007 (certificate of mailing dated April 5, 2007).

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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FutureWei Technologies, Inc.
IPR & Standards Department
1700 Alma Drive, Suite 500
Plano, TX 75075

Mail Date: 04/20/2010

Applicant	: Larry R. Dennison	: DECISION ON REQUEST FOR
Patent Number	: 7626988	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/148,952	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1133** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

Mail Date: 05/06/2010

Applicant	: Daniel Illowsky	: DECISION ON REQUEST FOR
Patent Number	: 7613881	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/148,978	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1180** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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In re Application of :
Jeffrey P. Whitten et al :
Application No. 11/149,007 : ON PETITION
Filed: June 9, 2005 :
Attorney Docket No. 532232001800

This is a decision on the petition, filed January 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 December 22, 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 1625 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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United States Patent and Trademark Office
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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

Mail Date: 04/27/2010

Applicant	: Jeffrey P. Whitten	: DECISION ON REQUEST FOR
Patent Number	: 7652134	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/149,007	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **715** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

MAILED

FEB 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Zhu, et al.	:	
Application No. 11/149,027	:	ON APPLICATION FOR
Filed: June 9, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No. CN06136-01US02	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" filed June 8, 2009. Applicants submit that the patent term adjustment to be indicated on the patent is three hundred fifteen (315) days, not two hundred five (205) 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 —

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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.

(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 April 8, 2008.

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 Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO, CA 94080

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JUN 0 4 2008

OFFICE OF PETITIONS

In re Application of
Bernard S. Goffe
Application No. 11/149,031
Filed: June 8, 2005
Attorney Docket No. P2129R1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed February 20, 2008.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before January 31, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed October 31, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 1, 2008. On February 20, 2008, the present petition was filed. A Notice of Abandonment was subsequently mailed on March 6, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,440 issue fee and $300 publication fee; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay.

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

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

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In re Application of	:	
Richard TANENBAUM	:	
Application No. 11/149,048	:	DECISION ON PETITION
Filed: June 8, 2005	:	TO WITHDRAW
Attorney Docket No. 061061-5001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 13, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Francis E. Morris 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 address indicated above until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: RICHARD TANENBAUM
17 STATE STREET, 4TH FLOOR
NEW YORK, NY 10004

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

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OFFICE OF PETITIONS

In re Application of
ZHAO, Yan
Application No. 11/149,053
Filed: June 08, 2005
Attorney Docket No. **0600/96756**

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 11, 2006.

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

A review of the file record indicates that the power of attorney to Schwegman, Lundberg, Woessner & Kluth, P.A. has been revoked by the assignee of the patent application on May 02, 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 Michelle R. Eason at 571-272-4231.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **WELSH & KATZ, LTD**
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606

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

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OFFICE OF PETITIONS

In re Application of	:	
MIN, et al.	:	
Application No. 11/149,058	:	DECISION GRANTING PETITION
Filed: June 6, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **A05P1045**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 7, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on March 6, 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 3766 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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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

Mail Date: 04/20/2010

Applicant	: Daniel Illowsky	: DECISION ON REQUEST FOR
Patent Number	: 7600252	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,075	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1095** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

Mail Date: 04/20/2010

Applicant	: Daniel Illowsky	: DECISION ON REQUEST FOR
Patent Number	: 7596227	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,078	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1094** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/149,083	06/08/2005	2131	565	P28283	8	10	2

CONFIRMATION NO. 9166

UPDATED FILING RECEIPT

OC000000017275370

07055
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

Date Mailed: 10/18/2005

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

Applicant(s)

Rajesh Patel, Los Altos, CA;

Power of Attorney: The patent practitioners associated with Customer Number **07055**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/578,281 06/08/2004

Foreign Applications

If Required, Foreign Filing License Granted: 07/06/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/149,083

Projected Publication Date: 01/26/2006

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Security event data normalization

Preliminary Class

713

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR

1.53(d). This license is not retroactive.

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

NOT GRANTED

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

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OFFICE OF PETITIONS

Greenblum & Berstein, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

In re Application of	:	
Rajesh Patel	:	
Application No. 11/149,083	:	DECISION ON
Filed: June 8, 2005	:	PETITION TO WITHDRAW
Attorney Docket No. P28283.A03	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 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. Refer to Form No. PTO/SB/83 (Updated 4/2008).

It should also be noted that in order to correct the application file a "Statement under 37 CFR 3.73(b) or a copy of the actual assignment should be submitted.

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 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Greg Bolcer, VP Engineering
High Tower Software, Inc.
26970 Aliso Viejo Parkway
Suite 200
Aliso Viejo, CA 92656

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OFFICE OF PETITIONS

In re Application of	:	
Rajesh Patel	:	
Application No. 11/149,083	:	DECISION ON PETITION
Filed: June 8, 2005	:	TO WITHDRAW
Attorney Docket No. P28283.A03	:	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 March 26, 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 William Pieprz on behalf of all attorneys/agents associated with customer number 07055. All attorneys/agents associated with customer number 07055 have been withdrawn.

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

The correspondence address has been changed. All future correspondence will be mailed to the address of the inventor, since no assignee has properly intervened in this application. Compliance with 37 CFR 3.73(b) has not been met.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Rajesh Patel
730 Vera Cruz Avenue
Los Altos, CA 94022

cc: High Tower Software, Inc.
26970 Aliso Viejo Parkway
Suite 200
Aliso Viejo, CA 92656

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/149,083	06/08/2005	Rajesh Patel	P28283

CONFIRMATION NO. 9166

POWER OF ATTORNEY NOTICE

7055
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

OC000000035366784

Date Mailed: 04/07/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/26/2009.

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

/kainabinet/

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

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HOFFMAN WARNICK LLC
75 STATE STREET
14TH FLOOR
ALBANY, NY 12207

Mail Date: 04/20/2010

Applicant	: Zahid F. Mian	: DECISION ON REQUEST FOR
Patent Number	: 7602937	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,089	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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BRADLEY P. SYLVESTER
SUITE 300
200 NORTH BROADWAY
WICHITA KS 67202

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OCT 17 2005

OFFICE OF PETITIONS

In re Application of :
Darin R. Helsel :
Application No. 11/149,104 : DECISION GRANTING PETITION
Filed: June 10, 2005 :
Title of Invention: VACUUM APPARATUS :
AND METHOD USING ULTRAVIOLET
RADIATION FOR SANITIZATION

This is a decision on the "Petition to Allow Original Filing Date", filed October 1, 2005, in response to the "Notice of Incomplete Nonprovisional Application" mailed August 1, 2005. This petition is treated under 37 CFR 1.53.

The application was deposited June 10, 2005. However, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that, *inter alia*, the application had not been accorded a filing date because the application had been deposited without drawings. A two (2)-month period for reply was set.

In response, the present petition was filed, accompanied by four (4) sheets of drawings. Petitioners argue that the application should be accorded a filing date of June 10, 2005, because (a) the application was deposited with drawings. In support of petitioner's contention that four (4) sheets of drawings were filed with the other application papers deposited on June 10, 2005, petitioner has provided, *inter alia*, a copy of the original transmittal used to file the application.

Petitioner argues that he is certain that the application papers filed on June 10, 2005 included the drawings and bases his certainty on his recollection of having put the package together for mailing. However, other than petitioners argument and a copy of the transmittal, no other proof to substantiate his claim that drawings were submitted upon filing, has been provided. The arguments and evidence supplied with the petition have been carefully considered, but are not persuasive. At best, the application transmittal sheet and petitioner's recollections show that petitioner *intended* to file the drawings in question on June 10, 2005, but the evidence, unfortunately, does not show that the USPTO received the drawings on June 10, 2005. Neither does the receipt of the other application papers on June 10, 2005 support a finding that the drawings, were also received at the USPTO on June 10, 2005.

It is noted that the USPTO has a long-established and well publicized practice for *prima facie* establishing the date of receipt of correspondence that has either been mailed or otherwise delivered to the PTO, and is asserted to have been subsequently misplaced: the itemized postcard receipt practice of MPEP 503.[1] This practice requires that any paper(s) for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper(s). A postcard receipt which itemizes and properly identifies the paper(s) which is 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.

Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard (e.g. the number of pages of specification (including written description, claims and abstract) number of claims, number of sheets of drawings, number of pages of oath/declaration. The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard.[2]

The return postcard procedure described at MPEP 503 provides a basis by which petitioner may show that an application or parts thereof were received in the USPTO on a given date, and that the application is therefore entitled to a filing date of the date that the application, or parts thereof, were deposited in the USPTO. Petitioner, however, has not provided an itemized postcard showing that the drawings in question were deposited in the USPTO on June 10, 2005.

In summary, petitioner simply has no proof that the drawings were among the papers deposited in the USPTO on the requested filing date.

It is however the USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).[3] A review of the

---

[1] The public was afforded a "reminder" of the then extent post card receipt practice at 857 *Off. Gaz. Pat. Off.* 667 (*O.G.*) (Nov. 21, 1968). This specific notice is usually repeated annually, in a January "Consolidated Listing" section of the *O.G.* that contains important *O.G.* notices of continuing relevance.

[2] MPEP 503.

[3] MPEP 601.01(f).

record reveals that the application contains at least one method claim. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

The petition is **GRANTED**. The petition fee of $400.00 is unnecessary and will be refunded in due course.

The "Notice of Incomplete Nonprovisional Application" mailed on November 5, 2003, was sent in error and is hereby **VACATED**.

The four (4) sheets of drawings filed with the present petition will not be entered and will not be used during examination.

If petitioner wishes to have the drawings entered in the application, a preliminary amendment adding the drawings should be filed prior to the first Office action.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of June 10, 2005, and for an indication on the bib-data sheet that no sheets of drawings were present on filing.

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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DECHERT LLP
P.O. BOX 390460
MOUNTAIN VIEW, CA 94039-0460

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SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
SINGH, et al.	:	
Application No. 11/149,105	:	DECISION ON PETITION
Filed: June 8, 2005	:	TO WITHDRAW
Attorney Docket No. **375462-011C4**	:	FROM RECORD
	:	

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 21, 2007.

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

A review of the file record indicates that the power of attorney to **DECHERT LLP** has been revoked by the assignee of the patent application on April 11, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **RIGEL PHARMACEUTICALS INC.**
C/O KAREN FLICK, PH.D.
FOLEY & LARDNER LLP
1530 PAGE MILL ROAD
PALO ALTO, CA 94304

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LUTHER HAMMOCK
6113 W. GIRARD AVE
PHILADELPHIA PA 19151

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OCT 1 0 2006

OFFICE OF PETITIONS

In re Application of	:	
Hammock et al.	:	
Application No. 11/149,137	:	ON PETITION
Filed: June 10, 2005	:	
Title: EYEGLASS FRAME	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 9, 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, Luther Hammock. 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 2873 for action on the merits commensurate with this decision.

Liana C. Walsh

Liana Chase-Walsh
Petitions Examiner
Office of Petitions

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JPAW

OIPE
OCT 16 2006
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6113 W. GIRARD AVE
PHILADELPHIA PA 19151

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OCT 10 2006

OFFICE OF PETITIONS

In re Application of
Hammock et al.
Application No. 11/149,137
Filed: June 10, 2005
Title: EYEGLASS FRAME

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 9, 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.

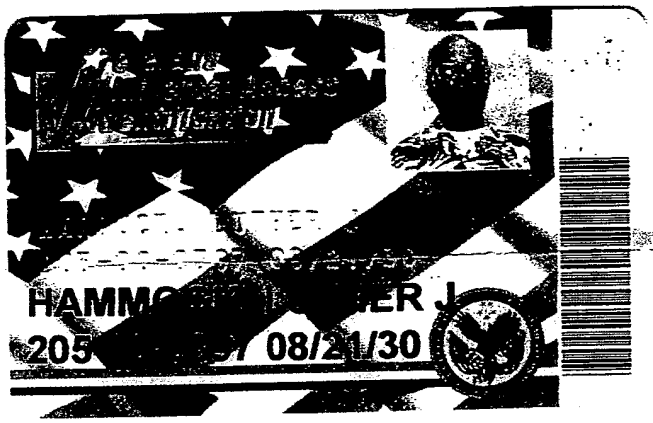
The instant petition includes a statement from the applicant, Luther Hammock. Accordingly, the above-identified application has been accorded "special" status.

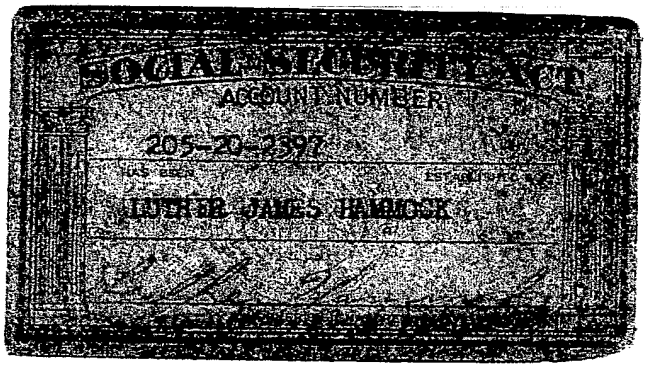
Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

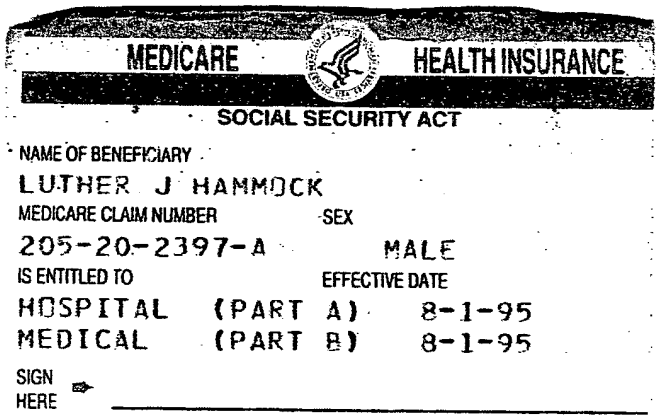
This matter is being referred to the Technology Center Art Unit 2873 for action on the merits commensurate with this decision.

Liana C. Walsh

Liana Chase-Walsh
Petitions Examiner
Office of Petitions







MEDICARE HEALTH INSURANCE

SOCIAL SECURITY ACT

NAME OF BENEFICIARY
LUTHER J HAMMOCK

MEDICARE CLAIM NUMBER — SEX
205-20-2397-A — MALE

IS ENTITLED TO — EFFECTIVE DATE
HOSPITAL (PART A) 8-1-95
MEDICAL (PART B) 8-1-95

SIGN HERE ➡ _____

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF HEALTH
VITAL RECORDS

Certification of Birth

DATE OF BIRTH 08-21-30
(MO., DAY, YEAR)

FILE NO. 1154370-30

DATE FILED 08-25-30
(MO., DAY, YEAR)

DATE ISSUED 07-12-91
(MO., DAY, YEAR)

COUNTY OF BIRTH PHILADELPHIA

SUBJECT LUTHER JAMES HAMMOCK

SEX MALE

This is to certify that this is a true copy of the record which is on file in the Pennsylvania Department of Health, in accordance with Act 66, P.L. 304, approved by the General Assembly, June 29, 1953.

Charles Hardester
CHARLES HARDESTER
STATE REGISTRAR

H105.105 (REV. 8-1-86)

COMMONWEALTH OF PENNSYLVANIA ★ DEPARTMENT OF HEALTH ★

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DENNISON ASSOICATES
SUITE 301
133 RICHMOND STREET WEST
TORONTO M5H 2L7 CA CANADA

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JUN 2 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Eng–Hong LEE	:	
Application No. 11/149,157	:	DECISION ON PETITION
Filed: June 10, 2005	:	
Attorney Docket No. **JJ-9676-1-1US**	:	

This is a decision on the petition filed in the above-identified application on May 09, 2008.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1,540. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given to the petition until the required fee is received.

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 Tredelle Jackson at (571) 272-272-2783.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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SUITE 301
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OFFICE OF PETITIONS

In re Application of	:	
Eng-Hong LEE	:	
Application No. 11/149,157	:	DECISION ON PETITION
Filed: June 10, 2005	:	
Attorney Docket No. **JJ-9676-1-1US**	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 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 11, 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 12, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of remarks, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly, the response to the non-final Office action of September 11, 2007 is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 1645 for appropriate on the concurrently filed amendment.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

19 JUL 2005

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STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795

In re Application of	:	DECISION ON
Corbett et al	:	
Application No.: 11/149,217	:	
Filing Date: 10 June 2005	:	PETITION UNDER
Attorney's Docket No.: 15494.0001	:	
For: CONTINUOUS FLOW THERMAL DEVICE	:	37 CFR 1.137(b)

This is in response to "PETITION TO REVIVE APPLICATION UNDER 37 CFR §1.137(b)" filed on 10 June 2005.

Applicants' petition under 37 CFR 1.137(b) filed 10 June 2005 to revive international application PCT/AU02/01112 abandoned under 35 U.S.C. 371(d) is hereby **DISMISSED** as to the National stage in the United States of America as follows:

An international application PCT/AU02/01112 became abandoned as to the United States of America at midnight on 16 February 2004 for failure to pay the basic national fee.
The filing of the present continuing application under 35 U.S.C. 111 is not accepted as the appropriate response under 37 CFR 1.137(b) (See MPEP § 711.03(c)) because there appears to be a question whether the delay was unintentional and additional information will be necessary to explain the filing of the petition. The record indicates that, "Mr. John Michael Corbett, Jr. had erroneously advised his Australian attorney not to continue the application in the U.S., contrary to the intent of the Applicant." However, Mr. John Michael Corbett, Jr. is also an applicant/ inventor so it is unclear how his advised caused an unintentional delay in filing of the application since it appears that the action not to pursue initially national stage commencement in the U.S. was intentional. Accordingly, pursuant to 37 CFR 1.137(b)(3), applicants are required to provide an explanation why the entire delay in filing the petition should be construed as an unintentional delay.

For reasons above, the petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.137(b) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Failure to timely submit the proper reply will result in abandonment of the application. Any reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.137(b)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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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27 DEC 2005

STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795

In re Application of	:	DECISION ON
Corbett et al	:	
Application No.: 11/149,217	:	
Filing Date: 10 June 2005	:	PETITION UNDER
Attorney's Docket No.: 15494.0001	:	
For: CONTINUOUS FLOW THERMAL DEVICE	:	37 CFR 1.137(b)

This is in response to " SECOND RENEWED PETITION UNDER 37 CFR 1.137(b)," which is being treated as a Renewed Petition Under CFR 1.137(b)" filed on 19 September 2005.

Applicants' petition under 37 CFR 1.137(b) filed 10 June 2005 to revive international application PCT/AU02/01112 abandoned under 35 U.S.C. 371(d) was dismissed on the decision mailed on 19 July 2005 because it was not clear if the delay was unintentional.

On 19 September 2005, applicants filed a renewed petition to revive international application PCT/AU02/01112 and have provided declarations from each inventor (John M. Corbett and John M. Corbett, Jr.) explaining the unintentional delay in filing the application at the U.S. The explanations are sufficient to show that the delay was unintentional.

Applicants' petition under 37 CFR 1.137(b) filed 19 September 2005 to revive international application PCT/AU02/01112 abandoned under 35 U.S.C. 371(d) is hereby **GRANTED** as to the National stage in the United States of America as follows:

International application PCT/AU02/01112 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 11/149,217.

This application is being forward to Office Initial Patent Examination (OIPE) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

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OFFICE OF PETITIONS

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Patent No. 7,434,831	:	
NOGUCHI et al.	:	DECISION ON
Issue Date: October 14, 2008	:	REQUEST FOR RECONSIDERATION
Application No. 11/149,228	:	OF
Filed: June 10, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 086142-0765	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed November 3, 2008, requesting that the patent term adjustment determination for the above-identified patent be changed from three hundred forty-nine (349) days to four hundred seventy-five (475) days.

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

On October 14, 2008, the above-identified application matured into US Patent No. 7,434,831 with a patent term adjustment of 349 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).

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that pursuant to Wyeth, a PTO delay under 35 U.S.C. 154(b)(1)(A) overlaps with a delay under 35 U.S.C. 154(b)(1)(B) only if the delays "occur on the same day." Patentees maintain that the period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR 1.703(b), of 126 days and the period of adjustment due to examination delay, pursuant to 37 CFR 1.702(a), of 351 days do not overlap as these periods do not occur on the same day.

The 126-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on June 10, 2005, and the patent having been issued on October 14, 2008, three years and 126 days later. Patentees assert that in addition to this 126-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a) of 351 days for the failure by the Office to mail at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a), pursuant to 37 CFR 1.702(a)(1). A Restriction Requirement was mailed on July 27, 2007, 14 months and 351 days after the application was filed on June 10, 2005.

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 2 days for applicant delay.

Patentees do not dispute that the total period of Office delay is the sum of the period of Three Years Delay (126 days) and the period of Examination Delay (351 days) to the extent that these periods of delay are not overlapping. However, in effect, patentees contend that no portion of the Three Year Delay period overlaps with the period of 14-month examination delay. Accordingly, patentees submit that the total period of adjustment for Office delay is 477 days, which is the sum of the period of Three Year Delay (126 days) and the period of Examination Delay (351 days), reduced by the period of overlap (0 days). As such, patentees assert entitlement to a patent term adjustment of 475 days (126 + 351 reduced by 0 overlap - 2 (applicant delay)).

The Office agrees that as of the issuance of the patent on October 14, 2008, the application was pending three years and 126 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 351 days is correct. At issue is whether patentees should accrue 126 days of patent term adjustment for the Office taking in excess

of three years to issue the patent, as well as, 351 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 126 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

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

Likewise, 35 CFR 1.703(f) provides that:

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

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

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

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

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

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

section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

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

As such, the period for over 3-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application. It is incorrect to treat the relevant period as starting on June 10, 2008, the date that is three years after the actual filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, June 10, 2005, to the date the patent issued on October 14, 2008. Prior to the issuance of the patent, 351 days of patent term adjustment were accorded for the Office failing to respond within a specified time frame during the pendency of the application. All of the 126 days for Office delay in issuing the patent overlap with the 351 days of Office delay. During that time, the issuance of the patent was delayed by 351 days, not 351 + 126 days. The Office

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

took 14 months and 351 days to issue a first Office action. Otherwise, the Office took all actions set forth in 37 CFR 1.702(a) within the prescribed timeframes. Nonetheless, given the initial 351 days of Office delay and the 2 days of applicant delay and the time allowed within the time frames for processing and examination, as of the date the patent issued, the application was pending three years and 126 days. The Office did not delay 351 days and then an additional 126 days. Accordingly, 351 days of patent term adjustment (not 351 and 126 days) was properly entered because the period of delay of 126 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 351 days attributable to grounds specified in § 1.702(a)(1). Entry of both periods is not warranted. Thus, 351 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 126 days over three years to the issuance of the patent.

Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment for the Office taking in excess of three years to issue the patent.

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

Patentees remain under a duty to disclose to the Office entry of additional patent term adjustment that is not warranted.

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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OFFICE OF PETITIONS

In re Application of	:	
Scott et al.	:	
Application No. 11/149,232	:	DECISION ON PETITION
Filed: June 10, 2005	:	
Attorney Docket No. 2529.015000D	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 11, 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 Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee, and (3) a proper statement of unintentional delay.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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WASHINGTON DC 20005

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APR 1 8 2008

OFFICE OF PETITIONS

In re Application of :
Walter G. Scott, et al. :
Application No.: 11/149,232 :
Filed: June 10, 2005 :
Attorney Docket No.: 2529.015000D :

ON PETITION

This is a decision on the petition, filed April 17, 2008, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 11, 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 2834 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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

Mail Date: 04/27/2010

Applicant	: Nobuyuki Takizawa	: DECISION ON REQUEST FOR
Patent Number	: 7666924	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/149,262	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **810** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/149,285	06/10/2005	Kenneth R. Crounse	6488 (XP 1176)	1998

6858 7590 07/23/2009
BREINER & BREINER, L.L.C.
P.O. BOX 320160
ALEXANDRIA, VA 22320-0160

EXAMINER
CATO, MIYA J

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
07/23/2009	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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BREINER & BREINER, LLC
P.O. Box 320160
ALEXANDRIA, VA 22320-0160

In re Application of CROUNSE, KENNETH R. et al Application No. 11/149,285 Filed: June 10, 2005 For: **AUTOMATIC GENERATION OF SUPERCELL HALFTONING THRESHOLD ARRAYS FOR HIGH ADDRESSABILITY DEVICES**	: : : : :	DECISION ON PETITION TO RESET PERIOD FOR REPLY

This is a decision on the request to restart response period filed May 1, 2009 which is being treated as a petition filed under 37 CFR 1.181, requesting that response period to the Office action mailed on December 17, 2008 be reset due to late receipt of the Office action.

Petitioner contends that the Office action was received late on April 28, 2009 upon checking the status of the application on the PTO PAIR system. Petitioner also stated "the U.S. Post Office, due to a physical relocation by the branch of the Post Office, changed the undersigned's post office box number. The undersigned's firm electronically changed the correspondence address for the cases identified with the firm's payer number on Private PAIR. For any case not on Private PAIR at that time, a hard copy change of correspondence address was faxed to the Patent Office".

A review of the application record indicates the request to change correspondence address was filed via facsimile on April 29, 2009. At the time of mailing the non-final office action on December 17, 2008, the office was not properly notified by applicant to change the address. Therefore, the office action was properly mailed to the current address of record at the time of mailing.

Since there was no irregularity in mailing of the Office communication on the part of the U.S. Patent and Trademark Office, and Petitioner has failed to provide sufficient evidence to warrant re-mailing the Office action originally mailed December 17, 2008 and restarting the time period for response.

The petition is **DENIED.**

Petitioner is given TWO MONTHS from the date of this decision to request reconsideration. This period is not extendable under 37 CFR § 1.136(a).

Any inquiry regarding this decision should be directed to Doris To, Quality Assurance Specialist, at (571) 272-7629.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

D2e

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LANDO & ANASTASI, LLP
W2023
ONE MAIN STREET
SUITE 1100
CAMBRIDGE, MA 02142

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MAY 28 2010

OFFICE OF PETITIONS

In re Patent of Kasaian et al.	:	DECISION ON REQUEST
Patent No. 7,615,213	:	FOR RECONSIDERATION OF
Issue Date: November 10, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/149,309	:	AND NOTICE OF INTENT TO
Filing Date: June 9, 2005	:	ISSUE CERTIFICATE OF
Attorney Docket No. W2023-700510/AM101493	:	CORRECTION

This is a decision on the petition filed January 8, 2010, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by eight hundred twenty-five (825) days.

The petition to correct the patent term adjustment indicated on the patent to indicate the term of the patent is extended or adjusted by eight hundred twenty-five (825) 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 Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **eight hundred twenty-five (825)** days.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	:	7,615,213 B2
APPLICATION NO.	:	11/149,309
DATED	:	November 10, 2009
INVENTOR(S)	:	Marion T. Kasaian et al.

DRAFT

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

On the Title page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 404 days.

Delete the phrase "by 404 days" and insert -- by 825 days--

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OFFICE OF PETITIONS

In re Application of	:	
Norton et al.	:	DECISION ON PETITION
Application No. 11/149,323	:	TO WITHDRAW
Filed: June 8, 2005	:	FROM RECORD
Attorney Docket No. 600189-360	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 18, 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 Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on February 15, 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 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: YAHOO! INC.
C/O OSTROW KAUFMAN & FRANKL LLP
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE, 62ND FLOOR
NEW YORK, NY 10174

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SUITE 8
POMONA NY 10970

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DEC 12 2007

OFFICE OF PETITIONS

In re Application of	:	
Ostrovsky et al.	:	DECISION ON PETITION
Application No. 11/149365	:	
Filing Date: 06/10/2005	:	
Attorney Docket Number: 0267-2111	:	

This is a decision on the petition under 37 CFR 1.59(b), filed on November 30, 2007, requesting that the amendment filed on August 22, 2007, be expunged. This is also a decision on the petition under 37 CFR 1.182, filed on November 30, 2007, requesting that the above-indicated petition under 37 CFR 1.59(b) receive expedited consideration.

The petition under 37 CFR 1.59(b) is **GRANTED-IN-PART**.

The petition under 37 CFR 1.182 is **GRANTED**.

On June 10, 2005, the above-identified application was filed.

On August 22, 2007, a preliminary amendment was filed after the filing of a Request for Continued Examination (RCE) on July 17, 2007.

On November 15, 2007, a non-final Office action was mailed, stating, in pertinent part, that "the claims include superfluous 'comments' that are not in compliance with rule 121 and should be removed."

On November 30, 2007, a preliminary amendment was filed, along with the subject petitions.

Petitioners request that the amendment filed on August 22, 2007, be expunged from the record because it was inadvertently filed with proprietary information. Petitioners aver that the

amendment filed on November 30, 2007, is intended as a substitute for the amendment petitioners wish to have expunged.

37 C.F.R. §1.59 sets forth:

§ 1.59 Expungement of information or copy of papers in application file.
(a)
(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section.
(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(h) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.
(c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR 23123, May 31, 1985, effective Feb. 11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (b) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 68 FR 38611, June 30, 2003, effective July 30, 2003]

The matter Petitioners wish to have expunged does not form part of the original disclosure. Petitioners have included the fee associated with the filing of petition under 37 C.F.R. §1.59 and has established to the satisfaction of the Director that the expungement of this information is appropriate.

As such, the electronic documents which contain these pages have been closed in the Office's Image File Wrapper software viewing program. The paper documents will not be removed from the physical file however, as the Office does not remove papers from paper files which have been scanned.

The address in the petition under 37 CFR 1.182 is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition under 37 CFR 1.182. All future correspondence, however, will be mailed solely to the address of record.

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 Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

Cc:

HERSHKOVITZ & ASSOCIATES, LLC
2845 DUKE STREET
ALEXANDRIA VA 22314

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

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JUN 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Koch et al.	:	
Application No. 11/149,386	:	ON PETITION
Filed: June 9, 2005	:	
Attorney Docket No. 309,045	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 30, 2009, to revive the above-identified application. This is also in response to the Request to Withdraw the Holding of Abandonment under 37 CFR 1.181 filed February 26, 2010.

The petition to revive under 37 CFR 1.137(b) 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 Appeal Brief and fee, (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 3676 for further processing of the Appeal Brief.

Liana Walsh
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
11/149,416	06/08/2005	3736	775	382-004	3	31	3

CONFIRMATION NO. 1385

CORRECTED FILING RECEIPT

OC000000016857052

33354
ETHERTON LAW GROUP, LLC
5555 E. VAN BUREN STREET, SUITE 100
PHOENIX, AZ 85008

Date Mailed: 08/25/2005

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

Applicant(s)

Alan Sands, Phoenix, AZ;

Assignment For Published Patent Application

Safe and Sound Solutions, Inc.

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/622,337 10/25/2004

Foreign Applications

If Required, Foreign Filing License Granted: 07/07/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/149,416

Projected Publication Date: 04/27/2006

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Mobile patient monitoring system with automatic data alerts

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 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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JUN 25 2007

OFFICE OF PETITIONS

Dechert, LLP
P.O. Box 10004
Palo Alto, CA 94303

In re Application of	:	
Rajinder Singh et al.	:	
Application No. 11/149,418	:	DECISION ON PETITION
Filed: June 8, 2005	:	TO WITHDRAW
Attorney Docket No. 375462-011C5	:	FROM RECORD
	:	

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 21, 2007.

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

A review of the file record indicates that the power of attorney to Ann M. Caviani Pease and all attorneys/agents associated with customer number 37509 has been revoked by the assignee Rigel Pharmaceuticals, Inc. of the patent application on April 11, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

A non-final rejection was filed on April 19, 2007. Failure to timely respond will result in the abandonment of this application.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Karen E. Flick
Foley & Lardner, LLP
1530 Page Mill Road
Palo Alto, CA 94304

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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
11/149,418	06/08/2005	Rajinder Singh	375462-011C5

CONFIRMATION NO. 1387

OC000000024499540

37509
DECHERT LLP
P.O. BOX 10004
PALO ALTO, CA 94303

Date Mailed: 06/22/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/11/2007.

- 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).

Kimberly Gravinet

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

FORMER ATTORNEY/AGENT COPY

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RIGEL PHARMACEUTICALS INC.
C/O FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

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In re Patent No. 7,332,484	:	
Singh et al.	:	
Issue Date: February 19, 2008	:	LETTER REGARDING
Application No. 11/149,418	:	PATENT TERM ADJUSTMENT
Filed: June 8, 2005	:	
Attorney Docket No. 064311-1560	:	

This letter is in response to the "PETITION REGARDING PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705," filed March 4, 2008, which is being treated as a request that the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy in view of patentees' duty of good faith and candor to the Office.

The request for review of the determination of patent term adjustment is **DISMISSED** to the extent that it requests correction of the patent term adjustment.

On February 19, 2008, the above-identified application matured into U.S. Patent No. 7,332,484 with a patent term adjustment of 4 days. On March 4, 2008, patentees submitted the instant comment. Patentees state that they believe that the determination of patent term adjustment may be incorrect because of the filing of the terminal disclaimer on July 19, 2007.

A review of the application history supports a conclusion that the number of days adjusted for Office delay and the number of days reduced for patentees' delay is correct.

It is noted that the filing of the terminal disclaimer on July 19, 2007, has no effect on the determination of patent term

adjustment *set forth* on this patent. It is true that 35 U.S.C. 154(b)(2)(B) provides that:

> No patent the term of which has been disclaimed beyond a specified date may be adjusted under this section beyond the expiration date specified in the disclaimer.

Moreover, 37 CFR 1.703(g) provides that:

> No patent, the term of which has been disclaimed beyond a specified date, shall be adjusted under § 1.702 and this section beyond the expiration date specified in the disclaimer.

However, the provisions of § 154(b), for adjustment due to examination delay, apply to original applications, other than designs, filed on or after May 29, 2000. The Office calculates patent term adjustment for examination delay in all eligible applications. In calculating the patent term adjustment, the Office does not differentiate between applications that have terminal disclaimers and those that do not. Nor does the Office undertake the burdensome task of reviewing every application with a terminal disclaimer to determine if the patent term adjustment accorded would adjust the term beyond the expiration date specified in the disclaimer.

Rather, on issuance of the application, in compliance with 35 U.S.C. 154(b) and 37 CFR 1.703(g), it is indicated in the patent that the patent term adjustment indicated therein is subject to any disclaimer. Moreover, it is also stated therein that the patent is subject to a terminal disclaimer. Patentees must determine whether the submission of the terminal disclaimer will prevent patentees from enforcing the days of patent term adjustment awarded.

Furthermore, it is noted that the terminal disclaimer was filed together with the reply on July 19, 2007, and thus, there is no applicant delay for the filing of the terminal disclaimer. In other words, there is no basis in the rules for further reducing the patent term adjustment of 4 days for the filing of the terminal disclaimer.

In view thereof, the revised Patent Term Adjustment of 4 days indicated on the patent (subject to any disclaimer) is correct.

As this letter was submitted in an attempt to advise the Office of an error in patentees' favor, no petition fee is necessary. The Office will refund the $200.00 fee under 37 CFR 1.18(e) to patentees' credit card in due course. Patentees should advise the Office of any basis for the filing of this letter (i.e., any basis for correction of the patent term adjustment pursuant to Comment 43) not addressed in this decision.

Telephone inquiries specific to this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

In re Application of	:	
Albert Ting	:	
Application No. 11/149,426	:	DECISION ON PETITION
Filed: 06/10/2005	:	
Attorney Docket No. IPP 101	:	

This is a decision on the petition under 37 CFR.1.181, filed August 7, 2009, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the final Office action, mailed on January 22, 2009, which set a three-month shortened statutory period for reply. Extensions of this period were available under 37 CFR 1.136(a). On July 28, 2009, the Office mailed a Notice of Abandonment.

Petitioners stated that they filed a timely reply in the form of an amendment and a request for an extension of time for response within the third month (and fee) on July 21, 2009.

Upon further review of the record, the reply and the request for an extension of time for response within the third month, filed July 21, 2009, were located among the papers in the Image File Wrapper for the above-identified application.

In view of the above, the reply is considered timely filed on July 21, 2009, with the request for an extension of time for response within the third month (and fee). See 37 CFR 1.8(a) and 1.136(a).

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

This matter is being referred to Technology Center Art Unit 2629 for further action on the reply filed on July 21, 2009.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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MAY 24 2007

Technology Center 2100

Michael J. Smith
PERKINS COIE LLP
Patent-SEA
P.O. Box 1247
Seattle, WA 98111-1247

In re Application of:
BJARNESTAM et al
Application No. 11/149,453
Filed: June 8, 2005
For: CONTENT SEARCH IN COMPLEX LANGUAGE, SUCH AS JAPANESE

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petitions, filed on 28 July 2006, under 37 C.F.R. §102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The petition is **GRANTED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

> A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:
>
> (A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
>
> (B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
>
> (C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
>
> (D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
>
> (E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Applicant's submissions of 28 July 2006 meets all the criteria set out above. Accordingly, the petition is **GRANTED**. The application file is being forwarded to the

Examiner for accelerated examination in accordance with M.P.E.P. § 708.02. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. § 1309.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

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P. O. BOX 1247
SEATTLE WA 98111-1247

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Bjarnestam et al.	:	
Application No. 11/149,453	:	ON APPLICATION
Filed: June 8, 2005	:	FOR
Atty Docket No. 258288001US3	:	PATENT TERM ADJUSTMENT

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 35 USC § 1.705 filed January 12, 2009. Applicants request that the determination of patent term adjustment be corrected from two hundred seventy five (275) days to six hundred twenty five (625) days through April 21, 2009[1].

This application for patent term adjustment was timely filed with payment of the Issue Fee on January 12, 2009. The instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date. A decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is 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 § 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

[1] Applicants do not know the exact date the patent will issue, but predict the patent will not issue until April 21, 2009.

in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

Rather than file the request for reconsideration of Patent Term Adjustment at the time of the mailing of the notice of allowance, 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.

To the extent that applicant otherwise requests reconsideration of the patent term adjustment at the time of the mailing of the notice of allowance, the application for patent term adjustment is **GRANTED** to the extent indicated herein.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is THREE HUNDRED SIXTY-THREE (363) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 14, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 275 days. The instant application for patent term adjustment was timely filed on January 12, 2009, with payment of the issue fee. Applicant contends that the Office incorrectly calculated 88 days of applicants' delay for the filing of a response on August 11, 2008 to the March 17, 2008 Office action. Applicants state the correct reduction for this time period is 55 days.

Applicants are incorrect. Neither a period of reduction of 55 days or 88 days is warranted. Applicants calculate the period of reduction of 55 days pursuant to 37 CFR 1.704(b) for applicant delay in taking three months and 55 days to file the response on August 11, 2008 to the non-final Office action mailed March 17, 2008. However, the August 11, 2008 date is not

the proper date to use for this calculation. Applicants filed a response on May 15, 2008. This was within three months of the mail date of the Office action. Accordingly, there was no delay within the meaning of 37 CFR 1.704(b).

Furthermore, the amendment filed August 11, 2008 was not filed under circumstances that warrant entry of a period of reduction. Pursuant to 37 CFR § 1.704(c), circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

> (7) Submission of a reply having an omission (§1.135(c)), 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 reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed.
>
> (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.

Under the circumstances entry of the 88 day period of reduction pursuant to either 37 CFR. 1.704(c)(8) or (7) is not warranted. The amendment filed August 11, 2008 was expressly requested by the examiner and thus, its filing does not constitute applicant delay under 37 CFR 1.704(c)(8). See Notice mailed July 9, 2008. Furthermore, a careful review of the amendments filed May 15, 2008 and August 11, 2008 reveals that the second amendment was not filed to correct an omission within the meaning of 37 CFR 1.704(c)(7). Accordingly, the period of reduction of 88 days is being removed.

Thus, the total calculation for applicant delay prior to the mailing of the Notice of Allowance is 51 days.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 363 days (414 days of Office delay reduced by 51 (18 + 33) days of applicant delay).

The Office will assess the petition fee of $200.00 set forth in 37 CFR 1.18(e) from deposit account no. 50-0665. No additional fees are required.

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

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Day : Monday
Date: 3/16/2009

PALM INTRANET

Time: 09:31:55

PTA Calculations for Application: 11/149453			
Application Filing Date:	06/08/2005	PTO Delay (PTO):	414
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	139
Post-Issue Petitions:	0	Total PTA (days):	363
PTO Delay Adjustment:	88		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
64	03/12/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	88		
57	10/14/2008	MAIL NOTICE OF ALLOWANCE			
56	10/14/2008	ISSUE REVISION COMPLETED			
55	10/14/2008	DOCUMENT VERIFICATION			
54	10/14/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
53	10/08/2008	NOTICE OF ALLOWABILITY			
52	10/02/2008	DATE FORWARDED TO EXAMINER			
51	09/23/2008	RESPONSE AFTER EX PARTE QUAYLE ACTION			
50	09/15/2008	MAIL EX PARTE QUAYLE ACTION (PTOL - 326)			
49	09/13/2008	EX PARTE QUAYLE ACTION			
48	09/04/2008	DATE FORWARDED TO EXAMINER			
47	08/11/2008	RESPONSE AFTER NON-FINAL ACTION		88	44
46	07/09/2008	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
45	07/02/2008	DATE FORWARDED TO EXAMINER			
44.1	05/15/2008	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
44	05/15/2008	RESPONSE AFTER NON-FINAL ACTION			
43	03/17/2008	MAIL NON-FINAL REJECTION			
42	03/11/2008	NON-FINAL REJECTION			
41	11/08/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
40	01/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	01/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	26
28	01/28/2008	REFERENCE CAPTURE ON IDS			

27	02/25/2008	DATE FORWARDED TO EXAMINER			
26	01/28/2008	RESPONSE AFTER NON-FINAL ACTION		33	21
25	01/28/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
24	01/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	12/26/2007	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
22	12/18/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
21	09/26/2007	MAIL NON-FINAL REJECTION	414		-1
20	05/24/2007	MAIL-RECORD PETITION DECISION OF GRANTED TO MAKE SPECIAL			
19	07/28/2006	PETITION ENTERED			
18.7	11/08/2006	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
18	11/08/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	10/30/2006	NON-FINAL REJECTION			
15	09/08/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
14.7	09/08/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	09/08/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	09/08/2006	REFERENCE CAPTURE ON IDS			
12	11/16/2005	CORRECTED FILING RECEIPT			
11	08/08/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	08/08/2006	CASE DOCKETED TO EXAMINER IN GAU			
9	11/03/2005	APPLICATION DISPATCHED FROM OIPE			
8	11/03/2005	APPLICATION IS NOW COMPLETE			
7	10/25/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM		18	5
6	10/25/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	07/07/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	06/17/2005	CLEARED BY OIPE CSR			
2	06/15/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			

1	06/08/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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PERKINS COIE LLP
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SEATTLE WA 98111-1247

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OFFICE OF PETITIONS

In re Patent No. 7,523,102
Bjarnestam et al.
Issue Date: April 21, 2009
Application No. 11/149,453
Filed: June 8, 2005
Attorney Dkt. No. 258288001US3
Title: CONTENT SEARCH IN COMPLEX LANGUAGE, SUCH AS JAPANESE

DECISION ON REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R.§1.705(d)" filed June 22, 2009. Patentees request that the patent term be adjusted from 363 days to 680 days.

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

On April 21, 2009, the above-identified application matured into US Patent No. 7,523,102 with a patent term adjustment of 363 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).

Patentees maintain that the period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b) and the period of adjustment due to examination delay, pursuant to 37 CFR §1.702(a), which total 680 days, do not overlap as these periods do not occur on the same day.

Thus, patentees request that the determination of patent term adjustment be increased to a total of six hundred eighty (680) days (414 (examination delay) + 317 (three year delay) - 51 (applicant delay)).

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

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

Likewise, 37 CFR 1.703(f) provides that:

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

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

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

Extension and Patent Term Adjustment Provisions; Final Rule, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

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

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, June 8, 2005 to April 21, 2009. This 317 days of pendency over three years is the relevant period for considering overlap. 414 days of patent term adjustment were accorded for Office delay pursuant to 37 CFR §1.702(a)(1). Entry of both 317 days pursuant to 37 CFR §1.702(b) for the Office taking in excess of three years to issue the patent and 414 days pursuant to 37 CFR §1.702(a) for Office examination delay is neither permitted nor warranted. The Office did not delay 414 days and then another 317 days. The greater period, 414 days, is the actual number of days issuance of the patent was delayed by the Office.

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

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

Telephone inquiries specific to this matter should be directed to Charlema Grant, Petitions Attorney, at (571) 272-3215.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Constellation Law Group, PLLC
P.O. Box 220
Tracyton, WA 98393

Mail Date: 05/12/2010

Applicant	: Edward K.Y. Jung	: DECISION ON REQUEST FOR
Patent Number	: 7669245	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/149,464	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1191** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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IBM CORPORATION
LOTUS SOFTWARE
ONE ROGERS STREET
CAMBRIDGE, MA 02142

Mail Date: 04/20/2010

Applicant	: John C. Wray	: DECISION ON REQUEST FOR
Patent Number	: 7647494	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,471	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1253** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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
ROCHESTER IP LAW DEPT. 917
3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

Mail Date: 04/20/2010

Applicant	: Zachary Adam Garbow	: DECISION ON REQUEST FOR
Patent Number	: 7646960	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,481	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1251** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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STEVEN B. DAVIS
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P.O. BOX 4000
PRINCETON, NJ 08543-4000

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DEC 2 0 2005

OFFICE OF PETITIONS

In re Application of :
Rebanta Bandyopadhyay et al. :
Application No. 11/149,501 : DECISION REFUSING STATUS
Filed: June 9, 2005 : UNDER 37 CFR 1.47(a)
Attorney Docket No. LD0272 REI :

This is in response to the petition under 37 CFR 1.47(a), filed November 30, 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 reissue application was filed on June 9, 2005 but without a signed declaration.

Accordingly, on June 27, 2005, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the instant petition was filed under 37 CFR 1.47(a), with an authorization to charge any necessary fees. Petitioner's deposit account no. 19-3880 has been charged for a three month extension of time, for making the petition and response timely.

Petitioners argue that after diligent efforts, joint inventor Bandyopadhyay cannot be located. Declarations submitted set forth the efforts undertaken to locate Mr. Bandyopadhyay in the U.S. However, petitioners note that at least two sources have indicated to them that Mr. Bandyopadhyay has moved to India.

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 present petition lacks items (1).

Petitioners must present a showing that diligent efforts have been made to locate the non-signing inventor.[1] Petitioners must however provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the additional efforts to locate Mr. Bandyopadhyay in India, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate him, send or give a copy of the application papers to him, and request that he sign and return the declaration. If repeated attempts to contact Mr. Bandyopadhyay in India by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that he cannot be found despite diligent efforts.

If Mr. Bandyopadhyay refuses in writing to sign the declaration, petitioners should provide a copy of that written refusal with any renewed petition. If a verbal refusal to sign is made to a person, details should be given in an affidavit or declaration of facts by a person having first hand knowledge of the facts of refusal.

Finally, if it is found that joint inventor Bandyopadhyay is residing at a different address than that listed in the initial petition, petitioners should provide a new statement of the last known address in a renewed petition.

Finally, since this is a reissue application, please be sure to comply with the requirements of 37 CFR 1.175, 37 CFR 1.172 and 37 CFR 3.73(b), if they are applicable, with any renewed petition filed in response to this decision.

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

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] MPEP 409.03(d).

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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
Rebanta Bandyopadhyay et al.
Application No. 11/149,501
Filed: June 9, 2005
Attorney Docket No. LD0272REI

: DECISION NOTING JOINDER OF
: INVENTOR AND PETITION UNDER
37 CFR 1.47(a) DISMISSED AS
: INVOLVING MOOT ISSUES

A petition under 37 CFR 1.47(a) was filed November 30, 2005 and was dismissed in a decision mailed December 20, 2005.

Papers filed on February 6, 2006, in reply to the "Decision Refusing Status Under 37 CFR 1.47(a)" mailed December 20, 2005, included a declaration signed by the previously non-signing inventor, Rebanta Badyopadhyay , in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is unnecessary.

The renewed petition filed February 06, 2006 is **DISMISSED** as involving moot issues.

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 matter will be referred to the Office of Initial Patent Examination for further pre-examination processing.

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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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

Mail Date: 04/21/2010

Applicant	: Yogendra Shah	: DECISION ON REQUEST FOR
Patent Number	: 7609790	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,508	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **934** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 07/9/09

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction for Appl. No.: 11149512
Patent No.: 7491695

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)

Randolph Square
Palm Location 7580

Should the changes be made **Valerie Jackson** **Certificates of Correction Branch**

703-756-1573

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: _____

Cecilia Tsang SPE Art Unit 1654

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHARLES N.J. RUGGIERO, ESQ.
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD CT 06901-2662

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OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Karmazyn, Daniel D.	:	
Application No. 11/149,533	:	
Filed: June 10, 2005	:	
Attorney Docket No. 2144.095OSU	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 25, 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 payment of the application search fee and the 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

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FEB - 9 2006

REED SMITH LLP
SUITE 1400
3110 FAIRVIEW PARK DRIVE
FALLS CHURCH, VA 22042

In re application of Michihiro Sato Application No. 11/149,556 Filed: June 10, 2005 For: METHOD AND SYSTEM FOR ISSUING SECURITIES AND FIXED RATE FINANCING INSTRUMENTS, ETC.	:	**DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)**

This is in response to the petition filed on August 17, 2005 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

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

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

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

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

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

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
571-272-6619

RAR/dew: 12/21/05

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/04/09

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction for Appl. No.: 11149566 Patent No.: 7184935 B1

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: _____

/Eliseo Ramos-Feliciano/
Supervisory Patent Examiner

Art Unit 2857

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

Paper No.

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OFFICE OF PETITIONS

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of :
Isao Hidaka :
Application No. 11/149,596 : DECISION ON PETITION
Filed: June 10, 2005 : PURSUANT TO
Attorney Docket No.: SONYJP : 37 C.F.R. § 1.181(A)
3.0-442 :
Title: COMMUNICATION SYSTEM, :
TRANSMITTING DEVICE, AND :
RECEIVING DEVICE :

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a), filed on July 27, 2009, requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

BACKGROUND

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed April 23, 2008, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no response was received. Accordingly, the above-identified application became abandoned on July 24, 2008. A notice of abandonment was mailed on June 19, 2009.

ANALYSIS

Petitioner has alleged that the mailing was not received. The electronic file has been reviewed, and, as Petitioner has indicated, it is clear that the Office communication was

returned to the Office by the United States Postal Service on April 28, 2008.[1]

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the final Office action of April 23, 2008 was not received.

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

CONCLUSION

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the final Office action of April 23, 2008, and will set a new period for response.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status**.

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

Paul Shanoski
Senior Attorney
Office of Petitions

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1 The returned mailing does not contain an indication from the USPS as to why delivery was not successfully completed.
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 of Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PITTS AND BRITTIAN P C
P O BOX 51295
KNOXVILLE TN 37950-1295

MAILED

FEB 12 2009

OFFICE OF PETITIONS

In re Application of :
Balser :
Application No. 11/149,607 : ON PETITION
Filed: June 10; 2005 :
Attorney Docket No. 31057.00 :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 16, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is December 17, 2008.

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

The correspondence address indicated on the petition differs from that contained in the official record of the instant application. Petitioner is advised that all future correspondence concerning the instant application will continue to be directed to the correspondence address of record until such time as official, written instruction to the contrary is received.

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

This application is being referred to Technology Center AU 3635 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/ALESIA M. BROWN/
Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: GERALD G. BALSER
PO BOX 973
TELLICO PLAINS, TN 37385

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

MAILED

JUL 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Georges Natsoulis	:	DECISION ON PETITION
Application No. 11/149,612	:	TO WITHDRAW
Filed: June 10, 2005	:	FROM RECORD
Attorney Docket No. ENTL-053.US1	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 27, 2009.

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

A review of the file record indicates that on February 26, 2009 the power of attorney to Howrey LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

AVAYA INC.
307 MIDDLETOWN-LINCROFT ROAD
ROOM 1N-391
LINCROFT, NJ 07738

In re Application of	:	
Rohan Lenard	:	
Application No. 11/149,617	:	ON PETITION
Filed: June 9, 2005	:	
Attorney Docket No.: 4366-92-DIV	:	

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

It does not appear that the petition is signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Jason H. Vick appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. Further, it is noted that the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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 9, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

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

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

The application is being referred to Technology Center AU 2614 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JASON H. VICK
SHERIDAN ROSS P.C.
1560 BROADWAY, SUITE 1200
DENVER, CO 80202-5141

UNITED STATES PATENT AND TRADEMARK OFFICE

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Daniels Patent Law PLLC
43 Centre Street
Concord, NH 03301

Mail Date: 04/21/2010

Applicant	: Timothy A. Nistler	: DECISION ON REQUEST FOR
Patent Number	: 7584557	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,626	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **57** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Date	: 7/12/2010
Patent No.	: 7,703,603 B1
Serial No.	: 11/149,633
Inventor(s)	: Huckabee et al.
Issue Date	: April 27, 2010
Title	: **EXPANDABLE SOFTWARE PACKAGING**
Doc./File No.	: **37202/283001; 050474**

Re: Reconsideration for Certificate of Correction

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

Respecting the alleged error(s) in the References Cited, the patent is printed in accordance with the record, since there is no record of a 1449 or 892 with reference(s) considered by the Examiner.

In view of the foregoing, your request in this matter is denied. However, further consideration will be given your request in this matter upon receipt of a copy of the 1449 or 892 with the requested reference(s) considered by the Examiner.

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

Future correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (703) 756-1590
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch
ernest.white@uspto.gov

OSHA - LIANG L.L.P. (INTUIT)
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HOUSTON TX 77010

ecw

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Quinn Law Group, PLLC
39555 Orchard Hill Place
Suite 520
Novi MI 48375

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JUN 15 2010

OFFICE OF PETITIONS

In re Application of
Wei et al.
Application No. 11/149,644
Filed: June 10, 2005
Attorney Docket No. 9671

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed March 16, 2009. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on June 17, 2009. A Notice of Abandonment was mailed on October 14, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of $1620.00, and (3) a 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). 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 Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted.

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

address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

This application is being referred to Technology Center AU 1615 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Matthew Molloy
Dinsmore & Shohl LLP
Fifth Third Center
One Main Street, Ste 1300
Dayton, Ohio 45402

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090108

DATE : January 08, 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 replacement of the phrase "an ambient temperature" with the phrase - - a temperature of about 80 to 85 C - - and the replacement of the phrase "6-12" with the phrase - - 4-6 - - both introduce new matter and change the scope of the claims.

/JANET L ANDRES/
Supervisory Patent Examiner.Art Unit 1625

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PHARMACEUTICAL PATENT ATTORNEYS, LLC
55 MADISON AVENUE
4TH FLOOR
MORRISTOWN, NJ 07960-7397

Mail Date: 04/20/2010

Applicant	: Manoj Madhukarrao Deshpande	: DECISION ON REQUEST FOR
Patent Number	: 7446200	: RECALCULATION of PATENT
Issue Date	: 11/04/2008	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,646	: OF WYETH
Filed	: 06/10/2005	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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C. JAMES BUSHMAN
5851 San Felipe
SUITE 975
HOUSTON, TX 77057

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of Thomas Dyer Wood Application No. 11/149,673 Filed: June 10, 2005 Attorney Docket No. Wood-1-1	: : : : :	ON PETITION

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

The application became abandoned for failure to file a proper reply to the non-final Office action mailed May 21, 2008. A Notice of Abandonment was mailed on December 12, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and eleven sheets of drawings containing Figures 1-13; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3676 for appropriate action by the Examiner in the normal course of business on the amendment filed with the present petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

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MAY 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Fletcher et al.	:	DECISION ON PETITION
Application No. 11/149,675	:	TO WITHDRAW
Filed: June 9, 2005	:	FROM RECORD
Attorney Docket No. STAN-191CIPCON	:	

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, 2006.

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 Bozicevic, Field & Francis LLP, has been revoked by the assignee of the patent application on August 4, 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 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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

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WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
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CARY NC 27518

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FEB 15 2007

OFFICE OF PETITIONS

In re Application of	:	
Kennan	:	
Application No. 11/149,682	:	DECISION ON PETITION
Filed: June 10, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 2867-363	:	

This is a decision on the petition, filed October 23, 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 June 2, 2006. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of

such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

This application is being returned to the Office of Initial Patent Examination, where A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date will be generated and mailed to applicant.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: BENJAMIN S. WITHROW
WITHROW & TERRANOVA, PLLC
P.O. BOX 1287
CARY, NC 27512

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MAR 2 9 2010

OFFICE OF PETITIONS

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

In re Patent No. 7,586,123
Issued: September 8, 2009
Application No. 11/149,689
Filed: June 10, 2005
Attorney Docket No. **12580-5181**

: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT filed on October 13, 2009, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 191 days to 347 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 three hundred forty-six (346) days is **GRANTED to the extent indicated herein**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on June 10, 2008 and ends on November 12, 2008, the day before the RCE was filed, the B delay is 155 (not 156) days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 346, not 347 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred forty-six (346)** 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 Associate Commissioner
for Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,586,123 B2

DATED : September 8, 2009

INVENTOR(S) : Young Seok Choi

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 (191) days

Delete the phrase "by 191 days" and insert – by 346 days--

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

Mail Date: 04/21/2010

Applicant	: Young Seok Choi	: DECISION ON REQUEST FOR
Patent Number	: 7586123	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,689	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **501** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

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

In re Patent No. 7,586,123	:	DECISION ON REQUEST FOR
Choi et al.	:	RECONSIDERATION OF
Issue Date: September 8, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/149,689	:	AND
Filed: June 10, 2005	:	NOTICE OF INTENT TO ISSUE
Attorney Docket No. 12580-5181	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on October 13, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting correction of the patent term adjustment indicated on the above-identified patent.

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 **three hundred forty-six (346) days**.

On October 13, 2009, patentee submitted a petition under 37 CFR 1.705(d) and fee. On February 1, 2010, patentee filed a Request for Recalculation of Patent Term Adjustment in View of *Wyeth*. On March 29, 2010, the Office mailed a decision granting the petition under 37 CFR 1.705(d) to the extent that a certificate of correction would be issued indicating that the term of the patent was extended or adjusted by 346 days. On April 21, 2010, the Office mailed a "DECISION ON REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH AND NOTICE OF INTENT TO ISSUE CERTIFICATE OF CORRECTION" indicating that the patent term adjustment had been determined to be 501 days.

The Office notes that the decision of April 21, 2010, was issued in error as it accorded patentee 155 more days of patent term adjustment than were warranted. Accordingly, the decision of April 21, 2010, is withdrawn. The present decision supersedes the decision mailed on April 21, 2010.

The Office has determined that the patent term adjustment for the above-identified patent is **346 days**. The 155 additional days of adjustment will be removed.

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, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges the previous submission of the required fee of $200.00 set forth in 37 CFR 1.18(e).

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 **346 days**.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,586,123 B2

DATED : Sept. 8, 2009 **DRAFT**

INVENTOR(S) : Choi 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 191 days

Delete the phrase "by 191 days" and insert – by 346 days--

Day : Monday
Date: 5/17/2010

PALM INTRANET

Time: 13:52:19

PTA Calculations for Application: 11/149689			
Application Filing Date:	06/10/2005	PTO Delay (PTO):	408
Issue Date of Patent:	09/08/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	62
Post-Issue Petitions:	0	Total PTA (days):	346
PTO Delay Adjustment:	0		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
99	05/17/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		155	
96	04/17/2010	PETITION DECISION - GRANTED			
95	04/07/2010	POST ISSUE COMMUNICATION - CERTIFICATE OF CORRECTION			
94	03/29/2010	MAIL-RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ISSUE			
93	03/29/2010	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ISSUE			
93	03/29/2010	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ISSUE			
92	03/28/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	6		
92	03/28/2010	ADJUSTMENT OF PTA CALCULATION BY PTO			
91	03/28/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	149		
91	03/28/2010	ADJUSTMENT OF PTA CALCULATION BY PTO			
90	02/01/2010	PETITION ENTERED			
87	10/13/2009	PETITION ENTERED			
85	09/08/2009	RECORDATION OF PATENT GRANT MAILED			
84	08/19/2009	ISSUE NOTIFICATION MAILED			
83.5	11/12/2008	PTA 36 MONTHS	155		
83	09/08/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
82	08/07/2009	EXPORT TO FINAL DATA CAPTURE			
81	08/06/2009	DISPATCH TO FDC			
80	08/05/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
79	08/04/2009	ISSUE FEE PAYMENT VERIFIED			
78	08/04/2009	ISSUE FEE PAYMENT RECEIVED			

77	06/10/2009	FINISHED INITIAL DATA CAPTURE			
74	05/08/2009	EXPORT TO INITIAL DATA CAPTURE			
73	05/04/2009	MAIL NOTICE OF ALLOWANCE			
72	05/04/2009	ISSUE REVISION COMPLETED			
71	05/04/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
70	05/01/2009	DOCUMENT VERIFICATION			
69	05/01/2009	NOTICE OF ALLOWABILITY			
66	03/08/2009	DATE FORWARDED TO EXAMINER			
65	02/25/2009	RESPONSE AFTER NON-FINAL ACTION			
64	02/25/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
63	11/28/2008	MAIL NON-FINAL REJECTION			
62	11/24/2008	NON-FINAL REJECTION			
59	11/19/2008	DATE FORWARDED TO EXAMINER			
58	11/13/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
57	11/19/2008	DATE FORWARDED TO EXAMINER			
56	11/13/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)		42	48
55	11/19/2008	DISPOSAL FOR A RCE / CPA / R129			
54	11/13/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
53	11/13/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
52	10/17/2008	MAIL ADVISORY ACTION (PTOL - 303)			
51	10/14/2008	ADVISORY ACTION (PTOL-303)			
50	10/08/2008	DATE FORWARDED TO EXAMINER			
49	10/01/2008	AMENDMENT AFTER FINAL REJECTION			
48	07/02/2008	MAIL FINAL REJECTION (PTOL - 326)			
47	06/05/2008	FINAL REJECTION			
44	03/28/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
43	03/27/2008	REFERENCE CAPTURE ON IDS			
42	03/27/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		17	40
41	04/06/2008	DATE FORWARDED TO EXAMINER			
40	03/10/2008	RESPONSE AFTER NON-FINAL ACTION			
39	03/28/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

38	12/11/2007	MAIL NON-FINAL REJECTION			
37	12/10/2007	NON-FINAL REJECTION			
33	09/10/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	09/29/2007	DATE FORWARDED TO EXAMINER			
31	09/17/2007	RESPONSE AFTER NON-FINAL ACTION		3	28
30	09/10/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
29	09/10/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	06/14/2007	MAIL NON-FINAL REJECTION			
27	06/11/2007	NON-FINAL REJECTION			
26	11/14/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	04/17/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	05/18/2007	DATE FORWARDED TO EXAMINER			
23	05/17/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
22	04/20/2007	MAIL RESTRICTION REQUIREMENT	253		-1
21	04/16/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
20	03/22/2007	CASE DOCKETED TO EXAMINER IN GAU			
19	11/06/2006	CASE DOCKETED TO EXAMINER IN GAU			
18	04/17/2006	REFERENCE CAPTURE ON IDS			
17.7	04/17/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	04/17/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	11/14/2005	REFERENCE CAPTURE ON IDS			
15.7	11/14/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	11/14/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	08/18/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
13	07/21/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	07/21/2005	CASE DOCKETED TO EXAMINER IN GAU			
11	06/10/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
10	07/05/2005	APPLICATION RETURN FROM OIPE			

9	07/06/2005	APPLICATION IS NOW COMPLETE			
8	07/05/2005	APPLICATION RETURN TO OIPE			
7	07/05/2005	APPLICATION RETURN FROM OIPE			
6	07/05/2005	APPLICATION RETURN TO OIPE			
5	07/01/2005	APPLICATION DISPATCHED FROM OIPE			
4	07/05/2005	APPLICATION IS NOW COMPLETE			
3	06/20/2005	CLEARED BY OIPE CSR			
2	06/15/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/10/2005	INITIAL EXAM TEAM NN			

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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

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In re Patent No. 7,586,123	:	DECISION ON REQUEST FOR
Choi et al.	:	RECONSIDERATION OF
Issue Date: September 8, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/149,689	:	AND
Filed: June 10, 2005	:	NOTICE OF INTENT TO ISSUE
Attorney Docket No. 12580-5181	:	CERTIFICATE OF CORRECTION

This is a decision on the "SECOND REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT" filed on May 20, 2010. This request is being treated as a petition under 37 CFR 1.705(d), seeking correction of the patent term adjustment indicated on the patent because "Applicants' Attorney believes that the PTO incorrectly made a double adjustment in determining a patent term adjustment of 501 days, and that the correct patent term adjustment should be 347 days." *Petition, 05/20/10, p. 1.*

The petition under 37 CFR 1.705(d) is dismissed as moot in view of the decision mailed May 18, 2010.

On October 13, 2009, patentee submitted a petition under 37 CFR 1.705(d) and fee. On February 1, 2010, patentee filed a Request for Recalculation of Patent Term Adjustment in View of *Wyeth*. On March 29, 2010, the Office mailed a decision granting the petition under 37 CFR 1.705(d) to the extent that a certificate of correction would be issued indicating that the term of the patent was extended or adjusted by 346 days. On April 21, 2010, the Office mailed a "DECISION ON REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH AND NOTICE OF INTENT TO ISSUE CERTIFICATE OF CORRECTION" indicating that the patent term adjustment had been determined to be 501 days.

On May 18, 2010, the Office mailed a decision indicating that the decision of April 21, 2010, had been issued in error because it accorded patentee 155 more days of patent term adjustment than were warranted. Furthermore, the decision mailed May 18, 2010, stated that the Office had determined that the patent term adjustment for the above-identified patent is **346 days** and that the 155 additional days of adjustment would be removed. Lastly, the Office notified patentee that the decision of April 21, 2010, had been withdrawn and that the decision mailed May 18, 2010, superseded the decision of April 21, 2010.

With regard to the present petition under 37 CFR 1.705(d), the Office once again reminds patentee that 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. Thus, the over three year period begins on June 11, 2008, and ends on November 12, 2008, the day before the RCE was filed, and is 155 days (not 156 days as calculated by patentee). See 35 U.S.C. 154(b)(1)(B)(i). Accordingly, the patent term adjustment for the above-identified patent is **346 days** (not 347 days as asserted by patentee).

As indicated in the decision mailed May 18, 2010, the Office has removed the 155 additional days of adjustment and is issuing a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **346 days**.

The Office acknowledges the previous submission of the required fee of $200.00 set forth in 37 CFR 1.18(e).

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

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

Mail Date: 04/21/2010

Applicant	: Dominic Benjamin Giampaolo	: DECISION ON REQUEST FOR
Patent Number	: 7613743	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,709	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **767** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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WESTMAN CHAMPLIN (MICROSOFT CORPORATION)
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402

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JUN 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Ming ZHOU et al.	:	
Application No. 11/149,713	:	DECISION ON PETITION
Filed: June 10, 2005	:	
Attorney Docket No. 312585.01	:	

This is a decision on the petition, filed December 03, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the final Office action mailed April 17, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on November 20, 2009.

Petitioner asserts that the Office action dated April 17, 2009 was not received.

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

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

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

The petition satisfies the above-stated requirements. 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.

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

This application is being referred to the Technology Center technical support staff of Art Unit 2163 for re-mailing the Office action of April 17, 2009. The period for reply will run from the mailing date of the Office action.

Thurman K. Page
Petitions Examiner
Office of Petitions

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PATENT LAW OFFICE OF DAVID G. BECK
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MILL VALLEY, CA 94942

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OFFICE OF PETITIONS

In re Application of :
Phillips et al. :
Application No. 11/149,714 :
Filed: June 9, 2005 :
For: HOUR-GLASS SHAPED :
CAVITATION CHAMBER WITH :
SPHERICAL LOBES :

This is a decision on the Petition to Revise Filing Date, filed July 8, 2005. The petition is properly treated under 37 CFR 1.10(c).

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on June 9, 2005. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. ED635158093US. A review of the Express Mail label, No. ED635158093US, reveals that the "Date In" indicated on the Express Mail label is June 9, 2005. The same Express Mail label number was placed on the original application papers located in the official file.

In view of the above, the petition is **granted**. The petition fee has been refunded to deposit account 50-3200.

The application is being referred to the Office of Initial Patent Examination for correction of the filing date to June 9, 2005.

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

Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
PHILLIPS, et al.
Application No. 11/149,714
Filed: June 9, 2005
Attorney Docket No. **IMP025CP4**

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 20, 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 "assignee Impulse Devices, Inc. knowingly and freely assents to termination" 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 as attorney filed on March 20, 2007 does not include one of the above two options.

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: **ROSS TESSIEN**
C/O IMPULSE DEVICES, INC.
13366 GRASS VALLEY AVENUE, UNIT H
GRASS VALLEY, CA 95945

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In re Application of :
PHILLIPS, et al. :
Application No. 11/149,714 : DECISION ON PETITION
Filed: June 9, 2005 : TO WITHDRAW
Attorney Docket No. **IMP025CP4** : 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 9, 2007.

The request is **NOT APPROVED.**

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request "discharged by assignee Impulse Devices, Inc." 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 as attorney filed on March 20, 2007 does not include one of the above two options.

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: **ROSS TESSIEN**
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OFFICE OF PETITIONS

In re Application of
PHILLIPS, et al.
Application No. 11/149,714
Filed: June 9, 2005
Attorney Docket No. **IMP02C94**

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 March 5, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **PATENT LAW OFFICE OF DAVID G. BECK** has been revoked by the assignee of the patent application on March 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 the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **MAYNARD COOPER & GALE, PC**
1901 SIXTH AVENUE NORTH
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PALO ALTO, CA 94306

Mail Date: 04/21/2010

Applicant	: Jian Li	: DECISION ON REQUEST FOR
Patent Number	: 7608888	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,716	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **872** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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APR 07 2010

OFFICE OF PETITIONS

In re Application of Dusan Pavcnik, et. al. Application No. 11/149,721 Filed: June 9, 2005 Attorney Docket No. 1000-341	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed January 29, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that the power of attorney to Customer Number 48003 has been revoked by the assignee of the above application on February 16, 2010. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

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

This application file is being referred to Technology Center Art Unit 3731 for further processing in due course.

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: BUCHANAN INTELLECTUAL PROPERTY OFFICE, LLC
P.O. BOX 700
PERRYSBURG, OH 43552-0700

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 05/04/2010

Applicant	: Asif Grushkevich	: DECISION ON REQUEST FOR
Patent Number	: 7647023	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/149,725	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Date Mailed : 06/17/09

Patent No. : 7476653 B2
Patent Issued : 01/13/09
Docket No. : **9412-3**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 03/17/09; please see attachments. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

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

Lamonte M. Newsome

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703) 756-1574

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

LMN

PAGE 2/2 * RCVD AT 3/31/2009 2:23:44 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/13 * DNIS:2709990 * CSID:5712730200 * DURATION (mm-ss):00-36

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/26/09

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction for Appl. No.: 11149731 Patent No.: 7476653 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 571-270-8990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: Changes to chemical structures, replacing N's with S's, moving methyl groups to other carbons, etc are for more substantive for C of C

Cecilia Tsang — SPE, Art Unit 1654

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

03/31/2009 14:21 5712730200 PAGE 02/02

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/01/09

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction for Appl. No.: 11149731 Patent No.: 7476653

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

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

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

Comments: _____

Charles Tsang
SPE, Art Unit 1654

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05-19-10

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/149758 Patent No.: 7541330

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Angela Green 703-756-1541
Certificates of Correction Branch
703-756-1814

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** 1654 **Art Unit**

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PATENT LAW OFFICE OF DAVID G. BECK
P. O. BOX 1146
MILL VALLEY, CA 94942

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AUG 20 2007

OFFICE OF PETITIONS

In re Application of
Daniel A. Phillips
Application No. 11/149,791
Filed: June 9, 2005
Attorney Docket No. IMP025CP

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 20, 2007.

The request is **APPROVED**.

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

David G. Beck signed the request on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

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

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must

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

The application became abandoned for failure to timely pay the issue fee and publication fee indicated in the Notice of Allowance and Fee(s) Due mailed February 9, 2007.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: DANIEL A. PHILLIPS
10754 RAINBOW RANCH PLACE
GRASS VALLEY, CA 95945

cc: ROSS TESSIEN
C/O IMPULSE DEVICES, INC.
13366 GRASS VALLEY AVENUE
UNIT H
GRASSY VALLEY, CA 95945

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/149,791	06/09/2005	Daniel A. Phillips	IMP025CP

CONFIRMATION NO. 1343

OC000000025446612

45147
PATENT LAW OFFICE OF DAVID G. BECK
P. O. BOX 1146
MILL VALLEY, CA 94942

Date Mailed: 08/17/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/20/2007.

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

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

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MAY 03 2007

OFFICE OF PETITIONS

In re Application of

BATTISTI, Peter et al.
Application No. 11/149,794
Filed: June 10, 2005
Attorney Docket No. **1005.104**

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 09, 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, accepting employment with another company and client seeking other representation, 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 Tredelle Jackson at 571-272- 2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **CHEMENCE, INC.**
185 BLUEGRASS VALLEY PARKWAY
ALPHARETTA, GA 30005-2222

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OFFICE OF PETITIONS

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

In re Patent No. 7,542,028
Issued: June 2, 2009
Application No. 11/149,814
Filed: June 10, 2005
Attorney Docket No. 9281-5118

: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT" filed August 3, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from six hundred seventy-two (672) days to nine hundred ninety-four (994) days.

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

On June 2, 2009, the above-identified application matured into US Patent No. 7,542,028 with a patent term adjustment of 672 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).

Per the authorization contained in the petition and pursuant to 37 CFR 1.18(e), the Office has charged petitioner's deposit account no. 23-1925 in the amount of $200.00 for the instant petition. 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 994 days, which includes 322 days of patent term adjustment due to exceeding three year pendency and 705 days due to USPTO delay in prosecution."

The 322-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on June 10, 2005, and the patent having been issued on June 2, 2009, three years and 322 days later. Patentees assert that in addition to this 322-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a), of 705 days for the failure by the Office to mail at least one of a

notification under 35 U.S.C. 132 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a), pursuant to 37 CFR 1.702(a)(1). Under 37 CFR 1.703(f), patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR 1.702 reduced by the period of time equal to the period of time during which patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. In other words, it is the period of Office delay reduced by the period of applicant delay. Patentees do not dispute the period of reduction of 33 days for applicant delay.

Patentees do not dispute that the total period of Office delay is the sum of the period of Three Years Delay (322 days) and the period of Examination Delay (705 days) to the extent that these periods of delay are not overlapping. However, in effect, patentees contend that no portion of the Three Year Delay period overlaps with the period of 14-month examination delay. Accordingly, patentees submit that the total period of adjustment for Office delay is 1027 days, which is the sum of the period of Three Year Delay (322 days) and the period of Examination Delay (705 days), reduced by the period of overlap (0 days). As such, patentees assert entitlement to a patent term adjustment of 994 days (322 + 705 reduced by 0 overlap – 33(applicant delay)).

The Office agrees that as of the issuance of the patent on June 2, 2009, the application was pending three years and 322 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 705 days is correct. At issue is whether patentees should accrue 322 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 705 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 322 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

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

Likewise, 35 CFR 1.703(f) provides that:

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

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

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A),* 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding § 1.702 overlap, the period of adjustment

granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3-year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[1]

As such, the period for over three-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b) (I) (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, June 10, 2005, to the date the patent issued on June 2, 2009. Prior to the issuance of the patent, 705 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 322 days for Office delay in issuing the patent overlap with the 705 days of Office delay. During that time, the issuance of the patent was delayed by 322 days, not 705 + 322 days. The Office took 14 months and 705 days to issue a first Office action. Otherwise, the Office took all actions set forth in 37 CFR 1.702(a) within the prescribed time frames. Nonetheless, given the 322 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 322 days. The Office did not delay 705 days and then an additional 322 days. Accordingly, 705 days of patent term adjustment (not 705 and 322 days) was properly entered since the period of delay of 322 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 705 days attributable

[1] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

to grounds specified in § 1.702(a)(1). Entry of both periods is not warranted. Thus, 705 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 322 days over three years to the issuance of the patent.

Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment for the Office taking in excess of three years to issue the patent.

In view thereof, no adjustment to the patent term will be made.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

/Kery A. Fries/

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Examination Policy

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7-20-07

wk

In re Application of	:	
Phillips et al.	:	
Serial Number: 11/149,822	:	DECISION
Filed: June 9, 2005	:	ON
For: HOURGLASS-SHAPED CAVITATION	:	PETITION
CHAMBER WITH SPHERICAL LOBES	:	

This is in response to the request filed March 20, 2007, requesting permission for withdrawal as attorney from the above-identified application.

The Commissioner of Patents and Trademarks requires that there be at least 30 days between approval of withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action. If a period has been set for reply and the period may be extended without a showing of cause pursuant to 37 CFR 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed.

In this case there is less than thirty days between approval of withdrawal of the current attorney of record and the expiration date of a time response period.

The Request is **Denied**.

Jacqueline M. Stone

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

David G. Beck
PATENT LAW OFFICE OF DAVID G. BECK
P. O. BOX 1146
MILL VALLEY CA 94942

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 6/9/2008
Patent No. : 7,1342,933 B
Inventor(s) : Enari et al.
Issue Date : March 11, 2008
Title : **METHOD AND APPARATUS FOR SENDING OUT MULTI-CHANNEL DIGITAL DATA, METHOD AND APPARATUS FOR PROGRAMMING THE INFORMATION AND METHOD AND APPARATUS FOR MANAGING MULTI-CHANNEL DIGITAL DATA**
Doc./File No. : 450101-4460.1

Re: Certificate of Correction

Consideration has been given your request for a certificate of correction, for the above-identified patent under the provisions of Rule 1.322 and 1.323.

Respecting, the alleged error in the omission of priority data, section 119 of 35 U.S.C. requires that both a claim for priority and a certified copy of the foreign application be filed in order that a patent issue with this data. No record can be found of a certified copy of the foreign application priority numbers listed in your request. No correction is in order here.

In view of the foregoing, your request is hereby denied.

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (703) 308-9390 x122
Mary F. Diggs, *Supervisor* (703) 308-9390 x125
Decisions & Certificates of Correction Branch

FROMMER LAWRENCE & HAUG, LLP.
10TH FLOOR
745 FIFTH AVENUE
NEW YORK NY 10151

ecw

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	: Se-eun O	: DECISION ON REQUEST FOR
Patent Number	: 7609555	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,834	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1099** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BRACEWELL & GIULIANI LLP
P.O. Box 61389
HOUSTON, TX 77208-1389

Mail Date: 04/21/2010

Applicant	: William Phillip Macnutt	: DECISION ON REQUEST FOR
Patent Number	: 7647695	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,836	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1258** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

Mail Date: 04/20/2010

Applicant	: Peter Nollert	: DECISION ON REQUEST FOR
Patent Number	: 7610943	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,855	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **957** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Daniel Fiden	: DECISION ON REQUEST FOR
Patent Number	: 7644922	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,857	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **819** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MARGER, JOHNSON & MCCOLLOM, PC
210 SW MORRISON STREET
SUITE 400
PORTLAND OR 97204

COPY MAILED

JAN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
C. Norman Winningstad, et al.	:	
Application No. 11/149,860	:	DECISION ON PETITION
Filed: June 10, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 9740-005	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 27, 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 declaration statement signed by the applicant C. Norman Winningstad. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2621 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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OFFICE OF PETITIONS

In re Application of :
Hong, et al. : LETTER REGARDING
Application No.: 11/149,876 : PATENT TERM ADJUSTMENT
Filed: June 10, 2005 :
Attorney Docket No. 12580-5174 :

This is in response to the "REQUEST PATENT TERM ADJUSTMENT" filed July 13, 2009. Pursuant to applicants' duty of good faith and candor to the Office, applicants requests that the determination of patent term adjustment under 35 U.S.C 154(b) be reviewed for accuracy.

The request for review of determination of the patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is eight hundred forty-one (841) days. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On April 13, 2009, a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) was mailed indicating that the patent term adjustment to date was 848 days. On July 13, 2009, applicants submitted the instant comment. Applicants disclose that applicants believe that the patent term adjustment indicated in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed April 13, 2009, is incorrect. Specifically, applicants state that:

> ...the patent term adjustment pursuant to 35 U.S.C. 154(b) that is indicated on the front of the patent as 848 days may extend the term of this patent by too many days.

Excerpt from Request for Review of Patent Term Adjustment filed July 13, 2009, page 1

A review of the application history reveals that an Information Disclosure Statement was filed on March 12, 2009, after the filing of an initial response to the non-final Office action on March 5, 2009. 37 CFR 1.704(c)(8) provides that:

> (c) Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:
>
> (8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date the supplemental reply or other such paper was filed.

37 CFR 1.704(d) provides that:

> (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.

A review of the Information Disclosure Statement filed March 12, 2009, reveals that it did not include the proper statement under 1.704(d). Furthermore, the record does not show that the Examiner expressly requested the filing of the Information Disclosure Statement on March 12, 2009.

Pursuant to 37 CFR 1.704(c)(8), the period of adjustment set forth in § 1.703 should have been reduced by 7 days, counting

the number of days beginning on the day after the date the initial reply was filed, March 6, 2009, and ending on the date the Information Disclosure Statement was filed, March 12, 2009. Accordingly, a period of reduction of seven (7) days will be entered.

In view thereof, the determination of the patent term adjustment at the time of the mailing of the notice of allowance is 841 (848-7) days.

As this letter was submitted as an advisement to the Office of an error in the calculation of the Patent Term Adjustment, the Office will not assess the $200.00 application fee under 37 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

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.

Telephone inquiries regarding this specific 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 PALM screen

Day : Thursday
Date: 9/24/2009

PALM INTRANET

Time: 08:39:16

PTA Calculations for Application: 11/149876			
Application Filing Date:	06/10/2005	PTO Delay (PTO):	848
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	841
PTO Delay Adjustment:	-7		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
41	09/17/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		7	
32	04/13/2009	MAIL NOTICE OF ALLOWANCE			
31	04/10/2009	ISSUE REVISION COMPLETED			
30	04/10/2009	DOCUMENT VERIFICATION			
29	04/10/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
28	04/01/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
27	04/10/2009	NOTICE OF ALLOWABILITY			
24	03/12/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	03/05/2009	NEW OR ADDITIONAL DRAWING FILED			
22	03/18/2009	DATE FORWARDED TO EXAMINER			
21	03/05/2009	RESPONSE AFTER NON-FINAL ACTION			
20	03/12/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	12/05/2008	MAIL NON-FINAL REJECTION	848		-1
18	12/04/2008	NON-FINAL REJECTION			
15	03/28/2008	CASE DOCKETED TO EXAMINER IN GAU			
14	03/07/2008	CASE DOCKETED TO EXAMINER IN GAU			
13	03/22/2006	CASE DOCKETED TO EXAMINER IN GAU			
12	03/03/2006	CASE DOCKETED TO EXAMINER IN GAU			
11	08/11/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	06/10/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
9	06/10/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			

8	06/10/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
7	06/10/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
6	08/11/2005	CASE DOCKETED TO EXAMINER IN GAU			
5	07/06/2005	APPLICATION DISPATCHED FROM OIPE			
4	07/06/2005	APPLICATION IS NOW COMPLETE			
3	06/21/2005	CLEARED BY OIPE CSR			
2	06/18/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/10/2005	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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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Hee Jung Hong	: DECISION ON REQUEST FOR
Patent Number	: 7609248	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,876	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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HOWARD J. GREENWALD P.C.
70 LINDEN OAKS, THIRD FLOOR
ROCHESTER, NY 14625

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OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	DECISION ON PETITION
Application No. 11/149,878	:	TO WITHDRAW
Filed: June 10, 2005	:	FROM RECORD
Attorney Docket No. 1008 091 301 0251	:	

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 3, 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 Howard J. Greenwald P.C., has been revoked by the applicant of the patent application on May 31, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: BASCH & NICKERSON LLP
1777 PENFIELD ROAD
PENFIELD, NY 14526

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United States Patent and Trademark Office
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GREENBERG TRAURIG, LLP (DC/ORL)
2101 L Street, N.W.
Suite 1000
Washington, DC 20037

Mail Date: 04/20/2010

Applicant	: Robert Faye Elliott	: DECISION ON REQUEST FOR
Patent Number	: 7629664	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,882	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **910** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SoCal IP Law Group LLP
310 N. Westlake BLVD, Suite 120
Westlake Village, CA 91362

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In re Application of	:	
Herbert B. HYMAN	:	
Application No. 11/149,890	:	DECISION ON PETITION
Filed: June 10, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. H006-P06318US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 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/declaration by Herbert B. Hyman stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 3711 for 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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STOEL RIVES LLP - PDX
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND, OR 97204-1268

Mail Date: 04/21/2010

Applicant	: Wade A. Matveyenko	: DECISION ON REQUEST FOR
Patent Number	: 7624342	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,909	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1082** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 07-08-08

TO SPE OF : ART UNIT 3636

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/149913** Patent No.: **7213885**

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 123

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

DAVID DUNN
~~SUPERVISORY PATENT EXAMINER~~
SPE

3636
Art Unit

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EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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In re Application of

Steven P. Georgis :

Application No. 11/149,919

: DECISION ON PETITION

Filed: June 10, 2005

:

Attorney Docket No. 040252-000510US

This is a decision on the petition under 37 CFR 1.137(b), filed September 9, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 9, 2008, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on April 10, 2008.

The amendment filed September 9, 2008, is noted.

The application is being forwarded to Technology Center 2100, GAU 2187 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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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

Mail Date: 04/20/2010

Applicant	: Jong-Woung Park	: DECISION ON REQUEST FOR
Patent Number	: 7586479	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,925	: OF WYETH
Filed	: 06/10/2005	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHARLES G. CALL
68 HORSE POND ROAD
WEST YARMOUTH MA 02673-2516

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SEP 29 2006

OFFICE OF PETITIONS

In re Application of :
Resner, et al. :
Application No. 11/149,929 :
Filed: June 10, 2005 :
Attorney Docket No. F-20 :
For: METHODS AND APPARATUS FOR DISPLAYING TRANSMITTED DATA

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 20, 2006, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Application mailed July 8, 2005, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on September 9, 2005. A Notice of Abandonment was mailed on March 16, 2006.

Applicants have submitted a proper reply in the form of filing fees, an executed declaration, and surcharge, an acceptable statement of the unintentional nature of the delay in responding to the July 8, 2005 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted

After the mailing of this decision, the file will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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MARCUS SIMON
DORSEY & WHITNEY LLP
1420 FIFTH AVENUE, SUITE 3400
SEATTLE, WA 98101

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OFFICE OF PETITIONS

In re Application of :
Judson R. Sharples et al :
Application No. 11/149,972 : ON PETITION
Filed: June 10, 2005 :
Attorney Docket No. 500441.05

This is a decision on the petition filed, September 21, 2006 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 23, 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 Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3723 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

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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CRAWFORD MAUNU PLLC
SUITE 390
1270 NORTHLAND DRIVE
ST. PAUL, MN 55120

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Dean W. Hahn-Carlson :
Application No. 11/149,977 :
Filed: June 9, 2005 :
Attorney's Docket No. USBA.131PA :

This is a decision on the petition filed February 21, 2006 under 37 CFR 1.10(c) which is treated under 37 CFR 1.53(e)(2).

The petition under 37 CFR 1.53(e)(2) is **GRANTED**.

The application was filed on June 9, 2005 with an unexecuted oath. Accordingly, the filing date of June 9, 2005 was accorded and on July 7, 2005, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts".

In response to the Notice, on September 12, 2005, an executed oath was filed in addition to a supplemental specification. In response thereof on September 21, 2005, an updated filing receipt was mailed showing a filing date of September 12, 2005.

While petitioner argues under 37 CFR 1.10 that a complete application for which a filing date could be accorded was mailed by Express Mail on June 9, 2005, and while a review of the record does not show any basis for the filing date to have been changed, it is concluded that the filing date was incorrectly changed to September 12, 2005. The filing of the executed oath nor the filing of the supplemental specification were grounds for changing the filing date as it was properly accorded upon filing on June 9, 2005.

In view thereof, petitioner's deposit account will be credited in the amount of $400.00 as no petition fee is therefore due.

The application file is being forwarded to the Office of Initial Patent Examination for a correction of the filing date to June 9, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Stephen Paul Wilcox	: DECISION ON REQUEST FOR
Patent Number	: 7630851	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,980	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1135** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
555 CALIFORNIA STREET
SUITE 1000
SAN FRANCISCO, CA 94104-1513

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OFFICE OF PETITIONS

In re Application of	:	
Gill G. Geesey, et al.	:	
Application No. 11/149,981	:	DECISION ON PETITION
Filed: June 9, 2005	:	TO WITHDRAW
Attorney Docket No. A-72299 (470425-00101)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 20, 2007.

The request is **NOT APPROVED**.

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, "case transferred to inventor/assignee", 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 power of attorney filed on September 30, 2005 does not include a proper chain of title or the reel and frame number of the assignment.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: REBECCA W. MAHURIN
MONTANA STATE UNIVERSITY
TECH TRANSFER OFFICE
PO BOX 172640
304 MONTANA HALL
BOZEMAN, MT 59717-2460

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MS. DENLYN K. ATHERTON
MONTANA STATE UNIVERSITY
TECHNOLOGY TRANSFER OFFICE
304 MONTANA HALL
BOZEMEN, MT 59717-4152

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In re Application of	:	
Gill G. Gessey, et al.	:	
Application No. 11/149,981	:	DECISION ON PETITION
Filed: June 9, 2005	:	TO WITHDRAW
Attorney Docket No. A-72299 (470425-00101)	:	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 5, 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 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.

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 withdrawal of attorney is not acceptable since it is not signed by a proper party of interest in accordance with 37 CFR 1.33(b).

In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

A paper one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where an amendment or other paper is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

As the request is not signed by all the inventors and the record herein fails to disclose that the person signing the request (Rebecca W. Mahurin) was ever given a power of attorney to act on behalf of inventor Gill G. Geesey and Anthony P. Haag, or that she is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the request is considered to be improper.

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

cc: GILL G. GESSEY
1722 KENYON DRIVE
BOZEMAN, MT 59715

cc: MS. DENLYN K. ATHERTON
MONTANA STATE UNIVERSITY
TECHNOLOGY TRANSFER OFFICE
304 MONTANA HALL
BOZEMEN, MT 59717-4152

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ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS)
136 S WISCONSIN ST
PORT WASHINGTON, WI 53074

Mail Date: 04/20/2010

Applicant	: Jiang Hsieh	: DECISION ON REQUEST FOR
Patent Number	: 7570733	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/149,993	: OF WYETH
Filed	: 06/10/2005	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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WILLIAM E. NOONAN
POST OFFICE BOX 07338
FORT MYERS, FL 33919

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JAN 25 2006

OFFICE OF PETITIONS

In re Application of
Thomas P. King et al.
Application No. 11/149,994
Filed: June 10, 2005
Attorney Docket No. SUT103

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is a decision on the petition filed September 19, 2005 under 37 CFR 1.47(b) which is treated under 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

Effective November 22, 2004, the petition fee has been increased from $130.00 to $200.00. Therefore, since the fees submitted are deficient and since no deposit account has been authorized, this petition cannot be treated on the merits and will not receive any consideration until such time as $70.00 has been submitted. 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.

The application will be retained in the Office of Petitions for two months after which time if the fees have not been submitted, the application will be forwarded to the Office of Initial Patent Examination and the proceedings terminated. A request for reconsideration with the appropriate fees should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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WILLIAM E. NOONAN
POST OFFICE BOX 07338
FORT MYERS FL 33919

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MAR 08 2006

OFFICE OF PETITIONS

In re Application of	:
Thomas P. King et al.	:
Application No. 11/149,994	: DECISION REFUSING STATUS
Filed: June 10, 2005	: UNDER 37 CFR 1.47(a)
Attorney Docket No. SUT103	:

This is in response to the request for reconsideration filed February 23, 2006 under 37 CFR 1.47(a),

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 10, 2005, naming Thomas P. King and Bobby Ray Ricks as joint inventors, but without a signed declaration. Accordingly, on July 18, 2005, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, on September 19, 2005, a declaration of facts in support of filing on behalf of omitted/unavailable inventors (37 CFR § 1.47(a)) was filed with a declaration signed only by joint inventor King. The petition fee was deficient and thus the petition was dismissed and therefore was not treated on the merits.

The fee deficiency having now been corrected, the instant request for reconsideration argues that after diligent efforts, joint inventor Ricks cannot be located.

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 present petition lacks items (1).

Petitioners have shown that the application papers were mailed to non-signing inventor Ricks but that the package has been returned undeliverable, Petitioners have not shown however that diligent efforts have been made to locate the non-signing inventor.[1]

Petitioners must provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the additional efforts to locate Mr. Ricks, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate him, send or give a copy of the application papers to him, and request that he sign and return the declaration. If repeated attempts to contact the non-signing inventor by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that he cannot be found despite diligent efforts.

If Mr. Ricks refuses in writing to sign the declaration, petitioners should provide a copy of that written refusal with any renewed petition. If a verbal refusal to sign is made to a person, details should be given in an affidavit or declaration of facts by a person having first hand knowledge of the facts of refusal.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] MPEP 409.03(d).

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FORT MYERS FL 33919

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OFFICE OF PETITIONS

In re Application of
Thomas P. King et al.
Application No. 11/149,994
Filed: June 10, 2005
Attorney Docket No. SUT103

: DECISION NOTING JOINDER OF
: INVENTOR AND PETITION UNDER
: 37 CFR 1.47(a) DISMISSED AS
: INVOLVING MOOT ISSUES

A petition under 37 CFR 1.47(a) was filed September 19, 2005 and was dismissed in a decision mailed January 25, 2006. A renewed petition filed February 23, 2006 was also dismissed in a decision mailed March 8, 2006.

Papers filed on May 11, 2006 with a certificate of mail dated May 8, 2006, in reply to the "Decision Refusing Status Under 37 CFR 1.47(a)" mailed March 8, 2006, included a declaration signed by the previously non-signing inventor, Bobby Ray Ricks, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is unnecessary.

The renewed petition filed May 11, 2006 is **DISMISSED** as involving moot issues.

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 matter will be referred to Technology Center 3671 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Howard Chen
Preston Gates & Ellis LLP
Suite 1700
55 Second Street
San Francisco CA 94105

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SEP 25 2006
OFFICE OF PETITIONS

In re Application of :
Liaw :
Application No. 11/150,014 : ON PETITION
Filed: June 13, 2005 :
Attorney Docket No. TSMC2004-0675 :
For: MULTIPLE STAGE METHOD AND SYSTEM FOR SENSING OUTPUTS FROM MEMORY CELLS

This is a decision on the petition under 37 CFR 1.10(c), filed July 26, 2006, requesting that the above-identified application be accorded a filing date of June 10, 2005, rather than the presently accorded filing date of June 13, 2005.

Petitioner contends that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on June 10, 2005. In support of this contention, petitioner has supplied with the present petition a copy of Express Mail Receipt No. EV664413584US, bearing a "date-in" of "6 10". While the year is missing from the "date-in", there is no dispute as to the year the application was filed. The only dispute is to the exact date in June the application was filed. The original application transmittal found in the application file references Express Mail Receipt Number: EV664413584US.

In view of the above, the petition is **granted**.

Pursuant to petitioner's authorization, the $130.00 petition fee submitted on July 26, 2006 will be credited to deposit account no. 50-3414.

This application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **June 10, 2005.** Thereafter, this application file will be forwarded to Technology Center A.U. 2827 for examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas TX 75219

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OFFICE OF PETITIONS

In re Application of

Gerald L. Frenkil.

Application No. 11/150,031

Filed: June 10, 2005

Attorney Docket No. **M-15503-1P US**

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), May 24, 2010, to revive the above-identified application.

The petition is **granted**.

This application was held abandoned May 17, 2010, after no reply was received to the Notice of Allowance and Issue Fee Due mailed February 17, 2010. The notice set forth a statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on May 17, 2010. A Notice of Abandonment was mailed May 27, 2010

The issue fee and publication fee were received on May 24, 2010.

Form PTOL-85B, filed May 24, 2010, is noted.

The application is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

06 JUL 2005

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Robert W. Fiessler
McAndrews, Held & Malloy, LTD.
34th Floor
Chicago, Illinois 60661

In re Application of	:	
WEBER et al.	:	
U.S. Application No.: 11/150,035	:	DECISION ON PETITION
Filing Date: 10 June 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.: 16476US01	:	
For: DIRECT INJECTION GASEOUS FUEL	:	
ENGINE WITH IGNITION ASSIST MACHINE	:	

This decision is in response to applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally (under 37 CFR 1.37(b))" filed 10 June 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 07 November 2003, applicants filed international application PCT/CA03/01723 which claimed priority of an earlier application filed 15 November 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 15 May 2005.

On 10 June 2005, applicants filed the present petition to revive pursuant to 37 CFR 1.137(b) accompanied by a continuation application.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (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" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have supplied the proper reply in the form of the filing of a continuation application.

As to item (2), applicants have submitted the requisite petition fee and thus satisfying item (2).

Regarding item (3), applicants' statement that "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" satisfies this element.

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

Applicants' petition to revive for the purposes of continuity only is **GRANTED**.

International application PCT/CA03/01723 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned.

The application will the be forwarded to Office of Initial Patent Examination for continued processing as an application under 35 U.S.C. 111(a).

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

06 JUL 2005

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Robert W. Fiessler
McAndrews, Held & Malloy, LTD.
34th Floor
Chicago, Illinois 60661

In re Application of	:	
WEBER et al.	:	
U.S. Application No.: 11/150,035	:	DECISION ON PETITION
Filing Date: 10 June 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.: 16476US01	:	
For: DIRECT INJECTION GASEOUS FUEL	:	
ENGINE WITH IGNITION ASSIST MACHINE	:	

This decision is in response to applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally (under 37 CFR 1.37(b))" filed 10 June 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 07 November 2003, applicants filed international application PCT/CA03/01723 which claimed priority of an earlier application filed 15 November 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 15 May 2005.

On 10 June 2005, applicants filed the present petition to revive pursuant to 37 CFR 1.137(b) accompanied by a continuation application.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (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" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have supplied the proper reply in the form of the filing of a continuation application.

As to item (2), applicants have submitted the requisite petition fee and thus satisfying item (2).

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Regarding item (3), applicants' statement that "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" satisfies this element.

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

Applicants' petition to revive for the purposes of continuity only is **GRANTED**.

International application PCT/CA03/01723 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned.

The application will the be forwarded to Office of Initial Patent Examination for continued processing as an application under 35 U.S.C. 111(a).

Anthony Smith

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755 MAIN STREET, P O BOX 224
MONROE, CT 06468

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OFFICE OF PETITIONS

In re Patent No.: 7,379,138	:	
Issue Date: May 27, 2008	:	
Application No.: 11/150,058	:	DECISION ON PETITION
Filed: June 9, 2005	:	
Attorney Docket No.: 890-008.022	:	

This is a decision on the petition under 37 CFR 1.182, filed March 26, 2010, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Niomi Farmer in the Office of Data Management at (703) 308-9250, Ext. 129.

A copy of this decision is being faxed to Office of Data Management for issuance of a duplicate Letters Patent.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, South Tower, 8th Floor, Room C23 (Fax No. (571) 270-9753)

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SIDLEY AUSTIN LLP
717 NORTH HARWOOD
SUITE 3400
DALLAS, TX 75201

Mail Date: 04/20/2010

Applicant	: Koji Fujiwara	: DECISION ON REQUEST FOR
Patent Number	: 7587094	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/150,061	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **540** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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OFFICE OF PETITIONS

In re Application of	:	
Deborah J. Marshall et al	:	DECISION GRANTING
Application No. 11/150,066	:	PETITION
Filed: June 10, 2005	:	
Attorney Docket No. CEN5067 USA NP	:	

This is a decision on the petition under 37 CFR 1.10, filed February 16, 2006, requesting that the above-identified application be accorded a filing date of June 10, 2005, rather than the presently accorded filing date of June 9, 2005.

Applicants request the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on June 10, 2005, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by, inter alia, a copy of the USPS Track and Confirm system information showing that the package bearing Express Mail label No. EV200583995US was accepted and enroute on June 10, 2005, which is the same Express Mail number found on the original itemized transmittal accompanying the original application papers located in the official file.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on June 10, 2005. Accordingly, the instant application file is entitled to a filing date of June 10, 2005, and has been so accorded.

The petition is granted. The $130 petition fee submitted is unnecessary and will be credited to petitioner's deposit account in due course.

This application is being referred to Technology Center AU 1642 for examination in due course.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 271-3220.

Francis Ickes for
Randy Green
Supervisory Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 13 2006

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DAVID A. CASIMIR
MEDLEN & CARROLL, LLP
SUITE 350
101 HOWARD STREET
SAN FRANCISCO CA 94105

In re Application of	:
Michael f. Clarke et al	:
Serial No.: 11/150073	: PETITION TO MAKE SPECIAL
Filed: June 10, 2005	:
Attorney Docket No.: UM-09942	:

This is a decision on the petition filed on September 25, 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 **newly** filed 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 it was not a new application at the time the petition was filed and was not filed electronically.

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 regarding this decision should be directed to William R. Dixon, Jr., Special Program Examiner, at (571) 272-0519.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 5000

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26020 ACERO
SUITE 200
MISSION VIEJO, CA 92691

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OFFICE OF PETITIONS

In re Application of	:	
Steven Fontes	:	DECISION ON PETITION
Application No. 11/150,080	:	TO WITHDRAW
Filed: June 9, 2005	:	FROM RECORD
Attorney Docket No. 50576-0917	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 11, 2006.

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 Crockett & Crockett, P.C., has been revoked by the assignee of the patent application on May 30, 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 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

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MONTREAL QC H3G1R-8 CA CANADA

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OFFICE OF PETITIONS

In re Application of	:	
Stewart Kahan et al.	:	
Application No. 11/150,170	:	
Filed: June 13, 2005	:	DECISION ON PETITION
Attorney Docket No. 3228-1	:	PURSUANT TO
Title: METHOD OF SECURING A	:	37 C.F.R. § 1.181(A)
SHIM TO A BRAKE PAD ASSEMBLY	:	
BACKING PLATE AND BRAKE PAD	:	
ASSEMBLY OBTAINED THEREBY	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on September 17, 2008.

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed October 18, 2007, which set a shortened statutory period for reply of one month. No extensions of time under the provisions of 37 C.F.R. § 1.136(a) were received. Accordingly, the above-identified application became abandoned on November 19, 2007. A Notice of abandonment was mailed on May 2, 2008.

With this petition, Petitioner has asserted that a response (an Election of Species) was timely filed on October 31, 2007, however Petitioner placed the wrong serial number on this

submission. The serial number 11/570,170 was placed on the Election of Species. Petitioner has added that a petition to withdraw the holding of abandonment was filed on May 13, 2008, however this same erroneous serial number was placed on this submission as well. Petitioner is reminded that errors such as occurred can result in loss of rights and care must be taken to avoid such.

The electronic file that is associated with serial number 11/570,170 has been reviewed, and a copy of both submissions has been located in the same. It is clear that the Election of Species was received in the Office on March 3, 2008, the petition to withdraw the holding of abandonment was received in the Office on May 13, 2008, and both submissions were placed into the electronic file that is associated with U.S. Application No. 11/570,170, pursuant to Petitioner's instructions.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

Both the Election of Species that was received in the Office on March 3, 2008 and the petition to withdraw the holding of abandonment that was received in the Office on May 13, 2008 will be moved into the correct electronic file in due course.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the Election of Species that was received in the Office on March 3, 2008 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision.

It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PO BOX 747
FALLS CHURCH VA 22040-0747

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Hsu et al.	:	
Application No. 11/150,185	:	ON PETITION
Filed: June 13, 2005	:	
Attorney Docket No. 0941-1235PUS1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 15, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of and Amendment and an Information Disclosure Statement (IDS), (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 3745 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Kazushige Ito, et al.
Application No. 11/150,226
Filed: June 13, 2005
Attorney Docket No. 124317

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 22, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 20, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 1793 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently file information disclosure statement.

April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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ALEXANDRIA, VA 22313-1450
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Paper No.

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

COPY MAILED
MAR 16 2010

In re Patent No. 7,561,525	:	DECISION ON REQUEST
Shin Saito	:	FOR
Issue Date: July 14, 2009	:	RECONSIDERATION OF
Application No. 11/150,229	:	PATENT TERM ADJUSTMENT
Filed: June 13, 2005	:	and
Atty Docket No.	:	NOTICE OF INTENT TO ISSUE
273732US6	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on September 2, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by six hundred seventy-three (673) days.

The petition to correct the patent term adjustment to indicate that the term of the above-identified patent is extended or adjusted by five hundred thirteen (513) days is **GRANTED to the extent indicated herein.**

As to the "B" delay, the period is 236 days, not 396 days. This period begins on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a), and ends on the issue date of the patent, or 396 days, but not including the number of days 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, and ending on the date of mailing of the notice of allowance under 35 U.S.C. 151, or 160 days. See, 35 U.S.C. 154(b)(1)(C)(iii). Thus, the "B" delay period is 236 (396 days - 160 days), not 396 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **five hundred thirteen (513)** days.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,561,525 B2

DATED : **July 14, 2009** **DRAFT**

INVENTOR(S) : Saito 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 278 days.

Delete the phrase "by 278 days" and insert – by 513 days--

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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

MAILED

APR 2 6 2010

OFFICE OF PETITIONS

In re Application of :
Frederick J. Dechow :
Application No. 11/150,254 :
Filed: June 13, 2005 :
Attorney Docket No. 22116-00013-US3 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 16, 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 final Office action mailed, August 12, 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 November 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal, with the required fee of $270, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the Notice of Appeal is accepted as being unintentionally delayed.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1612 for processing of the response and any action that is required by the Examiner in the normal course of business.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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Christopher R. Glembocki
Banner & Witcoff
1001 G Street NW
Suite 1100
Washington D.C. 20001

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JUL 3 1 2006
OFFICE OF PETITIONS

In re Application of	:	
Mitsuaki Harada et al.	:	
Application No. 11/150,290	:	DECISION ON PETITION
Filed: June 13, 2005	:	TO WITHDRAW
Attorney Docket No. 006582.00018	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 23, 2005 & March 7, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Christopher R. Glembocki and attorneys/agents associated with Customer Number 22907 have been revoked by the assignee of the patent application on February 27, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

David Bucci
Petitions Examiner
Office of Petitions

cc: Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

Mail Date: 04/21/2010

Applicant	: Walter S. Conard	: DECISION ON REQUEST FOR
Patent Number	: 7659487	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/150,295	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **844** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ALLEN D HERTZ
12784 TULIPWOOD CIRCLE
BOCA RATON FL 33428

COPY MAILED
OCT 05 2005
OFFICE OF PETITIONS

In re Application of	:
Jacobs, et al.	:
Application No. 11/150,325	: DECISION GRANTING PETITION
Filed: June 11, 2005	:

This is a decision on the "Petion in Response to Notice of Incomplete Non-Provisional Application", filed August 22, 2005, to accord the above-identified application a filing date of June 11, 2005.

The application was deposited on June 11, 2005. However, on July 27, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", stating that the application had not been accorded a filing date because the application was deposited without drawings.

As stated in MPEP § 601.01(f), it is the practice of the PTO 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.

This instant 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).

In view of the above, the petition is **GRANTED**.

The "Notice of Incomplete Nonprovisional Application", mailed July 27, 2005, was mailed in error and is hereby **VACATED**.

The above-identified application is accorded a filing date of June 11, 2005, as requested in the petition.

In view of the incorporation by reference of application no. 10/227,666, the drawings are not new matter if they were a part of the disclosure of that application.

Given the basis for granting this petition, the petition fee of $400 will be refunded to petitioner under separate cover.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of June 11, 2005, using the application papers received in the Office on that date. Thereafter the application will be forwarded to Group Art Unit 2875 for consideration by the examiner of the Preliminary Amendment and of applicants' request for entry of Figures 1 - 11.

Telephone inquiries specific to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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500 UNION STREET
STE.1005
SEATTLE, WA 98101

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APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
BARDY, Gust H.	:	
Application No. 11/150,334	:	DECISION ON PETITION
Filed: December 10, 2005	:	TO WITHDRAW
Attorney Docket No. **003.0484.US.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 April 01, 2009.

The request is not approved because it is **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 April 20, 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **PAULY, DEVRIES SMITH & DEFFNER, L.L.C.**
PLAZA VII- SUITE 3000
45 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-1630

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

In re Application of :
Robert J. Dees :
Application No. 11/150,339 : ON PETITION
Filed: June 10, 2005 :
Attorney Docket No. 3471P022

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MAY 09 2008
OFFICE OF PETITIONS

This is a decision on the petition, filed May 7, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 22, 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]

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 Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1792 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025

---

[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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/150,341	06/13/2005	Akihito Ogawa	273810US2S	5242

7590 09/15/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
ILUYOMADE, IFEDAYO B

ART UNIT	PAPER NUMBER
4157	

NOTIFICATION DATE	DELIVERY MODE
09/15/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/15/2008 0030061105

Credit Card Refund Total: $900.00

Am Exp..: XXXXXXXXXXX1005

Adjustment date: 09/15/2008 NFARMER
06/15/2005 DTESSEM1 00000066 11150341
02 FC:1111 -500.00 OP
04 FC:1201 -400.00 OP

FORM PET651G (Rev. 08/07)

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TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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NOV 09 2005

OFFICE OF PETITIONS

In re Application of	:	
Frances Chandler Wilkins et al	:	
Application No. 11/150,356	:	DECISION ON PETITION
Filed: June 10, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 018794-013710US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 27, 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 Inventor Kim W. Yang's passport showing that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1616 for action on the merits commensurate with this decision.

Denise Pothier
Petitions Examiner
Office of Petitions

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GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

Mail Date: 04/20/2010

Applicant	: Kelly B. Cameron	: DECISION ON REQUEST FOR
Patent Number	: 7630461	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/150,358	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **855** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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OCT 19 2005

REED SMITH LLP
Suite 1400
3110 Fairview Park Drive
Falls Church, VA 22042

In re application of Michihiro Sato Application No. 11/150,367 Filed: June 13, 2005 For: METHOD AND SYSTEM FOR RATING SECURITIES, METHOD AND SYSTEM FOR EVALUATING PRICE OF SECURITIES, METHOD FOR ESTABLISHING A MARKET WITH THE SYSTEM	:	**DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)**

This is in response to the petition filed on August 25, 2005 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED.**

for

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
571-272-6611

SNM/dew: 10/07/05

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AUG 22 2005

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

In re application of Kenneth R. Thurm Application No. 11/150,372 Filed: June 10, 2005 For: VERTICALLY STOWABLE MODULAR MULTI-PURPOSE TRAILER	: : : : : :	**DECISION ON PETITION TO MAKE SPECIAL (INFRINGEMENT)**

This is a decision on the petition under 37 C.F.R § 1.102(d) filed June 10, 2005 to make the above-identified application special. The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed June 10, 2005 lacks requirements 2(C), above.

Regarding item 2(C), petitioner has failed to send a copy of the references deemed most closely related to the subject matter encompassed by the claims.

In view of these deficiencies, the petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above.

Applicant should promptly submit a renewed petition to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

SUMMARY: Petition to Make Special **DISMISSED**.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
571-272-6611

SNM/dew: 08/08/05

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STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

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NOV 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Kenneth R. Thurm	:	
Application No. 11/150,372	:	DECISION ON PETITION
Filed: June 10, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. THURM-006C	:	37 CFR 1.102(d)
	:	

This is a decision on the renewed petition under 37 CFR §1.102(d), filed October 17, 2005, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

This matter is being referred to Publishing Division to await applicant's reply to the Notice of Allowance and Fee(s) Due mailed October 19, 2005.

Denise Pothier
Petitions Examiner
Office of Petitions

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P.O. BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: Kenneth S. Bloom	: DECISION ON REQUEST FOR
Patent Number	: 7611026	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/150,373	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

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DEANNA J. SHIRLEY
3418 BALDWIN WAY
SANTA ROSA, CA 95403

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AUG 2 6 2005

OFFICE OF PETITIONS

In re Application of :
Michael S. Willams :
Application No. 11/150,374 : ON PETITION
Filed: June 11, 2005 :
Attorney Docket No. PACE 115 :

This is in response to the submission filed August 1, 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 June 11, 2005, including Figure 9C described in the specification.

The application was submitted on June 11, 2005. However, on July 6, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items in a Nonprovisional Application," (Notice) that stated the application had been accorded a filing date, and that Figure 9C described in the specification, appears to have been omitted.

In response, on August 1, 2005, an amendment under 37 CFR 1.57(a)(1) and a copy of Figure 9C were submitted. Additionally, however, a copy of applicants' postcard receipt that acknowledges receipt of "Drawings (11)" on June 11, 2005, accompanied the papers. A review of the application file indicates the presence of only ten (10) sheets of drawings originally filed on June 11, 2005, with the sheet that contains Figure 9C missing. It is assumed that the missing sheet of drawings was misplaced by the Office.

In view of the above, the petition is granted.

This application will be returned to OIPE for processing with a filing date of June 11, 2005, using the sheet of drawings, containing Figure 9C, submitted on August 1, 2005.

As such, the amendment under 37 CFR 1.57(a)(1) is not necessary.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Conferee: CD

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

Mail Date: 07/15/2010

Applicant	: Stephen E. Mick	: DECISION ON REQUEST FOR
Patent Number	: 7713053	: RECALCULATION of PATENT
Issue Date	: 05/11/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/150,382	: OF WYETH
Filed	: 06/10/2005	:
		:

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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BATTELLE MEMORIAL INSTITUTE
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS, IN 46204-2079

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OFFICE OF PETITIONS

In re Application of
Steven J. Ouderkirk, et al.
Application No. 11/150,396
Filed: June 9, 2005
Attorney Docket No. BTMI-3

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 24, 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 petitioner has not certified that he has given reasonable notice to the client prior to the expiration of the response period hat the practitioners, intends to withdraw from employment. Further the practitioners have not certified that he had delivered to his client or duly authorized representative of the client all papers and property (including funds) to which the client is entitled. However, if practitioner cannot make all of the certifications, an explanation detailing why the certification cannot be made and must be included with the Request. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

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.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: BATTELLE MEMORIAL INSTITUTE
902 BATTELLE BLVD
RICHLAND, CA 99352

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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FEB 0 2 2006

OFFICE OF PETITIONS

In re Application of :

Clarence Chui :
Application No. 11/150,407 : DECISION GRANTING
Filed: June 10, 2005 : PETITION
Attorney Docket No. IRDM.033A :

This is a decision on the petition filed November 15, 2005, requesting that the above-identified application be accorded a filing date of June 10, 2005, instead of the presently accorded filing date of June 13, 2005.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on June 10, 2005, pursuant to the requirements of 37 CFR 1.10. In support, petitioners supplied a copy of Express Mail label EV465557329US which bears a "date in" of June 10, 2005. The same express mail label also contains a postal stamp of June 10, 2005. The petition is also accompanied by a copy of the an Express Mail label log, Transmittal form with the above-mentioned Express Mail number, and a postcard receipt.

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.[1] (emphasis added)

Paragraph (d) of 37 CFR 1.10 states that:

---

[1] See 37 CFR 1.6(a).

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

A review of the copy of the Express Mail receipt EV465557329US indicates a "date in" of June 13, 2005. Such evidence alone would not sufficiently establish the mail was deposited on June 10, 2005. However, a review of the U.S. Postal Service's tracking system shows Express Mail package bearing label EV465557329US was accepted and enroute on June 10, 2005.

In view thereof, the petition is GRANTED. The $130.00 petition fee will be refunded to deposit account 11-1410.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for **correction of the filing date to June 10, 2005** and for issuance of a corrected filing receipt.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/150,407	06/10/2005	2873	1000	IRDM.033A	12	14	3

CONFIRMATION NO. 4269

CORRECTED FILING RECEIPT

OC000000017993972

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 02/06/2006

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)

Clarence Chui, San Mateo, CA;

Power of Attorney: The patent practitioners associated with Customer Number **20995**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/613,501 09/27/2004

Foreign Applications

If Required, Foreign Filing License Granted: 07/07/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/150,407

Projected Publication Date: 05/18/2006

Non-Publication Request: No

Early Publication Request: No

Title

Interferometric modulator array with integrated MEMS electrical switches

Preliminary Class

359

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR

1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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P.O. BOX 7599
M/S DL429
LOVELAND, CO 80537-0599

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OFFICE OF PETITIONS

In re Application of	:	
Ilsley, et al.	:	
Application No.: 11/150,409	:	ON PETITION
Filed: June 10, 2005	:	
Attorney Docket No: 10040463-2	:	

This is in response to the petition under 37 CFR 1.137(b) filed April 25, 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 July 18, 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 $130.00 surcharge for the late filing of the same. A proper response was not received within the allowable period, and the application became abandoned on September 19, 2005. A Notice of Abandonment was mailed on March 31, 2005.

The declaration filed April 25, 2006, is noted and made of record.

The surcharge of $130.00 will be charged to deposit account 50-1078.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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OFFICE OF PETITIONS

In re Application of
Anderson et al.
Application No. 11/150,414
Filed: June 10, 2005
Attorney Docket No. TPI-0692

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed November 5, 2008, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

The $400 fee for the petition under 37 CFR 1.182 has been received.

This application is being referred to Technology Center AU 2618 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
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
11/150,414	06/10/2005	2618	5930	TPI-0692	112	4

CONFIRMATION NO. 2482

CORRECTED FILING RECEIPT

23377
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

OC000000033487465

Date Mailed: 12/08/2008

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)

Robert J. Anderson, Phoenixville, PA;
Jeffrey F. Bull, Chalfont, PA;
Paul Matthew Czarnecki, Palm City, FL;
Thomas Stephan Ginter, Downingtown, PA;
Matthew L. Ward, Collegeville, PA;

Power of Attorney: The patent practitioners associated with Customer Number 23377

Domestic Priority data as claimed by applicant

This application is a CIP of 10/768,587 01/29/2004 PAT 7,167,713
which is a CON of 09/909,221 07/18/2001 PAT 6,782,264 *
which is a CIP of 09/539,352 03/31/2000 PAT 6,317,604
which is a CON of 09/227,764 01/08/1999 PAT 6,184,829
(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 07/05/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/150,414**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Advanced triggers for location-based service applications in a wireless location 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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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 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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Alexandria, VA 22313-1450
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AUG 20 2009

OFFICE OF PETITIONS

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

In re Application of
Ayman Fawzy Nabuib, et al.
Application No. 11/150,417
Filed: June 10, 2005
Attorney Docket No. 050391

ON PETITION

This is a decision in response to the petition, filed June 18, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 15, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 16, 2009. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 2618 for appropriate action by the Examiner in the normal course of business on the reply received June 18, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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LAW OFFICE OF JAY R. HAMILTON
331 W. 3RD ST
NEW VENTURES CENTER SUITE 100
DAVENPORT, IA 52801

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SEP 26 2005

OFFICE OF PETITIONS

In re Application of	:	
Roger T. Young	:	
Application No. 11/150,430	:	DECISION ON PETITION
Filed: June 11, 2005	:	TO MAKE SPECIAL
Attorney Docket No. USPA-0080	:	37 CFR 1.102(c)

This is a decision on the petition under 37 CFR 1.102(c), filed August 16, 2005 to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c), MPEP § 708.02, Section IV: Applicant's Age must be accompanied any evidence showing that the applicant is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Roger Young attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Wan Laymon at (571) 272-3220.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 3725 for expedited prosecution.

Denise Pothier
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WILLIAM W. HAEFLIGER
201 S. LAKE AVE
SUITE 512
PASADENA CA 91101

MAIL

JUL 27 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
William W. Haefliger
Application No. 11/150,444
Filed: 9 June 2005
For: **TELEPHONE LINE USE ENABLEMENT OF LOTTERY PARTICIPATION**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. §1.102 to make special filed June 09, 2005 which is considered as pursuant to MPEP §708.02 (IV), applicant's age.

A petition to make special under MPEP §708.02, IV, must show that petitioner is 65 years of age, or more. Acceptable evidence includes a birth certificate, copy of a driver's license, or simply a statement by the applicant. No fee is required.

The petition includes a declaration that William W. Haefliger is over 65 years of age.

Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application is being forwarded to the examiner for expedited prosecution.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

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OFFICE OF PETITIONS

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES CA 90013-1024

In re Application of

CAI, Khiem V. et al.
Application No. 11/150,445
Filed: June 09, 2005
Attorney Docket No. **535352004700**

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 14, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by David Yang on behalf of all attorneys of record who are associated with customer No. 25224. All attorneys/agents associated with the Customer Number 25224 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed April 01, 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: **KHIEM V. CAI**
550 BOXCAR LANE
BREA, CA 92823

cc: **CARLOS R. VILLAMAR**
ROBERTS MLOTKOWSKI & HOBBES, P.C.
7918 JONES BRANCE DRIVE, SUITE 500
MCLEAN, VA 22102

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOHN S. PRATT
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

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OFFICE OF PETITIONS

In re Application of :
Petur Thors et al :
Application No. 11/150,449 : ON PETITION
Filed: June 10, 2005 :
Attorney Docket No. 46315/316022 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 28, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee, Publication fee and formal drawings in a timely manner in reply to the Notice of Allowance mailed September 27, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 28, 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, Publication fee and 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 file is being forwarded to the Publishing Division to be reviewed by the drawing draftperson.

Irvin Dingle
Petitions Examiner
Office of Petitions

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

JAN 21 2009

OFFICE OF PETITIONS

In re Application of :
Yet-Ming Chiang et al :
Application No. 11/150,477 :
Filed: June 13, 2005 :
Attorney Docket No. M0925.70167US02

ON PETITION

This is a decision on the petition, filed January 16, 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 October 21, 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 2834 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

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OFFICE OF PETITIONS

In re Application of	:	
KORNEGAY et al.	:	
Application No. 11/150,480	:	DECISION ON PETITION
Filed: June 10, 2005	:	TO WITHDRAW
Attorney Docket No. 21297-10446	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Sabra-Anne R. Truesdale on behalf of all attorneys of record who are associated with customer No. 00758.

All attorneys/agents associated with the Customer Number 00758 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 Monica A. Graves at 571-272-7253.

David Bucci
Petitions Examiner
Office of Petitions

cc: Adam T. Kornegay
10124 Benwick Drive
McKinney, TX 75070

cc: Knobbe Martens Olson & Bear LLP
2040 Main Street, 14th Floor
Irvine, CA 92614-3641

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SEP 2 0 2005

TECHNOLOGY CENTER 3600

Adam T. Kornegay
10124 Benwick Drive
McKinney, TX 75070

In re application of Adam T. Kornegay et al. Application No. 11/150,480 Filed: June 10, 2005 For CREDIT SCORE SIMULATION	: : : : :	**DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)**

This is in response to the petition filed on August 28, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

The petition fails to adequately meet requirements (B) above. Regarding item (B), the petition fails to include an election without traverse, or a statement that applicant is willing to elect without traverse should a restriction or election be required.

For the above stated reasons, the petition is **DISMISSED**.

Petitioner is given one more opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

Applicant should promptly submit a renewed petition to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
571-272-6611

SNM/dew: 09/14/06

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Alexandria, VA 22313-145
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TECHNOLOGY CENTER 3600

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

In re application of	:	**DECISION ON PETITION**
Adam T. Kornegay et al.	:	**TO MAKE SPECIAL**
Application No. 11/150,480	:	**(ACCELERATED**
Filed: June 10, 2005	:	**EXAMINATION)**
For: CREDIT SCORE SIMULATION	:	

This is in response to the renewed petition filed on November 20, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are no directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have now been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED.**

Randolph A. Reese
Quality Assurance Specialist
Technology Center 3600
571-272-6619

RAR/dew: 12/13/06

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant	: Adam T. Kornegay	: DECISION ON REQUEST FOR
Patent Number	: 7593891	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/150,480	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **582** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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P.O. Box 1450
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OFFICE OF PETITIONS

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Patent No. 7,615,060
Issued: November 10, 2009
Application No. 11/150,481
Filed: March June 13, 2005
For: ENDOSCOPIC SUTURING DEVICE

: 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 1,183 days is **GRANTED**.

The over 3 year period is 515 days. However, the period of "A" delay (734 days) and the period of "B" delay (515 days) share 64 overlapping days (from June 14, 2008 to July 10, 2008 [27 days] and from February 11, 2009 to March 19, 2009 [37 days]). The applicant delay totals two days. As such, the correct patent term adjustment is 1,183 days, not 732 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 1,183 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 : 7,615,060 B2

DATED : **November 10, 2009** **DRAFT**

INVENTOR(S) : Stokes, 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 732 days

Delete the phrase "by 732 days" and insert – by 1,183 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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WEIDE & MILLER, LTD.
7251 W. LAKE MEAD BLVD.
SUITE 530
LAS VEGAS, NV 89128

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OFFICE OF PETITIONS

In re Application of	:	
Michael JACKSON, et al	:	
Application No. 11/150,490	:	DECISION ON PETITION
Filed: June 6, 2008	:	TO WITHDRAW
Attorney Docket No. PWRBOX.0003P	:	FROM RECORD
	:	

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 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 R. Scott Weide on behalf of the attorneys of record associated with Customer No. 32856.

The attorneys of record associated with Customer No. 32856 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: POWERBOX FITNESS, LLC
6330 SPRING MOUNTAIN ROAD
LAS VEGAS, NV 89146

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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Jon D Grossman
DICKSTEIN, SHAPIRO, MORIN &
OSHINSKY, LLP
2101 L Street N.W.
Washington, DC 20037

MAILED

AUG 23 2005

Technology Center 2100

In re Application of:
Michael REED et al.
Application No. 11/150,494
Filed: June 13, 2005
For: MULTIMEDIA SEARCH SYSTEM

DECISION ON PETITION TO MAKE SPECIAL UNDER M.P.E.P. §708.02(II): INFRINGEMENT

This is a decision on the petition, filed on June 13, 2005, under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. § 1.102(d), and M.P.E.P. § 708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R. § 1.17(h) and a statement under 37 C.F.R. § 1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) 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) 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 prior art. Applicant must provide one copy of each of the ***references deemed most closely related*** to the subject matter encompassed by the claims.

Applicant's submission meets all the criteria set out above. Accordingly, the Petition is **GRANTED**.

The application is being forwarded to the Examiner of Record for expedited examination.

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

UNITED STATES PATENT AND TRADEMARK OFFICE

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RAYMOND HO
GENESIS GROUP
315 MOOREFIELD ROAD SW
VIENNA, VA 22180

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NOV 05 2007

OFFICE OF PETITIONS

In re Application of	:	
James William Makecha, et al.	:	
Application No. 11/150,500	:	DECISION ON PETITION
Filed: June 9, 2005	:	TO WITHDRAW
Attorney Docket No. K0010-201-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed June 11, 2007.

The request is **NOT APPROVED**.

A review of the file record indicates that Raymond Ho of Genesis Group 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: GLOBAL PATENT GROUP – KAL
ATTEN: MS LAVERN HALL
10411 CLAYTON ROAD
SUITE 304
ST LOUIS, MO 63131

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

COPY MAILED

MAY 09 2008

JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE PA 15146

In re Application of	:	
Erickson et al.	:	DECISION ON PETITION
Application No. 11/150,508	:	
Filed: June 10, 2005	:	
Atty Docket No. RCM 05054	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed February 7, 2008.

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 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned effective May 13, 2007 for failure to file a timely reply to the final Office action mailed February 12, 2007. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). A courtesy Notice of Abandonment was mailed on August 17, 2007.

The provisions of 37 C.F.R. § 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent. A petition filed 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 Director may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition includes a proposed reply in the form of an amendment, the required statement of unintentional delay and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required. However, the instant petition does not satisfy requirement (1) above.

As stated in MPEP 711.03(c),

A reply under 37 CFR 1.113 to a final action must include a request for continued examination (RCE) under 37 CFR 1.114 or cancellation of, or appeal from the rejection of, each claim so rejected. Accordingly, in a nonprovisional application abandoned for failure to reply to a final action, the reply required for consideration of a petition to revive must be:

(A) a Notice of Appeal and appeal fee;
(B) an amendment under 37 CFR 1.116 that cancels all the rejected claims or otherwise prima facie places the application in condition for allowance;
(C) the filing of an RCE (accompanied by a submission that meets the reply requirements of 37 CFR 1.111 and the requisite fee) under 37 CFR 1.114 for utility or plant applications filed on or after June 8, 1995 (see paragraph (d) below); or
(D) the filing of a continuing application under 37 CFR 1.53(b) (or a CPA under 37 CFR 1.53(d) if the application is a design application).

The amendment submitted does not place the application in condition for allowance. In view thereof, the petition must be dismissed. A courtesy copy of the Advisory Action is enclosed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Courtesy Copy of Advisory Action (2 pages)

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	11/150,508	ERICKSON ET AL.	
	Examiner	Art Unit	
	Sunil Singh	3672	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED _____ FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

/Sunil Singh/
Primary Examiner, Art Unit 3672

Continuation of 13. Other: The proposed amendment(s) will not be entered because they raise new issues that would require further consideration.
For example, claims 3 and 5, "the additional groove" renders those claims indefinite. Claim 19 requires for the first groove to be the entire circumferential groove (22); therefore, claims 3 and 5 cannot consider first groove to be half of circumferential groove (22) and additional groove as the other half of circumferential groove (22).
Claims 9,10 and 15, "said second groove" needs to relate back to "each of said second groove".
Claim 16, it is unclear if claim 16 should depend from claim 19 or claim 20.
Claim 20 does not exist.
Claim 16 calls for at least one ledge, claim 19 calls for a pair of ledges, it is unclear how they are related..
Applicant's "Remarks" section make mention of claim 20; however there is no claim 20.

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Paper No.

JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE PA 15146

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SEP 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Erickson et al.	:	DECISION ON PETITION
Application No. 11/150,508	:	
Filed: June 10, 2005	:	
Atty Docket No. RCM 05054	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed March 21, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned effective May 13, 2007 for failure to file a timely reply to the final Office action mailed February 12, 2007. A courtesy Notice of Abandonment was mailed on August 17, 2007.

By decision mailed May 9, 2008, the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed February 7, 2008 was dismissed. The petition included a proposed reply in the form of an amendment, the required statement of unintentional delay and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required. However, the petition was not grantable as the proposed reply was not sufficient for revival of the application.

On instant renewed petition, applicants filed the required reply in the form of a Request for Continued Examination (RCE), RCE fee and amendment. This reply meets the requirements of 37 CFR 1.137(b)(1). Petitioner has now met all requirements for revival of the application pursuant to 37 CFR 1.137(b).

Technology Center AU 3673 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the request for continued examination and amendment submitted on petition filed May 21, 2008.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
11/150,520	06/09/2005	2622	1400	63562 (49381)	11	17	5

CONFIRMATION NO. 3247

CORRECTED FILING RECEIPT

OC000000017105519

21874
EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

Date Mailed: 09/26/2005

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)

Hiroshi Kanno, Amagasaki-shi, JAPAN;

Assignment For Published Patent Application

Sharp Kabushiki Kaisha

Power of Attorney: The patent practitioners associated with Customer Number **21874**.

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2004-171775 06/09/2004

If Required, Foreign Filing License Granted: 07/06/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/150,520

Projected Publication Date: 01/05/2006

Non-Publication Request: No

Early Publication Request: No

Title

Method and apparatus for image processing

Preliminary Class

358

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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OCT 3 2006

September 28, 2006

MEDLEN & CARROLL, LLP
SUITE 350
101 HOWARD STREET
SAN FRANCISCO CA 94105

In re Application of: Michael F. Clarke et al Serial No.: 11/150,524 Filed: June 10, 2005 Docket No.: UM-09943	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 September 25, 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 newly filed 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 it was not a new application at the time the petition was filed and was not filed electronically

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 regarding this decision should be directed to William R. Dixon, Jr., Special Program Examiner, at (571) 272-0519.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 5000

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HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES, CA 90067

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MAR 1 8 2008

OFFICE OF PETITIONS

In re Patent No. 7,278,797	:	
Issue Date: October 9, 2007	:	
Application No. 11/150,531	:	ON PETITION
Filed: June 10, 2005	:	
Attorney Docket No. 81752.0170	:	

This is a decision on the petition filed November 15, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

Electronic Acknowledgement Receipt

EFS ID:	2474431
Application Number:	11150531
International Application Number:	
Confirmation Number:	3236
Adjustment date: 03/18/2008 CKHLOK 11/16/2007 INTEFSW 00002643 501314 11150531 01 FC:1464 130.00 CR 02 FC:1811 100.00 CR **Title of Invention:** 03/18/2008 CKHLOK 00000009 501314 7278797 01 FC:1808 130.00 DA 02 FC:1811 100.00 DA	TAPE PRINTING APPARATUS AND TAPE CARTRIDGE
First Named Inventor/Applicant Name:	Masao Akaiwa
Customer Number:	26021
Filer:	Troy M. Schmelzer/Joanna Alonso-Sida
Filer Authorized By:	Troy M. Schmelzer
Attorney Docket Number:	81752.0170
Receipt Date:	15-NOV-2007
Filing Date:	10-JUN-2005
Time Stamp:	17:20:29
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$230
RAM confirmation Number	2643
Deposit Account	501314
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

MAILED

MAR 15 2010

OFFICE OF PETITIONS

In re Application of	:	DECISION ON
Hong et al.	:	REQUEST FOR
Patent Number: 7,580,019	:	RECONSIDERATION OF
Issue Date: 08/25/2009	:	PATENT TERM ADJUSTMENT
Application No. 11/150542	:	and
Filing or 371(c) Date: 06/10/2005	:	NOTICE OF INTENT TO ISSUE
Attorney Docket Number: 10125-5176	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on October 7, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand eighty-four (1084) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand eighty-four (1084) days is **GRANTED**.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand eighty-four (1084)** days.

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods, at (571) 272-3232.

Alesia Brown
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,580,019 B2

DATED : **August 25, 2009**

INVENTOR(S) : Hong 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 839 days.

Delete the phrase "by 839 days" and insert – by 1084 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Hee Jung Hong	: DECISION ON REQUEST FOR
Patent Number	: 7580019	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/150,542	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1517** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

MAILED

JUN 16 2010

OFFICE OF PETITIONS

In re Application of	:	CORRECTED
Hong et al.	:	DECISION ON REQUEST FOR
Patent Number: 7,580,019	:	RECALCULATION of PATENT
Issue Date: 08/25/2009	:	TERM ADJUSTMENT IN VIEW
Application No. 11/150542	:	OF WYETH AND NOTICE OF INTENT TO
Filing or 371(c) Date: 06/10/2005	:	ISSUE CERTIFICATE OF CORRECTION
Attorney Docket Number: 10125-5176	:	

This is a decision correcting the patent term adjustment of 1517 days indicated in the DECISION ON REQUEST FOR RECALCULATION of PATENT TERM ADJUSTMENT IN VIEW OF WYETH AND NOTICE OF INTENT TO ISSUE CERTIFICATE OF CORRECTION, mailed April 21, 2010, to one thousand eighty-four (1084) days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificate 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 **one thousand eighty-four (1084) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods/
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,580,019 B2

DATED : **August 25, 2009**

INVENTOR(S) : Hong 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 1517 days.

Delete the phrase "by 1517 days" and insert – by 1084 days--

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FAEGRE & BENSON LLP
PATENT DOCKETING - INTELLECTUAL PROPERTY (32469)
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

Mail Date: 05/21/2010

Applicant	: Rebecca Aron	: DECISION ON REQUEST FOR
Patent Number	: 7650193	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/150,549	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

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W4 - 39Q
LIBERTYVILLE IL 60048-5343

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JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Agnes M. REVEL et al.	:	
Application No. 11/150,557	:	DECISION ON PETITION
Filed: June 10, 2005	:	
Attorney Docket No. **CS26891RL**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within one (1) month of the Notice of Panel Decision from Pre-Appeal Brief Review, mailed February 06, 2008, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on March 07, 2008. See MPEP 1215.04.

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 filed concurrently with a Request for Continued Examination (RCE), (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 2618 for appropriate action by the Examiner in the normal course of business on the reply received.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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NEW YORK, NY 10017

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OCT 14 2005

OFFICE OF PETITIONS

In re Application of :
R. Gary Hollenbeck :
Application No. 11/150,572 :
Filed: June 9, 2005 :
Attorney Docket No. 11478-016-999 :

ON PETITION

This is in response to the papers styled, "Petition Under 37 CFR 1.182 in Response to Notice of Omitted Item(s) in a Nonprovisional Application," filed September 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 June 9, 2005, including Figure 13 described in the specification.

The application was submitted on June 9, 2005. However, on July 25, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application," (Notice) that stated the application had been accorded a filing date, and that Figure 13 described in the specification appears to have been omitted.

In response, on September 23, 2005, the instant petition and a copy of Figure 13 were submitted. Additionally, a copy of applicants' postcard receipt that acknowledges receipt of "16 Drawing Sheets" on June 9, 2005, accompanied the papers. A review of the application file indicates the presence of only fifteen (15) sheets of drawings originally filed on June 9, 2005, with the sheet that contains Figure 13 missing. It is assumed that the missing sheet of drawings was misplaced by the Office.

In view of the above, the petition is granted.

This application will be returned to OIPE for processing with a filing date of June 9, 2005, using the sheet of drawings, containing Figure 13, submitted on September 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
Office of the Deputy Commissioner
for Patent Examination Policy

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CANTOR COLBURN, LLP
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22nd Floor
Hartford CT 06103

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In re Application of	:	
Shiqiang Hui et al.	:	
Application No. 11/150,592	:	DECISION ON PETITION
Filed: June 10, 2005	:	
Attorney Docket No. **INF-0012**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 4, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 18, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is May 19, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

This application is being referred to Technology Center AU 1791 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

JoAnne Burke
Petitions Examiner
Office of Petitions

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ARMSTRONG TEASDALE LLP
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ST. LOUIS, MO 63102-2740

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OFFICE OF PETITIONS

In re Application of Miller et al. :
Application No. 11/150,612 : Decision on Petition
Filing Date: June 10, 2005 :
Attorney Docket No. 22402-33 :

This is a decision on the petition under 37 CFR 1.181, filed July 10, 2007, to withdraw the holding of abandonment.

The petition is **granted.**

This application was held abandoned for failure to timely respond to the Office action of October 26, 2006, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before January 26, 2007.

Petitioner requests withdrawal of the holding of abandonment based on non-receipt of the Office action.

The evidence is sufficient to demonstrate petitioner did not receive the Office action. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2834 will be informed of the instant decision. and the amendment filed July 10, 2007, will be considered in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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PATTON BOGGS LLP
1801 CALFORNIA STREET
SUITE 4900
DENVER, CO 80202

Mail Date: 04/21/2010

Applicant	: Harry Tan	: DECISION ON REQUEST FOR
Patent Number	: 7583631	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/150,627	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: 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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MAR 25 2009

OFFICE OF PETITIONS

In re Application of
Torgny Jansson
Application No. 11/150,629
Filed: June 10, 2005
Attorney Docket No. 150-288

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 15, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed July 30, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 31, 2007. A Notice of Abandonment was mailed on February 11, 2008. On January 15, 2009, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of $810 and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 3723 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Charles Y. Lackey
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Winston-Salem, NC 27113-5871

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OFFICE OF PETITIONS

In re Application of

Timothy Scott Stuart

Application No. 11/150,637

Filed: June 13, 2005

Attorney Docket No.

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 22, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to respond in a timely manner to the restriction/election requirement mailed October 18, 2005. The notice set a shortened period for reply of one-month from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). No response was received within the allowed period, and the application became abandoned on November 19. 2005. A Notice of Abandonment was mailed on May 5, 2006.

The election filed October 18, 2005, is noted.

The application is being forwarded to Technology Center 3600, GAU 3632 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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ASHKAN NAJAFI PA
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE FL 32216

In re Application of	:	
Thomas G. Temmel	:	
Application No. 11/150,656	:	ON PETITION
Filed: June 13, 2005	:	
Attorney Docket No. ORD233	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 19, 2009.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the non-final Office action mailed November 21, 2008. This Office action set an extendable period for reply of three (3) months. No reply having been received, the application became abandoned on February 22, 2009. A Notice of Abandonment was mailed on July 6, 2009.

Petitioner contends that he did timely file a reply. In support, petitioner has included a copy of an Amendment. Included was a transmittal letter, bearing a Certificate of Mailing dated March 21, 2009, itemizing the Amendment and a one month extension of time.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

Petitioner has presented no evidence that the $65 fee for the one month extension of time was charged by the Office. Accordingly, $65 has been charged to Deposit Account No. 50-3702, as authorized.

The matter is being forwarded to Group Art Unit 3781 for consideration of the Amendment (Certificate of Mailing dated March 21, 2009), a copy of which has been supplied with the instant petition.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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2040 MAIN STREET
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IRVINE CA 92614

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OFFICE OF PETITIONS

In re Application of	:	
Mark W. Miles	:	DECISION ON PETITION TO
Application Number: 11/150682	:	WITHDRAW HOLDING OF
Filing Date: 06/10/2005	:	ABANDONMENT
Attorney Docket Number:	:	
IRDM.056CPC3	:	

This is a decision in reference to the "PETITION FOR A HOLDING OF NO ABANDONMENT," filed on February 29, 2008, which is treated as a petition to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the Notice of Drawing Inconsistency With Specification mailed on November 30, 2007, which set a one (1) month period for reply. Notice of Abandonment was mailed on March 6, 2008.

Petitioner asserts that the Notice of Drawing Inconsistency With Specification was not received until February 4, 2008, after the period for response had expired. Specifically, petitioner asserts that an email notification pursuant to the e-Office Action program was sent on December 6, 2007, but that the Notice of Drawing Inconsistency With Specification was not available for uploading.

A review of the Office Image File Wrapper electronic database reveals that the Notice of Drawing Inconsistency With Specification was not available for Private PAIR viewing until January 30, 2008, when it was uploaded.

As such, the showing of record is that petitioners did not timely receive the Notice of Drawing Inconsistency With Specification mailed on November 30, 2007, pursuant to the e-Office Action

program in that the Office action was not timely uploaded to allow access via Private PAIR.[1]

Therefore, the showing of record is that there is no abandonment in fact.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The Office apologizes for any inconvenience to petitioners.

As a response to the Notice of Drawing Inconsistency With Specification, has been filed with the petition, it is not necessary to remail the aforementioned Notice. Rather, the application will be referred to Technology Center Art Unit 2873 for action on the reply filed with the present petition.

The petition is **GRANTED.**

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

[1] Additionally, the email notification was not sent until December 6, 2007, nearly (1) week after the Notice of Drawings Inconsistency With Specification was mailed.

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APR 15 2008

OFFICE OF PETITIONS

In re Application of	:	
Mark W. Miles	:	
Application Number: 11/150682	:	DECISION ON PETITION
Filing Date: 06/10/2005	:	
Attorney Docket Number:	:	
IRDM.056CPC3	:	

This is a decision on the "PETITION FOR REVIVAL OF AN UNAVOIDABLY ABANDONED APPLICATION OR AN UNINTENTIONALLY ABANDONED APPLICATION," filed on March 20, 2008.

The petition is **DISMISSED AS MOOT**.

A review of the record reveals that the holding of abandonment was withdrawn by the decision mailed on April 8, 2008. As the application is not abandoned, the petition is unnecessary and will be dismissed as moot.

As there was no abandonment of the application, the petition fee will be refunded.

The application will be referred to Technology Center Art Unit 2873 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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4407 TWIN OAKS DRIVE
MURRYSVILLE PA 15668

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AUG 1 5 2008

OFFICE OF PETITIONS
ON PETITION

In re Application of
Helmut Finger et al.
Application No. 11/150,700
Filed: June 11, 2005
Attorney Docket No.: MB 84

This is a decision on the petition filed July 29, 2008 under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on July 1, 2008, for failure to timely submit the issue fee, as required by the Notice of Allowance and Issue Fee Due mailed on March 31, 2008. A three (3) month period for reply was set. Accordingly, a Notice of Abandonment was mailed on July 25, 2008.

Petitioner asserts that the issue fee transmittal and an authorization to charge the issue were filed by facsimile transmission on June 7, 2008.

In support, petitioner has submitted, *inter alia*, a copy of the issue fee transmittal form with the certificate of mailing or transmission dated June 7, 2008 pursuant to 37 CFR 1.8, and a copy of the Auto-Reply Facsimile Transmission acknowledging receipt by the U.S. Patent and Trademark Office.

The evidence submitted corroborates a timely response to the Notice of Allowance and Issue Fee Due. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee Is due and none has been charged.

This matter will be referred to 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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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MAR 26 2007

Raymond Y. Chan
#128
108 N. Ynez Ave.
Monterey Park CA 91754

In re Application of: LUO Serial No.: 11/150,710 Filed: June 9, 2005 Title: LIGHTER	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 February 26, 2007 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.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application. As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. The

effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. Further guidance may be found at www.USPTO.gov under the accelerated examination link.

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 regarding this decision should be directed to J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

J. Harrison
Special Program Examiner
Technology Center 3700

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APR 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Vincent L. Vaillancourt	:	
Application Number: 11/150711	:	ON PETITION
Filing Date: 06/10/2005	:	
Attorney Docket Number:	:	
733900.49	:	

This is a decision on the petition under 1.137(b),[1] filed on February 1, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on October 25, 2007, for failure to timely file a proper reply to the final Office action mailed on July 24, 2007, which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

1.136(a) were obtained. The filing of the present petition precedes the mailing of Notice of Abandonment.

Petitioner has filed a Notice of Appeal as the required reply.

The Notice of Appeal filed February 1, 2008, has been entered and made of record. Accordingly, the two (2)-month period for filing the Appeal Brief, accompanied by the fee required by law, runs from the date of this decision.

Receipt of an Appeal Brief filed on March 28, 2008 is also acknowledged.

The application will be forwarded to Technology Center 3763 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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W. ERIC BOYD, ESQ.
IRVINE SENSORS CORP.
3001 REDHILL AVENUE, BUILDING 4
SUITE 108
COSTA MESA CA 92626

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MAR 23 2009
OFFICE OF PETITIONS

In re Application of :
Ozguz, et al. :
Application No. 11/150,712 : DECISION
Filed: 10 June, 2005 :
Attorney Docket No. ISC-135 :

This is a decision on the petition filed on 29 January, 2009, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

The petition as considered under 37 C.F.R. §1.137(b) is **GRANTED**.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 25 July, 2008, with reply due absent extension of time on or before 25 October, 2008.

The application went abandoned after midnight 25 October, 2008

It does not appear that the Office mailed a Notice of Abandonment before a petition was filed.

On 29 January, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b) averring unintentional delay, a reply in the form of an amendment, and made the statement of unintentional delay.

The Office mailed a Notice of Abandonment on 10 March, 2009.

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 are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2] The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

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]))

As to Allegations of Unintentional Delay

It appears that the requirements under 37 C.F.R. §1.137(b) have been satisfied.

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[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.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 2815 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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Paper No.

General Electric Company
GE Global Patent Operation
PO Box 861
2 Corporate Drive, Suite 648
Shelton CT 06484

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OFFICE OF PETITIONS

In re Application of	:	
Robert Mowat Ireland et al.	:	
Application No. 11/150,720	:	DECISION ON PETITION
Filed: June 10, 2005	:	PURSUANT TO
Attorney Docket No.: 225378	:	37 C.F.R. § 1.137(B)
US	:	
Title: HEAT MANAGEMENT IN	:	
CIRCUIT CARD ASSEMBLIES	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed September 29, 2008, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed November 13, 2007, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on February 14, 2008. A notice of abandonment was mailed on June 6, 2008.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, an amendment, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on September 29, 2008 can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status**.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future

1 See Rule 1.137(d).

correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2] In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that the delay was intentional, Petitioner must notify the Office.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[3] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: ERIC T. KRISCHKE
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE
SUITE 2600
ST. LOUIS, MO 63102-2740

---

2 See 37 C.F.R. § 10.18(b); cf. 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).

3 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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Roger Fulghum
Baker Botts L.L.P.
One Shell Plaza
910 Louisiana Street
Houston, TX 77002-4995

Mail Date: 04/21/2010

Applicant	: Samer El-Haj-mahmoud	: DECISION ON REQUEST FOR
Patent Number	: 7584347	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/150,750	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **682** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

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OFFICE OF PETITIONS

In re Application of	:	
Ryu et al.	:	
Application No. 11/150,759	:	DECISION ON PETITION
Filed: June 9, 2005	:	
Attorney Docket No. 51876P876	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 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 June 30, 2008, as required by the Notice of Allowance and Fee(s) Due mailed March 31, 2008. Accordingly, the date of abandonment of this application is July 1, 2008. A Notice of Abandonment was mailed July 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,440.00 and publication fee of $300.00; (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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John F. Klos, Esq.
Fulbright & Jaworski L.L.P.
2100 IDS Center
80 S. Eighth Street
Minneapolis, MN 55402

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OFFICE OF PETITIONS

In re Application of

KUZUB
Application No. 11/150,765
Filed: June 10, 2005
Attorney Docket No. 40,225-03US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 4, 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 Klos on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Daniel Kuzub at the address indicated below.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.

for David Bucci
Petitions Examiner
Office of Petitions

cc: **Daniel Kuzub**
201 – 2921 Harding Street
Regina, SK S4V189
Canada

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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
11/150,765	06/10/2005	Daniel Kuzub	40,225-03US

CONFIRMATION NO. 4011

OC000000020734029

John F. Klos, Esq.
Fulbright & Jaworski L.L.P.
2100 IDS Center
80 S. Eighth Street
Minneapolis, MN 55402

Date Mailed: 10/06/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/04/2006.

- 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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C/O INTELLEVATE, LLC
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MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of :
Li, et al. :
Application No. 11/150,779 : ON PETITION
Filed: June 9, 2005 :
Attorney Docket No. P21242 :
For: METHODS AND APPARATUS FOR BEAMFORMING TRAINING SYMBOLS IN WIRELESS MULTIPLE-INPUT-MULTIPLE-OUTPUT SYSTEMS

This is a decision on the petition, filed November 9, 2006, under 37 CFR 1.137(b) to revive the above-identified application.

The above-identified application became abandoned for failure to timely submit a reply within one month of the mailing of the September 19, 2006 Notice of Non-Compliant Amendment for Applications Under Accelerated Examination (Notice). No response being received, this application became abandoned on October 20, 2006. A Notice of Abandonment was mailed on November 15, 2006.

Applicants have submitted an amendment in reply to the September 19, 2006 Notice, an acceptable statement of the unintentional nature of the delay in responding to the September 19, 2006 Notice, and the petition fee.

The petition is **GRANTED**.

A courtesy copy of this decision is being mailed to petitioner. However, any future correspondence regarding this application will be mailed to the address of record.

After the mailing of this decision the application will be forwarded to Technology Center AU 2611 for consideration of the amendment filed on November 9, 2006.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

CC: STUART A. WHITTINGTON
4500 S. DOBSON ROAD
MS: OC2-157
CHANDLER, AZ 85248

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International Patent Group
P.O. Box 38129
St. Louis, MO 63138

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OFFICE OF PETITIONS

In re Application of

James William Malecha et al.
Application No. 11/150,783
Filed: June 9, 2005
Attorney Docket No. K0011-201-US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 11, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Raymond J. Ho on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed October 16, 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: **Global Patent Group-KAL**
Attn: Ms Lavern Hall
10411 Clayton Road, Suite
St. Louis, MO 93131

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/30/2010

Applicant	: Hiroaki Ono	: DECISION ON REQUEST FOR
Patent Number	: 7620299	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/150,790	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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Datascope Investment Corp.
14 Philips Parkway
Montvale NJ 07645

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In re Application of	:	
Robert Getts, et al.	:	
Application No. 11/150,794	:	ON PETITION
Filed: June 10, 2005	:	
Attorney Docket No. DSC0006-00	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 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 July 26, 2007. The Notice of Abandonment was mailed January 25, 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/response; (2) the petition fee of $1,540; and (3) an adequate 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 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 Terri Williams at (571) 272-2991.

The application file is being referred to Technology Center AU 1637 for appropriate action on the concurrently filed amendment/response.

Chris Bottorff

Chris Bottorff
Petitions Examiner
Office of Petitions

cc: **SCOTT S. SERVILLA**
DIEHL SERVILLA LLC
77 BRANT AVENUE, SUITE 210
CLARK, NJ 07066

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ARNOLD & PORTER LLP
555 TWELFTH STREET, N.W.
ATTN: IP DOCKETING
WASHINGTON, DC 20004

Mail Date: 04/20/2010

Applicant	: Barry S. Goldman	: DECISION ON REQUEST FOR
Patent Number	: 7629444	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/150,804	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Jon D Grossman
DICKSTEIN, SHAPIRO, MORIN &
OSHINSKY, LLP
2101 L Street N.W.
Washington, DC 20037

MAILED

AUG 23 2005

Technology Center 2100

In re Application of:
Michael REED et al.
Application No. 11/150,813
Filed: June 13, 2005
For: MULTIMEDIA SEARCH SYSTEM

DECISION ON PETITION TO MAKE SPECIAL UNDER M.P.E.P. §708.02(II): INFRINGEMENT

This is a decision on the petition, filed on June 13, 2005, under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. § 1.102(d), and M.P.E.P. § 708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R. § 1.17(h) and a statement under 37 C.F.R. § 1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) 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) 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 prior art. Applicant must provide one copy of each of the ***references deemed most closely related*** to the subject matter encompassed by the claims.

Applicant's submission meets all the criteria set out above. Accordingly, the Petition is **GRANTED**.

The application is being forwarded to the Examiner of Record for expedited examination.

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06-24-09

TO SPE OF : ART UNIT 2161

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/150813 Patent No.: 7085778

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

Angela Green
Certificates of Correction Branch
703-756-1541

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

SPE

Art Unit 2169

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SEP 14 2009

OFFICE OF PETITIONS

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON DC 20006-5403

In re Patent No. 7,085,778	:	DECISION ON PETITION
Issue Date: August 01, 2006	:	UNDER 37 CFR 1.78(a)(3)
Application No. 11/150,813	:	AND REQUEST FOR
Filed: June 13, 2005	:	CERTIFICATE OF CORRECTION
Attorney Docket No. **E4800.0020/P001-D**	:	

This is a decision on the petition, filed June 11, 2009, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 to nonprovisional Application No. 10/103,814, filed March 25, 2002, by way of a certificate of correction.

The petition is **granted**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed August 01, 2006. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority 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.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

Petitioner is advised that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

As authorized, the $1,410.00 surcharge fee, as well as the $100 certificate of correction fee, will be charged to petitioner's Deposit Account No. 04-1073.

Any inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.78(a)(3).

Thurman Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
11/150,813	06/13/2005	2161	3100	E4800.0020/P001-D	36	8

CONFIRMATION NO. 1429

CORRECTED FILING RECEIPT

24998
DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

OC000000037776421

Date Mailed: 09/11/2009

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)

Michael Reed, Chicago, IL;
Greg Bestick, Lacosta, CA;
Carol Greenhalgh, Austin, TX;
Norman J. Bastin, Chicago, IL;
Ron Carlton, San Marcos, CA;
Stanley D. Frank, Chicago, IL;
Dale Good, Evanston, IL;
Neil Holman, Buffalo Grove, IL;
Carl Holzman, Chicago, IL;
Ann Jensen, Austin, TX;
Harold Kester, San Diego, CA;
Dave Maatman, Solana Beach, CA;
Edwardo Munevar, San Diego, CA;
Derryl Rogers, Carlsbad, CA;

Power of Attorney:

Gary Hoffman--26411
Michael Greenbaum--28419
Donald Gregory--28954
Geoffrey Karny--31382
James Brady Jr--32115
Jon Grossman--32699
George Marcou--33014

Domestic Priority data as claimed by applicant

This application is a CON of 10/103,814 03/25/2002 PAT 6,978,277
which is a CON of 08/202,985 02/28/1994 PAT 6,546,399
which is a CON of 08/113,955 08/31/1993 ABN

which is a CON of 07/426,917 10/26/1989 PAT 5,241,671
and said 08/202,985 02/28/1994
is a CON of 07/848,960 06/26/1992 ABN
which is a CIP of 07/426,917 10/26/1989 PAT 5,241,671

Foreign Applications
UNITED STATES OF AMERICA PCT/US90/06098 10/26/1990

If Required, Foreign Filing License Granted: 07/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/150,813**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

MULTIMEDIA SEARCH SYSTEM

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 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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OCT 18 2005

OFFICE OF PETITIONS

In re Application of
Wybenga, et al.
Application No. 11/150,814
Filed: June 10, 2005
Attorney Docket No. 2004.01.013.BN0
For: METHOD AND SYSTEM FOR PROCESSING FRAMES IN A SWITCHING SYSTEM

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed September 30, 2005 (certificate of mailing date September 26, 2005).

The petition is granted.

Petitioners have shown that the non-signing inventors, Jack C. Wybenga and Yingwei Wang, have constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration/statement of facts of Attorney John T. Mockler and accompanying exhibits establish that the non-signing inventors were successfully mailed the application papers, including the specification, claims and drawings, but both failed to return an executed declaration. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PERKINS COIE LLP/MSFT
P. O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Art Shelest	: DECISION ON REQUEST FOR
Patent Number	: 7591002	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/150,819	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1019** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Deepak Varshneya	: DECISION ON REQUEST FOR
Patent Number	: 7603041	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/150,828	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1056** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BEESON SKINNER BEVERLY, LLP
ONE KAISER PLAZA
SUITE 750
OAKLAND, CA 94612

MAILED
JUL 16 2010
OFFICE OF PETITIONS

In re Application of
Douglas J. Herst et al
Application No. 11/150,843
Filed: June 10, 2005
Attorney Docket No. D202N-118.

DECISION ON PETITION

This is a decision on the petition, filed June 8, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. Note 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The above-identified application became abandoned for failure to submit the Appeal Brief. A timely filed Notice of Appeal (including the required fee) was filed on December 14, 2009, however, no Appeal Brief has been filed meeting the requirements of 37 C.F.R. 41.37. **The two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date the Notice of Appeal is received.** Accordingly, the above-identified application became abandoned on February 14, 2010. A Notice of Abandonment was mailed on May 26, 2010.

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 $1620 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
Attn: Office of Petitions

Inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BEESON SKINNER BEVERLY, LLP
ONE KAISER PLAZA, SUITE 750
OAKLAND, CA 94612

MAILED

JUL 26 2010

OFFICE OF PETITIONS

In re Application of :
Douglas J. Herst et al :
Application No. 11/150,843 : DECISION ON PETITION
Filed: June 10, 2005 :
Attorney Docket No. D202N-118.B :

CORRECTED DECISION

This is a decision on the petition, filed June 8, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Appeal of December 14, 2009, which set a two (2) month period for reply. A four (4) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, a reply was due on or before June 14, 2009.

The Office records show a timely reply was received on June 12, 2010, which includes the amendment after final and the four (4) month extension of time.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Appeal of December 14, 2009 is hereby withdrawn and the application restored to pending status.

The petition decision mailed July 16, 2010 is hereby vacated as of the mail date of this decision.

This application is being referred to Technology Center AU 2885 for appropriate action in the normal course of business on the reply received June 14, 2009.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

STEVEN L. NICHOLS
RADER, FISHMAN & GRAVER PLLC
10653 S. RIVER FRONT PARKWAY
SUITE 150
SOUTH JORDAN UT 84095

COPY MAILED

OCT 26 2005

OFFICE OF PETITIONS

In re Application of	:	
Zheng Jason Geng	:	
Application No. 11/150,860	:	DECISION ON PETITION
Filed: June 10, 2005	:	UNDER 37 C.F.R. §1.47(b)
Attorney Docket Number: 40169-0098	:	
Title: CUSTOM FIT FACIAL, NASAL, AND	:	
NOSTRIL MASKS	:	

This is in response to the petition under 37 C.F.R. §1.47(b)[1,2], filed October 14, 2005 along with the present application.

The above-identified application was filed on June 10, 2005, identifying Zheng Jason Geng as the sole inventor. The declaration which was submitted on filing was not executed by the inventor. On July 11, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" was mailed, indicating that an executed declaration would be required,

---

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
(5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(6) proof of irreparable damage, and;
(7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 CFR §1.63.

2 In the header of this petition, Petitioner listed the inventors as Zheng Jason Geng et al. (emphasis added). It will be presumed that this was a typographical error.

along with the surcharge associated with the late filing of the same, as well as the basic filing fee, the search fee, and the examination fee. The notice set a two-month period for response.

With the present petition, Petitioner has submitted the petition fee, the surcharge, the basic filing fee, the search fee, and the examination fee. Petitioner has also submitted a statement of facts, where the last known address of the non-signing inventor is given as an address in Maryland, as well as an assertion that it is believed that the non-signing inventor has moved to China.

Petitioner has met requirements (1) - (3), (5), and (7) above.

Regarding the fourth requirement above, Petitioner has learned that the last known address for the inventor is no longer valid, yet it does not appear that any attempt was made to locate the same.

Petitioner has not submitted adequate proof that diligent efforts have been made to locate Ms. Wang. *As petitioner has set forth that Mr. Geng cannot be reached, Petitioner is required to establish that a diligent effort was made to locate him.* It does not appear that a search was performed. After learning that the last known address was no longer valid, there is no indication that Rule 47 applicant attempted to determine his forwarding address and to send the application papers to that address for consideration by the inventor[3]. If attempts to obtain a forwarding address or to locate Mr. Geng by other means such as through E-mail, telephone, or the Internet fail, then applicant will have provided the necessary proof required under 37 C.F.R. §1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details

Regarding the sixth requirement above, no proof of irreparable damage has been submitted[4]. A statement by Rule 47(b) applicant that the filing is necessary to preserve the rights of the parties would be sufficient.

As such, the petition under 37 C.F.R. §1.47(b) 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 "Renewed Petition Under 37 C.F.R. §1.47(b)," and should only address the deficiencies noted above, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 C.F.R. §1.136(a). 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 any renewed petition may be submitted by mail[5], hand-delivery[6], or facsimile[7].

---

3 See MPEP 409.03(d).
4 See MPEP §409.03(g).
5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

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

---

7 (571) 273-8300 - please note this is a central facsimile number.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

STEVEN L. NICHOLS
RADER, FISHMAN & GRAVER PLLC
10653 S. RIVER FRONT PARKWAY
SUITE 150
SOUTH JORDAN UT 84095

COPY MAILED

JAN 1 1 2006

OFFICE OF PETITIONS

In re Application of
Zheng Jason Geng
Application No. 11/150,860
Filed: June 10, 2005
Attorney Docket Number: 40169-0098
Title: CUSTOM FIT FACIAL, NASAL, AND NOSTRIL MASKS

DECISION ON RENEWED PETITION UNDER 37 C.F.R. §1.47(b)

This is in response to the petition under 37 C.F.R. §1.47(b)[1], filed December 23, 2005.

The above-identified application was filed on June 10, 2005, identifying Zheng Jason Geng as the sole inventor. The declaration which was submitted on filing was not executed by the inventor. On July 11, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" was mailed, indicating that an executed declaration would be required, along with the surcharge associated with the late filing of the same, as well as the basic filing fee, the search fee, and the examination fee. The notice set a two-month period for response.

---

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
(5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(6) proof of irreparable damage, and;
(7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 CFR §1.63.

The original petition was submitted on October 14, 2005, and was dismissed via the mailing of a decision on October 26, 2005 for failing to submit adequate proof that diligent efforts have been made to locate the non-signing inventor and for failure to submit proof of proof of irreparable damage. A letter had been sent to his last-known address in the United States, but it was suspected that the inventor had since moved to China.

The decision on the original petition set forth the following:

> Regarding the fourth requirement above, Petitioner has learned that the last known address for the inventor is no longer valid, yet it does not appear that any attempt was made to locate the same.
>
> Petitioner has not submitted adequate proof that diligent efforts have been made to locate Ms. Wang. *As petitioner has set forth that Mr. Geng cannot be reached, Petitioner is required to establish that a diligent effort was made to locate him.* It does not appear that a search was performed. After learning that the last known address was no longer valid, there is no indication that Rule 47 applicant attempted to determine his forwarding address and to send the application papers to that address for consideration by the inventor[2]. If attempts to obtain a forwarding address or to locate Mr. Geng by other means such as through E-mail, telephone, or the Internet fail, then applicant will have provided the necessary proof required under 37 C.F.R. §1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details.

With this renewed petition, Petitioner has submitted proof of proof of irreparable damage, but it does not appear that Petitioner has made a diligent effort to attempt to locate the non-signing inventor. Petitioner has sent a second letter to the U.S. address which is not believed to be a valid address, and has sent another e-mail to the same e-mail address which has previously failed to elicit a response. In summary, it appears that Petitioner has merely repeated the efforts which have been previously deemed to be insufficient.

It follows that the repetition of the same efforts will produce the same result. Therefore, this renewed petition under 37 C.F.R. §1.47(b) must again be **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 "Renewed Petition Under 37 C.F.R. §1.47(b)," and should only address the deficiencies noted above, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 C.F.R. §1.136(a). 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 any renewed petition may be submitted by mail[3], hand-delivery[4], or facsimile[5].

---

2 See MPEP 409.03(d).
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300 - please note this is a central facsimile number.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

STEVEN L. NICHOLS
RADER, FISHMAN & GRAVER PLLC
10653 S. RIVER FRONT PARKWAY
SUITE 150
SOUTH JORDAN UT 84095

COPY MAILED
MAR 10 2006
OFFICE OF PETITIONS

In re Application of	:	
Zheng Jason Geng	:	
Application No. 11/150,860	:	DECISION ON SECOND RENEWED
Filed: June 10, 2005	:	PETITION UNDER 37 C.F.R. §1.47(b)
Attorney Docket Number: 40169-0098	:	
Title: CUSTOM FIT FACIAL, NASAL, AND	:	
NOSTRIL MASKS	:	

This is in response to the second renewed petition under 37 C.F.R. §1.47(b)[1], filed March 2, 2006.

The above-identified application was filed on June 10, 2005, identifying Zheng Jason Geng as the sole inventor. The declaration which was submitted on filing was not executed by the inventor. On July 11, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" was mailed, indicating that an executed declaration would be required,

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
(5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(6) proof of irreparable damage, and;
(7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 CFR §1.63.

along with the surcharge associated with the late filing of the same, as well as the basic filing fee, the search fee, and the examination fee. The notice set a two-month period for response.

The original petition was submitted on October 14, 2005, and was dismissed via the mailing of a decision on October 26, 2005 for failing to submit adequate proof that diligent efforts have been made to locate the non-signing inventor and for failure to submit proof of irreparable damage.

The renewed petition was received on December 23, 2005, and was dismissed via the mailing of a decision on January 11, 2006, for again failing to submit adequate proof that diligent efforts have been made to locate the non-signing inventor.

With this renewed petition, this deficiency has been rectified. As such, the 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(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition, not the Declaration. 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

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALSTON & BIRD, LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET
SUITE 4000
CHARLOTTE, NC 28280-4000

COPY MAILED

APR 28 2008

OFFICE OF PETITIONS

In re Application of	:	
Manuel Saez	:	
Application No. 11/150,870	:	DECISION ON PETITION
Filed: June 10, 2005	:	TO WITHDRAW
Attorney Docket No. 048782/286986	:	FROM RECORD
	:	

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 **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Alston & Bird, LLP has been revoked by the assignee of the patent application on February 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 undersigned at 571-272- 1642.

April M. Wise
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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P.O. Box 1450
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OCT 27 2005

OFFICE OF PETITIONS

In re Application of Zheng Jason Geng, David Tunnel and Pan Gao Application No. 11/150,872 Filed: June 10, 2005 Title: METHOD AND SYSTEM FOR A THREE DIMENSIONAL FACIAL RECOGNITION SYSTEM	: : : : : : :	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed October 14, 2005 (Certificate of Mailing date: October 11, 2005).

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 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 June 10, 2005 without an executed oath or declaration and naming Zheng Jason Geng, David Tunnel and Pan Gao as joint inventors.

Accordingly, on July 11, 2005, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, filing fee and surcharge for their late filing.

In response, on October 14, 2005 (Certificate of Mailing date: October 11, 2005), the instant petition and a one (1) month extension of time were filed.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

Applicant lacks items (1), as set forth above.

As to item (1), Rebecca R. Schow states she "sent documents regarding the above-identified application," to inventor Geng, but the statement does not specify what documents were sent. Unless the non-signing inventor was presented with a copy of the application papers (specification, claims and drawings), the non-signing inventor could not attest that he has "reviewed and understands the application papers" and therefore could not sign the declaration which he was given. Accordingly, Rule 47 applicant failed to show or provide proof that the inventor has refused to sign the declaration. See MPEP 409.03(d). Petitioner should show that a copy of the application papers was presented to the non-signing inventor, but that he did not respond to, or refused, the request that he sign the oath/declaration in order to show that the inventor has refused to join in the application. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STEVEN L. NICHOLS
RADER, FISHMAN & GRAVER PLLC
10653 S. RIVER FRONT PARKWAY
SUITE 150
SOUTH JORDAN, UT 84095

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JAN 10 2006

OFFICE OF PETITIONS

In re Application of :
Zheng Jason Geng, David Tunnel and Pan Gao :
Application No. 11/150,872 :
Filed: June 10, 2005 :
For: METHOD AND SYSTEM FOR A :
THREE DIMENSIONAL FACIAL :
RECOGNITION SYSTEM :

DECISION GRANTING PETITION
UNDER 37 CFR 1.47(a)

This is in response to the "Request For Reconsideration of Petition Under 37 CFR 1.47(a)," filed December 27, 2005.

The petition is **granted**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The file is being forwarded to Technology Center 2600 for examination *in due course.*

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ZHENG JASON GENG
11001 SUGARBUSH TERRACE
ROCKVILLE, MD 20852

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JAN 10 2006

OFFICE OF PETITIONS

In re Application of
Zheng Jason Geng, David Tunnel and Pan Gao
Application No. 11/150,872
Filed: June 10, 2005
For: METHOD AND SYSTEM FOR A THREE DIMENSIONAL FACIAL RECOGNITION SYSTEM

Dear ZHENG JASON GENG:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3228. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

STEVEN L. NICHOLS
RADER, FISHMAN & GRAVER PLLC
10653 S. RIVER FRONT PARKWAY
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SOUTH JORDAN, UT 84095

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BIOTECHNOLOGY LAW GROUP
C/O PORTFOLIO IP
P.O. BOX 52050
MINNEAPOLIS, MN 55402

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FROM DIRECTORS OFFICE

NOV 04 2005

TECHNOLOGY CENTER 3600

In re application of Darryl Beadle et al. Application No. 11/150,874 Filed: June 13, 2005 For: HIGH RELIABILITY GATE LOCK FOR EXTERIOR USE	: : : : : :	**DECISION ON PETITION TO MAKE SPECIAL (INFRINGEMENT)**

This is a decision on the petition under 37 C.F.R § 1.102(d) filed August 11, 2005 to make the above-identified application special.

The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed July 27, 2005 meets all of the requirements above and, therefore, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications; (2) to promptly examine this application out of turn; and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference and appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

Two apparent problems exist with respect to the Power of Attorney and Correspondence Address Indication Form (PTO-SB/81) which was submitted with the application when filed. First, the form was signed by the president of the alleged assignee of the entire interest. Proof of assignee's interest is indicated as being included in the form of a statement under 37 CFR 3.73(b). Such statement is not in the record and should be submitted promptly so as to verify assignee's authority to act on behalf of the named inventors.

Second, the Customer Number indicated on the form, 47328, appears to be incorrect. It is noted that 473278 is attorney Hollimon's registration number. Since the USPTO is required to send official correspondence to the address of record, this decision is being mailed to the address associated with Customer Number 47328. However, a courtesy copy is also being mailed to the address of Moyle, Flanigan, Katz, Raymond & Sheehan, P.A. If, in fact, an error was made with respect to the Customer Number, prompt correction is essential in order to avoid misdirected correspondence.

Randolph A. Reese

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
571-272-6619

RAR/dew: 10/21/05

cc: Moyle, Flanigan, Katz,
Raymond & Sheehan, PA
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

INTERNATIONAL BUSINESS MACHINES CORPORATION
DEPT. 18G
BLDG. 321-482
2070 ROUTE 52
HOPEWELL JUNCTION, NY 12533

Mail Date: 04/20/2010

Applicant	: Gregory G. Freeman	: DECISION ON REQUEST FOR
Patent Number	: 7611954	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/150,894	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1066** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Paper No.

JOHN BRUCKNER, P.C.
P.O. BOX 490
FLAGSTAFF AZ 86002

COPY MAILED

NOV 24 2009

OFFICE OF PETITIONS

In re Application of :
Sniezko et al. :
Application No. 11/150,908 :
Filed: June 13, 2005 :
Attorney Docket No. AUROR1200-1 :
Title: FORWARD BASEBAND :
DIGITALIZATION :

DECISION ON PETITION
UNDER 37 C.F.R. § 1.137(B)

This is a decision on the petition filed September 4, 2009, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed November 7, 2008, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no response was received. Accordingly, the above-identified application became abandoned on February 8, 2009. A notice of abandonment was mailed on July 8, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information

where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner filed the petition fee and the proper statement of unintentional delay. Petitioner further submitted a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, including a request for consideration of a concurrently submitted amendment and payment of the RCE fee. The RCE has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1).

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment that was submitted on September 4, 2009 - can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries

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1 See Rule 1.137(d).

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICES OF MARK L BERRIER
3811 BEE CAVES ROAD
SUITE 204
AUSTIN TX 78746

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Morgan, et al.	:	
Application No. 11/150,909	:	ON PETITION
Filed: June 13, 2005	:	
Attorney Docket No. MORG00100	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed February 9, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed April 1, 2008. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on July 2, 2008. The Office mailed a Notice of Abandonment on December 15, 2008.

With the instant petition, applicants made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Amendment.

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. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

The application is being forwarded to Group Art Unit 3744 for consideration of the Amendment, filed February 9, 2009.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

cc: Cislo & Thomas LLP
1333 2nd Street
Suite 500
Santa Monica, CA 90401-4100

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Ralf Dorber	: DECISION ON REQUEST FOR
Patent Number	: 7582094	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/150,911	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **961** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TECHNOLOGY & INTELLECTUAL PROPERTY
STRATEGIES GROUP PC (dba TIPS GROUP)
P. O. BOX 1639
LOS ALTOS CA 94023-1639

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NOV 13 2007

OFFICE OF PETITIONS

In re Application of :
Hickman, et al. :
Application No. 11/150,914 :
Filed: June 13, 2005 :
Attorney Docket No. CYBRP003.US02 :
For: MOBILE SYSTEMS AND METHODS
FOR HEATH, EXERCISE AND
COMPETITION

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed September 24, 2007 (certificate of mailing date September 21, 2007), requesting that the Office withdraw the holding of abandonment of the above-identified application.

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 February 22, 2007, which set forth an extendable three (3) month period for reply. The Office contended that this application became abandoned on May 23, 2007 for failure to reply to the February 22, 2007 non-final Office action. A Notice of Abandonment was mailed on September 13, 2007.

Petitioners request withdrawal of the holding of abandonment based on the assertion that a request for a three month extension of time and an amendment were timely mailed on certificate of mailing date August 22, 2007 and received in the Office on August 27, 2007. The undersigned finds this argument completely convincing, as these documents are present in the application file and Office financial records shows that the required three month extension of time fee was charged on August 27, 2007. The fee transmittal for the amendment and extension of time contains a proper certificate of mailing bearing a August 22, 2007 date of deposit. Therefore, the three month extension of time and amendment were timely filed.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the September 13, 2007 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

Accordingly, the application file will be forwarded to Technology Center A.U. 3764 for consideration of the amendment filed on August 27, 2007 (certificate of mailing date August 22, 2007).

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Bryan Cave Powell Goldstein
One Atlantic Center Fourteenth Floor
1201 West Peachtree Street NW
Atlanta, GA 30309-3488

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FEB 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Igor Sokolov et al.	:	
Application No. 11/150,973	:	DECISION ON PETITION
Filed: June 13, 2005	:	TO WITHDRAW
Attorney Docket No. 150295.00001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 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 Jason A. Bernstein on behalf of all attorneys/agents associated with customer number 25207. All attorneys/agents associated with customer number 25207 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed. The address is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Dr. Igor Sokolov
6 Wellings Drive
Potsdam, NY 13699

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/150,973	06/13/2005	Igor Sokolov	150295.00001

CONFIRMATION NO. 4097

POWER OF ATTORNEY NOTICE

25207
BRYAN CAVE POWELL GOLDSTEIN
ONE ATLANTIC CENTER FOURTEENTH FLOOR
1201 WEST PEACHTREE STREET NW
ATLANTA, GA 30309-3488

OC000000034558524

Date Mailed: 02/13/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/05/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

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JAN 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Joseph Gredone et al	:	
Application No. 11/151,006	:	ON PETITION
Filed: June 13, 2005	:	
Attorney Docket No. I-2-0201.6US	:	

This is a decision on the petition, filed January 12, 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 December 28, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2116 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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WILLIAM JH. HALLIHAN
217 N. JEFFERSON STREET, SUITE 100
CHICAGO, IL 60661

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MAY 2 2 2007

OFFICE OF PETITIONS

In re Application of	:	
REIFFEL, Leonard	:	
Application No. 11/151,014	:	DECISION ON PETITION
Filed: June 12, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. Iron Mount NP1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 2, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Leonard Reiffel, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1742 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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HALLIHAN IP PARTNERS, LLC
117 N. JEFFERSON STREET
SUITE 200
CHICAGO, IL 60661

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OCT 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Leonard Reiffel	:	
Application No. 11/151,014	:	DECISION ON PETITION
Filed: June 12, 2005	:	TO WITHDRAW
Attorney Docket No. Iron Mount NP1	:	FROM RECORD
	:	

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 31, 2009.

The request is **APPROVED**.

The request was signed by William J. Hallihan on behalf of the practitioners of record who are associated with Customer No. 87200.

Applicant is reminded that there is no attorney of record at this time.

There is an outstanding Office action mailed June 4, 2009 that requires a reply from the applicant.

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 or the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Leonard Reiffel
602 Demming Place
Chicago, IL 60614

cc: Leonard Reiffel and Iron Mount Corporation
c/o James Willeford
201 St. Charles Ave., Suite 4208
New Orleans, LA 70170

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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
11/151,014	06/12/2005	Leonard Reiffel	Iron Mount NP1

CONFIRMATION NO. 6180

POWER OF ATTORNEY NOTICE

87200
Hallihan IP Partners, LLC
117 N. Jefferson Street
Suite 200
Chicago, IL 60661

OC000000038118815

Date Mailed: 10/13/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/31/2009.

- 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
11/151,014	06/12/2005	Leonard Reiffel	Iron Mount NP1

CONFIRMATION NO. 6180

POA ACCEPTANCE LETTER

Leonard Reiffel
602 Demming Place
Chicago, IL 60614

OC000000038118822

Date Mailed: 10/13/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/31/2009.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/03/09

TO SPE OF : ART UNIT 2856

SUBJECT : Request for Certificate of Correction for Appl. No.: 11151018 Patent No.: 7481125 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
[redacted]

LAMONTE 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: Looks ok. /Thomas P. Noland/

Primary Examiner

Art Unit 2856

HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Hezron E. Williams

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SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/03/09

TO SPE OF : ART UNIT 2856

SUBJECT : Request for Certificate of Correction for Appl. No.: 11151018 Patent No.: 7481125 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

[redacted]

LAMONTE 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: Looks ok. /Thomas P. Noland/

Primary Examiner

Art Unit 2856

HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Hezron E. Williams

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CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS MN 55403-2420

MAILED

JUL 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Sheng-Ping Zhong et al	:	
Application No. 11/151,044	:	DECISION ON PETITION
Filed: June 13, 2004	:	
Attorney Docket No. 1001.2327102	:	

This is a decision on the petition, filed May 6, 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 reply to the nonfinal Office action mailed October 7, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on April 15, 2009.

Applicant 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.
> 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). (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 Office action of October 7, 2008, 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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CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS MN 55403-2420

MAILED

OCT 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Sheng-Ping Zhong et al	:	
Application No. 11/151,044	:	DECISION ON PETITION
Filed: June 13, 2004	:	
Attorney Docket No. 1001.2327102	:	

This is a decision on the renewed petition, filed September 11, 2009, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the nonfinal Office action mailed October 7, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on April 15, 2009.

Petitioner asserts that the Office action dated October 7, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 1791 for re-mailing the Office action of October 7, 2008. The period for reply will run from the mailing date of the Office action.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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ZIMMER TECHNOLOGY - BAKER & DANIELS
111 EAST WAYNE STREET, SUITE 800
FORT WAYNE, IN 46802

Mail Date: 04/21/2010

Applicant	: Jody Claypool	: DECISION ON REQUEST FOR
Patent Number	: 7621920	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,062	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **197** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 06/24/2010

Applicant	: Bhajan Singh	: DECISION ON REQUEST FOR
Patent Number	: 7639626	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/151,070	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1128** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 2 0 2005

KEIJI IIMURA
10-8, AKATHUKA 3-CHROM, ITABASHI-KU
TOKYO 175-0-092 JAPAN

In re Application of:	:	
IIMURA	:	DECISION ON PETITION
Serial No.: 11/151092	:	TO MAKE SPECIAL
Filed: June 14, 2005	:	
Title: SURFACE ILLUMINATOR USING POINT LIGHT SOURCE	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed June 14, 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 declaration and copy of the passport from the inventor, Keiji Iimura, stating that he is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.

Edward Westin

Edward Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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HOWARD J. GREENWALD P.C.
70 LINDEN OAKS, THIRD FLOOR
ROCHESTER, NY 14625

MAILED

MAY 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Helfer et al.	:	DECISION ON PETITION
Application No. 11/151,099	:	TO WITHDRAW
Filed: June 13, 2005	:	FROM RECORD
Attorney Docket No. JLH-845	:	

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 3, 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 Howard J. Greenwald P.C., has been revoked by the assignee of the patent application on May 30, 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 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: CURATOLO SIDOTI CO., LPA
24500 CENTER RIDGE ROAD, SUITE 280
CLEVELAND, OH 44145

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant	: Anthony Caparso	: DECISION ON REQUEST FOR
Patent Number	: 7584004	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,103	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **335** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BASF CORPORATION
CARL-BOSCH-STRASSE 38
LUDWIGSHAFEN, D67056
GERMANY

Mail Date: 04/21/2010

Applicant	: Ming-Tang Chang	: DECISION ON REQUEST FOR
Patent Number	: 7652203	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,129	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1130** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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McCarter & English, LLP
Novartis Institutes for BioMedical Research, Inc.
265 Franklin Street
Boston MA 02110

In re Patent No. 7,612,059	:	DECISION ON REQUEST FOR
Jacobs et al.	:	RECONSIDERATION OF
Issue Date: November 3, 2009	:	PATENT TERM ADJUSTMENT AND
Application No. 11/151,131	:	NOTICE OF INTENT TO ISSUE
Filed: June 13, 2005	:	CERTIFICATE OF CORRECTION
Atty Docket No. 117750-03303	:	

This is a decision on the petition filed on January 4, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand three hundred four (1304) 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 **one thousand ninety (1090) days**.

In the present petition, patentee acknowledges that "A Delay" is 796 days, "B Delay" is 508 days. Further, patentee recognizes that there is no "C Delay" or Applicant Delay. However, patentee did not take into consideration the 214 days of overlap between A Delay and B Delay, beginning on April 4, 2009 and ending on November 3, 2009. See 35 USC 154(b)(2)(A) and 37 CFR 1.137(f).

Accordingly, the patent term adjustment is 1090 days (796 days of A delay + 508 days of B delay - 214 days of overlap).

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, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

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 **one thousand ninety (1090) days.**

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT: 7,612,059 B2

DATED: Nov. 3, 2009 **DRAFT**

INVENTOR(S): Jacobs 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 796 days

Delete the phrase "by 796 days" and insert – by 1090 days--

Day : Wednesday

PALM INTRANET

Date: 4/21/2010
Time: 08:29:01

PTA Calculations for Application: 11/151131			
Application Filing Date:	06/13/2005	PTO Delay (PTO):	796
Issue Date of Patent:	11/03/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	1090
PTO Delay Adjustment:	294		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
66	04/21/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	294		
61.5	10/14/2009	PTA 36 MONTHS			
61	11/03/2009	PATENT ISSUE DATE USED IN PTA CALCULATION	214		43
60	10/09/2009	EXPORT TO FINAL DATA CAPTURE			
59	10/08/2009	FINISHED INITIAL DATA CAPTURE			
58	10/08/2009	DISPATCH TO FDC			
57	09/28/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
56	09/28/2009	WORKFLOW - QUERY REQUEST - FINISH			
55	06/10/2009	TC RETURN TO PUBS			
53	06/10/2009	PUBS CASE REMAND TO TC			
52	09/15/2008	PUBS CASE REMAND TO TC			
49	06/17/2009	WORKFLOW - QUERY REQUEST - BEGIN			
48	06/12/2009	WORKFLOW - QUERY REQUEST - FINISH			
47	06/10/2009	CORRESPONDENCE ADDRESS CHANGE			
46	06/10/2009	WORKFLOW - QUERY REQUEST - FINISH			
45	09/15/2008	TC RETURN TO PUBS			
44	06/03/2009	PUBS CASE REMAND TO TC			
43	12/03/2008	ISSUE FEE PAYMENT VERIFIED			
42	12/03/2008	ISSUE FEE PAYMENT RECEIVED			
41	09/19/2008	WORKFLOW - QUERY REQUEST - BEGIN			
40	09/08/2008	EXPORT TO INITIAL DATA CAPTURE			
39	09/11/2008	FILING RECEIPT - CORRECTED			
37	09/04/2008	MAIL NOTICE OF ALLOWANCE			
36	09/02/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

35	09/02/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
34	09/02/2008	EXAMINER'S AMENDMENT COMMUNICATION			
33	09/02/2008	NOTICE OF ALLOWABILITY			
31	07/15/2008	DATE FORWARDED TO EXAMINER			
30	06/17/2008	RESPONSE AFTER NON-FINAL ACTION			
27	03/17/2008	MAIL NON-FINAL REJECTION	582		-1
26	03/03/2008	NON-FINAL REJECTION			
24	06/13/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
21	07/15/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
20	12/19/2007	CORRESPONDENCE ADDRESS CHANGE			
17	02/07/2006	CASE DOCKETED TO EXAMINER IN GAU			
16	11/03/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	11/03/2005	CASE DOCKETED TO EXAMINER IN GAU			
14	07/15/2005	REFERENCE CAPTURE ON IDS			
13.7	07/15/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	07/15/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	07/15/2005	PRELIMINARY AMENDMENT			
10	06/13/2005	REFERENCE CAPTURE ON IDS			
9.7	06/13/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	06/13/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	06/13/2005	PRELIMINARY AMENDMENT			
7	06/13/2005	PRELIMINARY AMENDMENT			
6	09/01/2005	CLEARED BY L&R (LARS)			
5	08/02/2005	APPLICATION DISPATCHED FROM OIPE			
4	08/02/2005	APPLICATION IS NOW COMPLETE			
3	06/23/2005	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	06/20/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/13/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/151,134	06/13/2005	Markus Naujok	2005 P 51326 US	5825

48154 7590 12/13/2005

SLATER & MATSIL LLP
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

EXAMINER
ESTRADA, MICHELLE

ART UNIT	PAPER NUMBER
2823	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Paper No. 112905

Kay Houston
SLATER & MATSIL, LLP
17950 Preston Rd. Suite 1000
Dallas, TX 75252

Appl No.: 11/151,134	:	
Inv: Naujok et al.	:	**DECISION ON PETITION**
Filed: June 13, 2005	:	**UNDER** *37 CFR 1.48(a)*
For: Methods of Manufacturing Semiconductor Devices and Structures Thereof	:	

This is a decision on the applicant's "Petition to Correct And/Or Add to Originally Named Inventors to a Patent" filed under 37 CFR 1.48(a) filed August 8, 2005 and. The applicant requests that the name of Muhammed Shafi Pallachalil be added to the list of inventors as originally filed, namely, Markus Naujok, Hermann Wendt, and Alois Gutmann.

After a careful review of the file and applicant having supplied all of the information and requirements of 37 CFR 1.48(a), the petition is hereby **granted**.

The application is being forwarded to Technical Support Staff for correction of the inventorship by the addition of Mohammed Shafi Pallachalil whereupon completion the application will be forwarded to the Examining Corps for Examination.

Matthew S. Smith

Supervisory Primary Examiner AU 2825

Technology Center 2800

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11/151 134			

EXAMINER

ART UNIT	PAPER
	112905

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

A Decision on applicant's petition under 37 CFR 1.48(a) accompanies this letter.

MATTHEW SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

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SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO CA 94403

COPY MAILED

MAR 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Alexander KHAIRKHAHAN et al.	:	
Application No. 11/151,156	:	DECISION ON PETITION
Filed: June 10, 2005	:	
Attorney Docket No. **10078-701.506**	:	

This is a decision on the petition under 37 CFR 1.182, filed November 14, 2008, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center AU 3762 for examination in due course.

Telephone inquiries regarding this decision should be directed to the Michelle R. Eason at (571) 272-4231.

Thurman K Page

Thurman Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/151,156	06/10/2005	3762	1265	10078-701.506	36	6

CONFIRMATION NO. 3547

CORRECTED FILING RECEIPT

66854
SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

OC000000034800042

Date Mailed: 03/02/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Alexander Khairkhahan, Palo Alto, CA;
Serjan D. Nikolic, San Francisco, CA;
Branislav Radovancevic, Houston, TX;
Hugh R. Sharkey, Redwood City, CA;

Power of Attorney: The patent practitioners associated with Customer Number 66854

Domestic Priority data as claimed by applicant

This application is a CIP of 10/302,269 11/22/2002

Foreign Applications

If Required, Foreign Filing License Granted: 10/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/151,156**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Multiple partitioning devices for heart treatment

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

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of	:
Alexander Khairkhahan, et al.	:
Application No. 11/151,156	: DECISION ON PETITION
Filed: June 10, 2005	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 10078-701.506	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 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 set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the

benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to April M. Wise at (571) 272-1642. 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 3762 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.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/151,156	06/10/2005	3762	1265	10078-701.506	36	6

CONFIRMATION NO. 3547

CORRECTED FILING RECEIPT

66854
SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

OC000000040959586

Date Mailed: 04/02/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Alexander Khairkhahan, Palo Alto, CA;
Serjan D. Nikolic, San Francisco, CA;
Branislav Radovancevic, Houston, TX;
Hugh R. Sharkey, Redwood City, CA;

Power of Attorney: The patent practitioners associated with Customer Number 66854

Domestic Priority data as claimed by applicant

This application is a CIP of 10/302,269 11/22/2002 ABN
and is a CIP of 10/212,033 08/01/2002 PAT 7,303,526

Foreign Applications

If Required, Foreign Filing License Granted: 10/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/151,156**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Multiple partitioning devices for heart treatment

Preliminary Class

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PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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OFFICE OF PETITIONS

DELPHI TECHNOLOGIES INC
LEGAL STAFF - M/C 483-400-402
5725 DELPHI DRIVE
PO BOX 5052
TROY MI 48007

In re Application of	:	
Webber, et al.	:	
Application No. 11/151,157	:	ON PETITION
Filed: June 10, 2005	:	
Attorney Docket No. DP-312917	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed December 4, 2009.

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 10, 2009. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on October 11, 2009. The Office mailed a Notice of Abandonment on October 23, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Joan N. Drew
Calfee Halter & Griswold, LLP
800 Superior Avenue
Suite 1400
Cleveland, OH 44114

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OFFICE OF PETITIONS

In re Application of	:	
Stephen A. Yencho et al.	:	
Application No. 11/151,160	:	DECISION ON PETITION
Filed: June 10, 2005	:	TO WITHDRAW
Attorney Docket No. 186	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 10, 2006.

The request is **NOT APPROVED**.

A review of the file record indicates that the attorney(s) or agent(s) associated with Customer Number 24024 does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

David Bucci
Petitions Examiner
Office of Petitions

cc: Brian A. Schar
Chief Patent Counsel
Cardica, Inc.
900 Saginaw Drive
Redwood City, CA 94063

OIPE IAP28 FEB 1 0 2006 PATENT & TRADEMARK OFFICE

DJW

PTO/SB/83 (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	11/151,160
Filing Date	06/10/2005
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	28283/04012

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

☐ all the attorneys/agents of record.

☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or

☑ the attorneys/agents associated with Customer Number 24,024

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: Responsive to the client's instructions, we have transferred this case and all responsibility for t his application to the new firm listed below.

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☑ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number:

OR

☑ Firm or Individual Name	McNees, Wallace & Nurick LLC				
Address	21 E. State Street 17th Floor				
City	Columbus	State	OH	Zip	43215-4228
Country	USA				
Telephone	(614) 469-8000	Email			
Signature	Joan N. Drew				
Name	Joan N. Drew	Registration No.	52,364		
Date	2/8/06	Telephone No.	(614) 621-7763		

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdrew is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

#24024

Calfee Halter & Griswold, LLP
800 Superior Avenue
Suite 1400
Cleveland, OH 44114

UNITED STATES PATENT AND TRADEMARK OFFICE

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SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

Mail Date: 04/21/2010

Applicant	: Alexander Khairkhahan	: DECISION ON REQUEST FOR
Patent Number	: 7582051	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,164	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **930** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DEPARTMENT OF THE NAVY, OFFICE OF COUNSEL
SUITE 103
3824 STRAUSS AVE.
INDIAN HEAD MD 20640-5152

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JUN 1 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Matthew J. SANDORD	:	
Application No. 11/151,169	:	DECISION ON PETITION
Filed: June 10, 2005	:	
Attorney Docket No. **84,753**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to Non-final Office action, mailed September 30, 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 31, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of September 30, 2008 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1110 extension of time fee submitted with the petition on April 14, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 3641 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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JAN 05 2009

OFFICE OF PETITIONS

Lester Earl Mullings Jr.
11811 Rd 5 N.W.
Quincy WA 98848

In re Application of	:	
Lestr Earl Mullings, Jr. et al.	:	
Application No. 11/151,171	:	DECISION ON PETITION
Filed: June 13, 2005	:	PURSUANT TO
Title: REACTION ACCELERATED	:	37 C.F.R. § 1.137(A)
FLUID DRIVE	:	

This is a decision on the petition submitted on November 28, 2008 pursuant to 37 C.F.R. § 1.137(a).

This petition is **DISMISSED**.

It is noted in passing that Petitioner has submitted a change of correspondence address form, in an attempt to change the correspondence address that is associated with this application. This request cannot be effectuated, as it has been executed by only one of the two joint inventors.[1]

1 See 37 C.F.R. §§ 1.33(a)(2) and (b)(4), which indicate that where a declaration has been filed by any of the inventors, any paper must be executed by all of the applicants for patent.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (first notice), mailed August 9, 2005, which set a shortened statutory period for reply of two months and indicated that the $250 search fee and the $100 examination fee would be required. A response was received on January 18, 2006, and a Notice of Incomplete Reply (second notice) was mailed on September 22, 2006, which indicated that an additional $50 would be required to complete the submission of the examination fee, and did not extend the period for response set by the first notice. No further 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 October 10, 2005. A notice of abandonment was mailed on October 14, 2008

RELEVANT PORTIONS OF THE C.F.R.

37 C.F.R. § 1.134: Time period for reply to an Office action:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 CFR §1.135: Abandonment for failure to reply within time period:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

ANALYSIS

A grantable petition pursuant to 37 C.F.R. § 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 as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to 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 was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has included the petition fee, the remainder of the examination fee, and a statement of facts.

Requirements (1) and (2) of Rule 1.137(a) have been satisfied. The fourth requirement is not applicable, as a terminal disclaimer is not required. The record does not support a finding that the entire period of delay was unavoidable, and as such, **the third requirement has not been met**, as will now be pointed out.

With this petition, Petitioner has alleged that he failed to provide a timely and complete response to the first notice due to the following reasons:

1. "I had just moved to Washington;"

2. "[T]he fee paper work changed from previous patents I had done," and;

3. "I had spent all my savings…it took me some time to find a job and send in the money."

Regarding the first reason, the record does not indicate the causality between Petitioner's move to the state of Washington and his failure to respond to the first notice in a timely and complete fashion.

Regarding the second reason, the meaning of this phrase cannot be discerned by the undersigned. It is not clear what "paper work" is alleged to have changed, and how this alleged change prevented him from responding to the first notice in a timely and complete fashion.

Regarding the third reason, Petitioner has asserted financial difficulty in that he lacked the funds necessary to include the required $50 payment to complete the submission of the examination fee. A showing of "unavoidable" delay based upon financial difficulty is very stringent, in that in order for a petitioner to demonstrated that he lacked the financial resources to pay the fee(s) associated with patent prosecution, substantial documentation must be provided. Such a showing must be supported by a **complete and thorough showing** of his financial condition during the entire period between October 10, 2005 and November 28, 2008, including income, expenses, tax return statements, bank records, assets, credit and obligations, which made the delay in payment of the $50 fee deficiency as well as the fee associated with the filing of this petition unavoidable. Petitioner should provide copies of all documents or records pertaining to each of these so as to confirm the financial difficulty.

Petitioner is reminded that the period of delay with which he must be concerned is the entire period of delay in filing the required reply, from the due date for the reply up until the filing of a grantable petition,

Petitioner is cautioned to avoid submitting confidential information that may contribute to identity theft. Specifically, Petitioner should consider redacting social security, bank account, or credit card numbers from any documents submitted to the USPTO. This type of personal data is never required by the USPTO to support a petition or an application. Petitioner is advised that any information submitted may be disclosed, as a routine use, to the public after either publication of the application, unless a non-publication request is made in the application, or issuance of a patent. Further, a record may be disclosed, subject to the limitations of 37 C.F.R. §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.

If Petitioner has supplied papers which contain any of the above-identified confidential information that has not been redacted, Petitioner may provide a redacted copy of the same to the Office. If accompanied by a statement that the redacted version is identical to the originally submitted copy, but for the redactions, the redacted copy will be placed into the file and the original copy will be destroyed.

CONCLUSION

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Pursuant to 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may submit a petition pursuant to 37 C.F.R. § 1.137(b).

Petitioner will note that a third option is to concurrently file both a renewed petition pursuant to Rule 1.137(a) and a petition pursuant to Rule 1.137(b). If the former petition is granted, the fee that is associated with the filing of the latter petition will be refunded to Petitioner.

Any subsequent filing pertaining to the abandonment of this application should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[2] hand-delivery,[3] or facsimile.[4] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[5]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate an *acceptable* change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, a *properly executed* change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change

---

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[6]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Lester Earl Mullings Jr.
4169 Market Street NE
Apt. C
Salem, Oregon 97301

---

6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES 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

NAVAL RESEARCH LABORATORY
ASSOCIATE COUNSEL (PATENTS)
CODE 1008.2
4555 OVERLOOK AVENUE, S.W.
WASHINGTON DC 20375-5320

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MAR 12 2007

OFFICE OF PETITIONS

In re Application of Michael Dennis et al. Application No. 11/151,176 Filed: June 9, 2005 Attorney Docket No.: NC 97,292 Title: AMPLIFICATION DEVICE UTILIZING THULIUM DOPED MODIFIED SILICATE OPTICAL FIBER	DECISION ON PETITION UNDER 37 C.F.R. §1.181(A)

This is a decision on the petition filed on January 4, 2007, pursuant to 37 C.F.R. §1.181(a), to withdraw the holding of abandonment.

The above-identified application became abandoned for failure to reply in a timely manner to the notice of non-compliant amendment, mailed June 20, 2006, which set a period for reply of one month. No further responses were received, and no extensions of time pursuant to 37 C.F.R. §1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 21, 2006. A notice of abandonment was mailed on November 29, 2006.

Petitioner has asserted that the communication was not received. The notice of abandonment has been reviewed, and it appears that both the notice of abandonment and Petitioner's statement are inaccurate.

1. A non-final Office action was mailed on December 20, 2005.
2. An Information Disclosure Statement (IDS) was received on that same day.

3. On June 19, 2006, a response to the non-final Office action was received, along with a three-month extension of time in order to make timely this response.
4. A notice of non-compliant amendment was mailed on June 20, 2006, indicating that the amendment which was received the previous day failed to include a complete listing of the claims.
5. A response to the notice of non-compliant amendment was timely filed on July 12, 2006.
6. The notice of abandonment was mailed on November 29, 2006.

The notice of abandonment has been reviewed, and it incorrectly states that the present application is abandoned in view of "Applicant's failure to timely file a proper reply to the Office letter mailed on 12 July 2006." However, it is clear that on July 12, 2006, no Office communication was filed - a response to an Office communication was received on this date. Furthermore, it is noted that Applicant provided a timely response to the last Office communication. As such, the notice of abandonment was mailed in error.

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 submission which was received on July 12, 2006 can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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United States Patent and Trademark Office
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NAVAIRWD
COUNSEL GROUP (CODE K0000D)
1 ADMINISTRATION CIRCLE
CHINA LAKE CA 93555-6100

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AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
David J. IRVIN et al.	:	
Application No. 11/151,185	:	DECISION ON PETITION
Filed: May 27, 2005	:	
Attorney Docket No. 97373	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before July 15, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 15, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 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 payment of the issue fee of $1,510.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the issue fee payment is accepted as being 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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FOLEY AND LARDNER LLP
3000 K Street, N.W.
Suite 500
Washington, DC 20007

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SEP 28 2006

OFFICE OF PETITIONS

In re Application of	:	
KUROIWA, et al.	:	
Application No. 11/151,227	:	DECISION ON PETITION
Filed: June 14, 2005	:	TO WITHDRAW
Attorney Docket No. 081356-0241	:	FROM RECORD
	:	

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 06, 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 Stephen A. Bent on behalf of all attorneys of record who are associated with customer No. 22428. All attorneys/agents associated with the Customer Number 22428 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

A Review of the file discloses that a non-final Office action was mailed on May 26, 2006, which set forth a three month shortened statutory period for reply. Extensions of time under 37 CFR 1.136(a) were available. To date, there is no indication that a reply to the Office action of May 26, 2006 has been received.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.

David Bucci
Petitions Examiner
Office of Petitions

cc: Yoshimi Kuroiwa
c/o Hematech, LLC
4401 South Technology Drive
Sioux Falls, SD 57106

cc: Dr. Paul Fehlner
Baker Botts L.L.P.
20 Rockefeller Plaza
New York, NY 10112

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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
11/151,227	06/14/2005	Yoshimi Kuroiwa	081356-0241

CONFIRMATION NO. 6114

OC000000020557694

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Date Mailed: 09/25/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/06/2006.

- 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.

PVolpe

PATRICIA A VOLPE
OP (571) 272-6825

FORMER ATTORNEY/AGENT COPY

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OFFICE OF PETITIONS

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44th Floor
NEW YORK NY 10112-4498

In re Patent No. 7,402,729	:	
Issue Date: July 22, 2008	:	
Application No. 11/151,227	:	ON PETITION
Filed: June 14, 2005	:	
Attorney Docket No. 077375.0316	:	

This is a decision on the petition filed April 24, 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) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Sherry D. Brinkley
Petition Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	: Kuroiwa *et al.*	Patent No.	: 7,402,729
Serial No.	: 11/151,227	Confirmation No.	: 6114
Filed	: 06/14/2005	Group Art Unit	: 1633
For	: HUMAN ARTIFICIAL CHROMOSOME CONTAINING HUMAN ANTIBODY LAMBDA LIGHT CHAIN GENE AND NON-HUMAN ANIMAL CONTAINING THE HUMAN ARTIFICIAL CHROMOSOME CAPABLE OF GENETIC TRANSMISSION		

PETITION UNDER 37 C.F.R. § 3.81(b)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

06/10/2009 CKHLOK 00000004 024377 7402729
01 FC:1811 100.00 DA
02 FC:1808 130.00 DA

Sir:

Applicant hereby petitions under 37 C.F.R. § 3.81(b) to permit Applicant to add an additional Assignee after payment of the issue fee to the above-identified patent. The Assignees should be "**Medarex, Inc.**" and "**Kirin Pharma Kabushiki Kaisha**." Inadvertently, "**Medarex, Inc.**" was not listed on the Issue Fee transmittal form (PTOL-85) submitted June 16, 2008.

Pursuant to C.F.R. § 3.81(b), Applicant submits that the Assignment to "**Medarex, Inc.**" was recorded on **November 2, 2005** at Reel **017163**, Frame **0033**, which was before the issuance of the above-identified patent.

Therefore, Applicant respectfully requests that the Assignee information on the patent be changed to the following:

Assignee: **Medarex, Inc.** (Princeton, NJ); **Kirin Pharma Kabushiki Kaisha** (Tokyo, JP)

Adjustment date: 06/10/2009 CKHLOK
04/27/2009 INTEFSW 00002325 024377 11151227
01 FC:1464 130.00 CR
02 FC:1811 100.00 CR

Applicant requests that the file be forwarded to the Certificates of Correction Branch, for issuance of a Certificate of Correction, if the petition is granted. A proposed Certificate of Correction is attached.

Payment of the petition fee required under 37 C.F.R. § 1.17(h) and Certificate of Correction is enclosed herewith. Should any additional fees be required or any overpayment made, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 02-4377.

Respectfully submitted,

BAKER BOTTS L.L.P.

April 24, 2009
Date

Steven P. Lendaris
Patent Office Reg. No. 53,202

Lisa B. Kole
Patent Office Reg. No. 35,225
30 Rockefeller Plaza
44th Floor
New York, NY 10012-4498
Attorney for Applicant(s)
212-408-2500

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,402,729

APPLICATION NO.: 11/151,227

ISSUE DATE : 07/22/2008

INVENTOR(S) : Yoshimi Kuroiwa, Kazuma Tomizuka, Hitoshi Yoshida, Isao Ishida

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

ON THE COVER PAGE:

Please change the Assignees Col. 1, line 13 to read:

-- "Assignee: Medarex, Inc. (Princeton, NJ); Kirin Pharma Kabushiki Kaisha (Tokyo, JP)"

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Baker Botts L.L.P.
30 Rockefeller Plaza
New York, NY 10112-4498

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

Mail Date: 04/20/2010

Applicant	: Nobuyuki Matsui	: DECISION ON REQUEST FOR
Patent Number	: 7641578	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,273	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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FISH & RICHARDSON, P.C.
P. O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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AUG 17 2007

OFFICE OF PETITIONS

In re Application of.	:
Shunpei Yamazaki et al	:
Application No. 11/151,290	: DECISION GRANTING PETITION
Filed: June 14, 2005	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No.	:
07977-126005/US3269/3270D	

This is a decision on the petition, filed August 16,2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 13, 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 2818 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\aug10\151290.wpd

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment.*

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OFFICE OF PETITIONS

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
Shunpei Yamazaki et al	:	
Application No. 11/151,290	:	DECISION GRANTING PETITION
Filed: June 14, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 07977-126005/US3269/3270D	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 14, 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 6, 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 2818 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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Baxter AG
Perkins Coie LLP. 607 Fourteenth Street, NW
Washington DC 20005

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JUN 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Wolfgang Teschner et al.	:	
Application No. 11/151,295	:	DECISION ON PETITION
Filed: June 14, 2005	:	TO WITHDRAW
Attorney Docket No. **00342-8066.US01**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 13, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Jennifer A. Camacho or any attorneys/agents associated with Customer Number 61263 does not have power of attorney or was ever given power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: PROSKAUER ROSE LLP
One International Place
Boston MA 02110

UNITED STATES PATENT AND TRADEMARK OFFICE

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Texas Instruments Incorporated
PO Box 655474, M/S/ 3999
Dallas TX 75265

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SEP 27 2005

OFFICE OF PETITIONS

In re Application of
Pickering et al.
Application No. 11/151,335
Deposited: June 13, 2005
Attorney Docket No. TIL-38553

DECISION ON PETITION

This is a decision on the petitioner filed September 12, 2005 (certificate of mailing dated September 9, 2005), requesting that the USPTO accord the above-identified application a filing date of June 13, 2005.

On June 13, 2005, applicants deposited that above-identified application. However, on July 11, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", stating that the application had not been accorded a filing date as the application was deposited without any drawings and that the filing date would be the date of receipt of the omitted item(s). Additionally, the Notice stated that an oath or declaration was missing.

In response, on September 12, 2005 (certificate of mailing September 9, 2005), applicants submitted the present petition, an executed declaration, two sheets of formal drawings (Figures 1-3),[1] and an authorization to charge a $130.00 petition fee.[2] Additionally, applicants submitted a copy of their returned, date-stamped postcard receipt, acknowledging receipt of "informal drawings (4)" in the USPTO on June 13, 2005. Applicants asserted that informal drawings were received with the application on June 13, 2005, as evidenced by the postcard receipt. Applicants stated that the USPTO should accord the above-identified application a filing date of June 13, 2005.

A review of the petition and drawings submitted with the petition indicate that applicants did not submit a copy of the four sheets of informal drawings as they were purportedly filed on June 13, 2005. Instead, applicants submitted two sheets of "formal drawings" (Figures 1-3).

---

[1] In the Letter to the Official Draftsperson, applicants indicated that they had enclosed three sheets of formal drawings with the present petition. A review of the papers submitted on petition show that applicants submitted only two sheets of formal drawings (Figures 1-3).

[2] Applicants authorized the Office to charge a $130.00 petition fee; however, the current fee for filing a petition under 37 CFR 1.53(e) is $400.00. Accordingly, applicants' Deposit Account will be charged the difference in the amount of $270.00.

Because applicants failed to submit the original drawings purportedly filed on June 13, 2005, the petition is **dismissed** without prejudice. On renewed petition, applicants must provide the Office with a copy of the four sheets of informal drawings submitted on June 13, 2005.

Any request for reconsideration should be filed within **TWO MONTHS** of the mail date of this decision to be considered timely filed. See 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

Further correspondence with respect to this matter may be addressed as follows **and to the Attention of Senior Petitions Attorney Christina Tartera Donnell:**

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300 Attention: Office of Petitions
By hand:	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) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Texas Instruments Incorporated
PO Box 655474, M/S/ 3999
Dallas TX 75265

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DEC 0 1 2005

OFFICE OF PETITIONS

In re Application of :
Pickering et al. :
Application No. 11/151,335 : DECISION ON PETITION
Deposited: June 13, 2005 :
Attorney Docket No. TIL-38553 :

This is a decision on the renewed petition filed November 23, 2005, requesting that the USPTO accord the above-identified application a filing date of June 13, 2005.

On June 13, 2005, applicants deposited that above-identified application. However, on July 11, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", stating that the application had not been accorded a filing date as the application was deposited without any drawings and that the filing date would be the date of receipt of the omitted item(s). Additionally, the Notice stated that an oath or declaration was missing.

In response, on September 12, 2005 (certificate of mailing September 9, 2005), applicants submitted the present petition, an executed declaration, two sheets of formal drawings (Figures 1-3), and an authorization to charge the petition fee. Additionally, applicants submitted a copy of their returned, date-stamped postcard receipt, acknowledging receipt of "informal drawings (4)" in the USPTO on June 13, 2005. Applicants asserted that informal drawings were received with the application on June 13, 2005, as evidenced by the postcard receipt. Applicants stated that the USPTO should accord the above-identified application a filing date of June 13, 2005.

On September 27, 2005, the Office mailed a decision dismissing the petition of September 12, 2005, because applicants did not include a copy of the four sheets of informal drawings submitted on filing the application. On November 23, 2005, applicants filed the present renewed petition.

In the present renewed petition, applicants provided the following explanation regarding the four sheets of informal drawings submitted on June 13, 2005:

> Applicants do not have a copy of the sheets of drawings submitted on June 13, 2005, because there is no copy of the drawings with our copy of the as filed Application. Furthermore, there are only two (2) sheets of informal drawings for this Application. Applicants believe that the two (2) sheet of informal drawings and the two (2) file copies

were both submitted with the new Application, resulting in four sheets of drawings being filed, as indicated on the post card receipt.

A copy of the two (2) pages of informal drawings for this Application were obtained from the electronically transmitted document filed and are attached hereto.

A review of the papers submitted on November 23, 2005, do not include a copy of the two (2) pages of informal drawings, which applicants stated they attached to the petition. Furthermore, it is unclear where applicants obtained a copy of the aforementioned drawings because applicants stated that they did not have a copy of the sheets of drawings submitted on June 13, 2005, yet they obtained the drawings from an "electronically transmitted document."

Accordingly, the petition is again dismissed. Applicants must submit a copy of the two sheets of informal drawings submitted on June 13, 2005.

Any request for reconsideration should be filed within **TWO MONTHS** of the mail date of this decision to be considered timely filed. See 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

Further correspondence with respect to this matter may be addressed as follows **and to the Attention of Senior Petitions Attorney Christina Tartera Donnell:**

By mail:
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile:
(571) 273-8300
Attention: Office of Petitions

By hand:
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) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Texas Instruments Incorporated
PO Box 655474, M/S/ 3999
Dallas TX 75265

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OFFICE OF PETITIONS

In re Application of
Pickering et al.
Application No. 11/151,335
Filed: June 13, 2005
Attorney Docket No. TIL-38553

DECISION ON PETITION

This is a decision on the second renewed petition filed January 4, 2006, requesting that the USPTO accord the above-identified application a filing date of June 13, 2005.

On June 13, 2005, applicants deposited that above-identified application. However, on July 11, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", stating that the application had not been accorded a filing date as the application was deposited without any drawings and that the filing date would be the date of receipt of the omitted item(s). Additionally, the Notice stated that an oath or declaration was missing.

In response, on September 12, 2005 (certificate of mailing September 9, 2005), applicants submitted a petition, an executed declaration, two sheets of formal drawings (Figures 1-3), and an authorization to charge the petition fee. Additionally, applicants submitted a copy of their returned, date-stamped postcard receipt, acknowledging receipt of "informal drawings (4)" in the USPTO on June 13, 2005. Applicants asserted that informal drawings were received with the application on June 13, 2005, as evidenced by the postcard receipt. Applicants stated that the USPTO should accord the above-identified application a filing date of June 13, 2005.

On September 27, 2005, the Office mailed a decision dismissing the petition of September 12, 2005, because applicants did not include a copy of the four sheets of informal drawings submitted on filing the application. On November 23, 2005, applicants filed a renewed petition. In the renewed petition, applicants provided the following explanation regarding the four sheets of informal drawings submitted on June 13, 2005:

> Applicants do not have a copy of the sheets of drawings submitted on June 13, 2005, because there is no copy of the drawings with our copy of the as filed Application. Furthermore, there are only two (2) sheets of informal drawings for this Application. Applicants believe that the two (2) sheets of informal drawings and the two (2) file copies

were both submitted with the new Application, resulting in four sheets of drawings being filed, as indicated on the post card receipt.

A copy of the two (2) pages of informal drawings for this Application were obtained from the electronically transmitted document filed and are attached hereto.

The papers submitted on November 23, 2005, did not include a copy of the two (2) sheets of informal drawings, which applicants stated they attached to the petition. The renewed petition was dismissed by the decision of December 1, 2005.

On January 4, 2006, applicants submitted this second renewed petition and a copy of the two (2) sheets of drawings. Accordingly, the application is complete and will be accorded a filing date of June 13, 2005.

The Office of Initial Patent Examination is directed to accord the application **a filing date of June 13, 2005,** using the application papers submitted on that date, and the two (2) sheets of drawings submitted with this petition on January 4, 2006.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Mail Date: 04/20/2010

Applicant	: Seiichiro Endo	: DECISION ON REQUEST FOR
Patent Number	: 7682266	: RECALCULATION of PATENT
Issue Date	: 03/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,341	: OF WYETH
Filed	: 06/14/2005	:
		:

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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1940 DUKE STREET
ALEXANDRIA, VA 22314

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In re Application of	:	
MAEDA, et al.	:	
Application No. 11/151,344	:	DECISION GRANTING PETITION
Filed: June 14, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 273812US2SRD	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 17, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 12, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2187 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

---

[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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ALEXANDRIA, VA 22320

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DEC 14 2005

OFFICE OF PETITIONS

In re Application of	:	
Michifumi Nagawa et al	:	
Application No. 11/151,371	:	DECISION GRANTING
Filed: June 14, 2005	:	PETITION
Attorney Docket No. 123684	:	

This is a decision on the petition under 37 CFR 1.53(e), filed November 16, 2005, requesting that the above-identified application be accorded a filing date of June 14, 2005, with page 19 as a part of the original disclosure.

The petition is **GRANTED**.

Petitioner asserts that page 19 of the specification was filed with the application papers on June 14, 2005. In support, the petition is accompanied by a copy of a postcard receipt, indicating receipt in the USPTO for this application on June 14, 2005 of, *inter alia*, "22pp Spec/20Clms/Abst." The petition also encloses a copy of page 19 purportedly filed on June 14, 2005.

In view of the evidence presented, the Office concludes that page 19 was filed on June 14, 2005, but was later misplaced. Accordingly, the petition is granted.

The $400.00 petition fee is being credited to Deposit Account No. 15-0461 as authorized.

Any inquiries concerning this decision on petition may be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to the Office of Initial Patent Examination for further processing with the filing date of June 14, 2005, using the application papers filed on that date, and the copy of page 19 of the specification supplied with the present petition, and for indicating in the USPTO record that page 19 of the specification was present on filing.

Frances Hicks for
Brian Hearn
Senior Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Paul Shore	: DECISION ON REQUEST FOR
Patent Number	: 7586904	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,388	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **950** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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: 05/21/2010

Applicant	: Jeung Hoon Kim	: DECISION ON REQUEST FOR
Patent Number	: 7640970	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/151,394	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **661** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Hunter et al.	:	
Application No. 11/151,399	:	DECISION ON PETITION
Filed: 14 June, 2005	:	
Atty Docket No. 273996US96XCONT	:	

This is a decision on the petition under 37 CFR 1.53(e), filed on 22 September, 2005, requesting that the above-identified application be accorded a filing date of 14 June, 2005, with Page 48 of the specification as a part of the original disclosure.

The petition is granted.

On 14 June, 2005, the application was filed.

Accordingly, on 22 July, 2005, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 14 June, 2005, but that Page 48 of the specification (description and claims) appeared to have been omitted.

In response, on 22 September, 2005, the present petition and a copy of Page 48 were filed. Petitioners argue that Page 48 of the specification was filed with the other application papers on 14 June, 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 14 June, 2005, and identifies the application by the first named inventor's name, attorney docket number, and application title and acknowledges receipt of, *inter alia*, "144 pp. Specification" which included the written description, claims, and one (1) page of abstract. Petitioners request that the application, including Page 48 of the specification, be accorded a filing date of 14 June, 2005.

A review of the record reveals that no Page 48 of the specification has been located among the application papers received on 14 June, 2005. However, the evidence is convincing that the application papers deposited on 14 June, 2005, included Page 48 of the specification (written description and claims) and one (1) page of abstract, which was subsequently misplaced in the Office. Therefore, the application, including Page 48 of the specification, is entitled to a filing date of 14 June, 2005.

The "Notice" mailed on 22 July, 2005, is vacated.

In view of the above, the petition is granted. As the petition was necessitated by Office error, no petition fee is necessary.

The application will be processed with the copy of Page 48 of the specification supplied on 22 September, 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 14 June, 2005, using the application papers filed on that date, and the copy of Page 48 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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1940 DUKE STREET
ALEXANDRIA, VA 22314

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In re Application of	:	
William L. Hunter, et al.	:	
Application No. 11/151,399	:	DECISION GRANTING PETITION
Filed: June 14, 2005	:	UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 273996US96X	:	
CONT		

This is a decision on the petition, filed March 3, 2010, under the provisions of 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioners request that the above-identified application be withdrawn from issue for express abandonment in favor of a continuing application under 37 CFR 1.53(b). *See* 37 CFR 1.313(c)(3).

The application is withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/20/09

TO SPE OF : ART UNIT 3738

SUBJECT : Request for Certificate of Correction for Appl. No.: 11151404 Patent No.: 7462197 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: _____

Corinne McDermott
SUPERVISORY PATENT EXAMINER
Technology Center 3700

3738

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/20/09

TO SPE OF : ART UNIT 3738

SUBJECT : Request for Certificate of Correction for Appl. No.: 11151404 Patent No.: 7462197 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Corrine McDermott
CORRECTED SUBMISSION
3738

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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November 2006

C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

NOV 22 2006

In re Application of:	:	
JUN OHSUGA	:	DECISION ON PETITION TO
Serial No.: 11/151,423	:	MAKE SPECIAL UNDER 37
Filed: 14 June 2005	:	C.F.R. § 1.102(d)
Docket No.: 273787US2	:	

This is a decision on the petition filed on August 24, 2006, to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

In support of the petition, petition provides: a) the applicable petition fee; b) a statement that the claims are directed to a single invention and an offer to elect without traverse should a restriction or election of species requirement is made; c) a statement that a pre-examination search was made, including the search areas; d) copies of the references stated as being most closely related to the claimed subject matter; and e) a discussion of the teaching of the references.

For accelerated examination under MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d), a showing of the following is required: a) a petition to make special accompanied by the applicable petition fee; b) all claims are directed to a single invention; c) a statement that a pre-examination search was made, including the search areas; d) a copy of each of the references deemed most closely related to the claimed subject matter; and e) a detailed discussion of the references pointing out with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is distinguishable over the references.

The requirements of MPEP § 708.02(VIII)(a), (b), (c) and (d) are considered to have been met. However, petitioner fails to point out with the particularity required by 37 CFR § 1.111 (b) and (c), how the claimed subject matter is distinguishable over the *each* of the references. Therefore, petitioner fails to meet the requirement of MPEP § 708.02(VIII)(e).

37 CFR § 1.111 (b) states"[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c)

states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made."

Petitioner presents a brief discussion of the cited references, and states that they do not teach the specific limitations claimed in the independent claims. However, petitioner fails to distinguish each independent claim from each reference in a manner satisfying 37 CFR § 1.111 (b) and (c). For instance, the Franke reference appears to teach in paragraph 0030 a discriminating device, yet petitioner does not distinguish nor discuss this teaching. Further, Shinbori et al teach in column 7, lines 20-33 a switch S to function as an identifier of the accommodated power source, yet petitioner does not distinguish nor discuss this teaching.

The burden on the petitioner is similar to that on an applicant in replying to a rejection in an Office action (both fall under 37 CFR § 1.111). To meet that burden, petitioner must set forth reasons why each claim is not anticipated or made obvious by each supplied reference. Such a statement is required under 37 CFR § 1.111 (b) and (c). A mere summary of the claims and the references, with no comparison and distinguishment between the two, is insufficient to satisfy the requirements of MPEP § 708.02(VIII)(e).

While Technology Center Directors may have granted petitions that do not comply with the detailed discussion requirement of the Accelerated Examination procedure, Technology Center Director decisions on petitions are not binding precedent of the Patent Examining Corps, and the application of an improper standard in certain cases does not require the Office to continue to apply the improper standard in all cases. *See In re The Boulevard Entertainment, Inc.*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003)).

For the above-mentioned reasons, the petition is dismissed. The application will therefore be taken up by the examiner for action in its regular turn.

Any request for reconsideration of this decision must be submitted within 2 (two) months of the date of this decision in order to be considered timely. Any resubmission of the petition must provide a detailed discussion of how each of the independent claims is not met by each of the references presented as relevant, and a statement complying with MPEP § 708.02(VIII)(b).

Any inquiry regarding this decision should be directed to Jose' G. Dees, T-Quality Assurance Specialist, at (571) 272-1569.

Jose' G. Dees, T- Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

DECISION ON PETITION ROUTING SLIP

Application No.: 11151423

Art Unit: 2838

For Director's Secretary:

☐ **Granted** ☐ **Denied** ☑ **Dismissed**

- ☐ Decision to be reviewed and signed by Director
- ☑ Mail Decision & enter decision in Petition Database
- ☐ Enter Change of Address in PALM
- ☐ Enter Paper Nos ____ and the decision in PALM
- ☐ Other ____

For Director's Secretary:

- ☐ Process and enter Paper Nos. ____
- ☐ Charge ____ fee to D.A. No ____
- ☐ Other ____
- ☐ Forward file to ____

Questions regarding Reexamination Pratice should be directed to:

SPRE No. 1:	SPRE No. 2:	SPRE No. 3:	SPRE No. 4:
Hien Phan SPRE Jeff-8D55 (571) 272-1606	Jose Dees SPRE Jeff-8D59 (571)272-1569	Clayton E. LaBalle SPRE Jeff-8D51 (571) 272-1594	Ed Westin SPRE Jeff-8D65 (571)272-1638

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Alexandria, VA 22313-1450
www.uspto.gov

C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAY - 8 2007

In re Application of:	:	
JUN OHSUGA	:	DECISION ON PETITION TO
Serial No.: 11/151,423	:	MAKE SPECIAL UNDER 37
Filed: 14 June 2005	:	C.F.R. § 1.102(d)
Docket No.: 273787US2	:	

This is a decision on the petition filed on January 22, 2007, requesting for reconsideration of the previous decision mailed November 22, 2006, making the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The requirements of MPEP § 708.02(VIII)(a) through (e) are considered to have been met.

The application file is being forwarded to the examiner for expedited prosecution.

If the examiner can make this application special without prejudice to any possible interfering applications, and he/she should make a rigid search for such, he/she is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, he/she should consider such application simultaneously with this application and should state in the official letter of such application that he/she is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application becomes involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

The petition is granted to the extent indicated.

Any inquiry regarding this decision should be directed to Jose' G. Dees, T-Quality Assurance Specialist, at (571) 272-1569.

Jose' G. Dees, T- Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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MAY 2 2 2008

OFFICE OF PETITIONS

In re Application of Ran **Oz** et al. :
Application No. 11/151,477 :
Filed: June 13, 2005 : DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 24, 2008, and resubmitted on April 22, 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 March 14, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed December 14, 2007. Accordingly, the date of abandonment of this application is March 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $720.00, (2) the petition fee of $770.00; and (3) an adequate 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 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.

The petition fee of $1,540.00 filed on April 22, 2008 is unnecessary. The petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Thuy Pardo at (571) 272-6052 or in her absence, the undersigned at (571) 272-7099.

This application is being referred to Publishing Division for processing into a patent.

David A. Bucci
Petitions Examiner
Office of Petitions

cc:
Tarek N. Fahmi
P.O. Box 061080,
Wacker Drive Station, Sears Tower
Chicago, IL 60606-1080

PTO/SB/83 (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	11-151,483
Filing Date	06-13-2005
First Named Inventor	Jesse Crum
Art Unit	1794 (Conf. No. 3978)
Examiner Name	DYE, RENA
Attorney Docket Number	2005-08

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- ☐ all the attorneys/agents of record.
- ☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- ☐ the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

Approved 6-10-08 Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

The reasons for this request are: Effective 12/01/05 the undersigned ceased to be counsel for assignee of record, Ward/Kraft, inc. Shortly thereafter, assignee of record retained new patent counsel. Although new patent counsel has taken over prosecution of a number of matters, assignee of record has not yet transferred all matters to new counsel. The assignee has been requested on several occasions to file a change of power of attorney, and while they have stated they are in the process of doing so, they have to-date not done so.

CORRESPONDENCE ADDRESS

1. ☑ The correspondence address is NOT affected by this withdrawal.
2. ☐ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number:

OR

☐ Firm *or* Individual Name					
Address					
City		State		Zip	
Country					
Telephone				Email	

Signature	/Michael C. Maier - Reg. No. 36,206/		
Name	Michael C. Maier - Reg. No. 36,206	Registration No.	36,206
Date	04/02/08	Telephone No.	440-534-4833

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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HARTFORD, CT 06103

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OFFICE OF PETITIONS

In re Application of	:	
Thomas P. Feist, et al.	:	
Application No. 11/151,494	:	DECISION ON PETITION
Filed: June 13, 2005	:	
Attorney Docket No. 08CN8803-35	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 19, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of the prior-filed nonprovisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

With regard to the required reference, the amendment to the specification filed September 19, 2008 is unacceptable and therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). Specifically, the referenced application 09/845,743 claims the benefit of four provisional applications (60/120,101 filed February 12, 1999, 60/134,585 filed May 17, 1999, 60/137,884 filed June 7, 1999, and 60/146,248 filed July 29, 1999) each of which expired one-year later in 2000. Application No. 09/845,743 was not filed until May 1, 2001 and thus, is not entitled to a benefit claim under 35 U.S.C. 119(e) to the aforementioned provisional applications. The present claim also states that Application No.11/151,494, is a divisional of Application No.

09/502,268 however, the application was abandoned before the filing of the present application. Further Application No. 09/502,268 is listed with a filing date of February 11, 2001 when the filing date should be February 11, 2000.

The petition fails to satisfy item (1) above. In this regard, the amendment submitted with the petition references the prior-filed applications by the rather than by the application number. *Note* 35 U.S.C. § 120, which provides, in relevant part:

> No application shall be entitled to the benefit of an earlier filed application under this section unless an amendment containing the specific reference to the earlier filed **application** is submitted at such time during the pendency of the application as required by the Director.

Note also CFR 1.78(a)(2)(i), which states, in relevant part:

> Except for a continued prosecution application filed under § 1.53(d), 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. [Emphasis supplied.]

Accordingly, a proper amendment complying with the provisions of 37 CFR 1.121 and satisfying the requirements of 37 CFR 1.78(a)(2)(i) must be submitted, along with a renewed petition under 37 CFR 1.78(a)(3).

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 April M. Wise at (571) 272-1642.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Michael S. Beavers, et al.	:	
Application No. 11/151,496	:	DECISION ON PETITION
Filed: June 13, 2005	:	
Attorney Docket No. A398640.5US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 15, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 26, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed September 26, 2007. Accordingly, the date of abandonment of this application is 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 payment of the issue fee of $720, (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to the Office of Data Management for processing into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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HOWSON & HOWSON LLP
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SUITE 210
FORT WASHINGTON PA 19034

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SEP 29 2009

OFFICE OF PETITIONS

In re Patent No. 7,476,170	:	
Toshitaka, et al.	:	DECISION ON
Issue Date: January 13, 2009	:	REQUEST FOR RECONSIDERATION
Application No. 11/151,502	:	OF
Filed: June 13, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No. TWA126USA	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(d)," filed February 3, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from six hundred twelve(612) days to eight hundred twenty-six(826) days. In addition, this decision addresses the "REQUEST FOR DEFERRAL OF RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(d)," filed July 7, 2009.

In the July 7, 2009 filing, patentees request that the decision on the February 3, 2009 request for reconsideration of patent term adjustment be deferred or delayed until a final decision has been rendered in *Wyeth v. Dudas*. There is no specific regulatory provision for requesting that a petition under 37 CFR 1.705(d) be held in abeyance. Accordingly, the request for deferral/delay of decision under 37 CFR §1.705(d) is **DISMISSED**.

The request for reconsideration is granted to the extent that the determination has been reconsidered; however, the request for reconsideration of patent term adjustment is **DISMISSED** with respect to making any change in the patent adjustment determination under 35 U.S.C. § 154(b) of 612 days.

On January 13, 2009, the above-identified application matured into U.S. Patent No. 7,476,170 with a patent term adjustment of 612 days. This request for reconsideration of patent term

adjustment (including the required fee) was timely filed within two months of the issue date of the patent. See 1.705(d).

Patentees request recalculation of the patent term adjustment based on the decision in *Wyeth v. Dudas*, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that pursuant to *Wyeth*, a PTO delay under §154(b)(1)(A) overlaps with a delay under §154(b)(1)(B) only if the delays "fall on the same calendar date." .Patentees maintain that the period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), of 214 days and the period of adjustment due to examination delay, pursuant to 37 CFR §1.702(a), of 612 days do not overlap as these periods do not occur on the same day.

Patentees argue that the period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.702(b), is 214 days. This 214 day period is calculated based on the application having been filed under 35 U.S.C. §111 on June 13, 2005, and the patent having not issued until January 13, 2009, three years and 214 days later. Patentees assert that in addition to this 214 day period, they are entitled to a period of adjustment due to examination delay, pursuant to 37 CFR §1.702(a)(1), of 612 days for the failure by the Office to mail at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a).

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 applicant failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR §1.704. In other words, the period of Office delay reduced by the period of applicant delay. The period of reduction of 0 days for applicant delay is not in dispute. Patentees assert that the total period of Office delay is the sum of the period of Three Years Delay (214 days) and the period of Examination Delay (612 days) to the extent that these periods of delay are not overlapping.

Patentees contend that no portion of the two periods of delay overlap.

Accordingly, patentees submit that the total period of Office Delay is 826 days, which is the sum of the period of Three Year

Delay (214 days) and the period of Examination Delay (612 days), reduced by the period of overlap (0 days, per patentees' definition of overlap).

As such, patentees assert entitlement to a patent term adjustment of 826 days (214 +612 reduced by 0 overlap -0 for applicant delay).

The Office agrees that the patent issued 3 years and 214 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 period of adjustment of 612 days is correct. At issue is whether patentees should accrue 214 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 612 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the full 214 day period of Three Year Delay overlaps with the 612 days accorded during the pendency of the application. Patentees' interpretation of the period of overlap has been considered and found to be incorrect. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent

term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of applicants. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not

just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding §1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3 year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[1]

As such, the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application. Treating the relevant period as starting on June 14, 2008, the date that is 3 years after the actual filing date of the application, is incorrect.

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[1] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(1)(A) is the entire period during which the application was pending before the Office, June 13, 2005 to January 13, 2009. (There were no periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)). 612 days of patent term adjustment were accorded prior to the issuance of the patent for the Office failing to respond within specified time frames during the pendency of the application. The 214 days for Office delay in issuing the patent overlaps with the 612 days accorded during the pendency of the application. During that time, the issuance of the patent was delayed by 612 days, not 612 + 214 days. The Office took 14 months and 612 days to issue a first Office action. Otherwise, the Office took all actions set forth in 37 C.F.R. § 1.702(a) within the prescribed timeframes. Nonetheless, given the initial 612 days of Office delay and the time allowed within the timeframes for processing and examination, the patent issued, three years and 214 days after its filing date. Accordingly, no days of patent term adjustment were properly entered for the Three Year Delay period, since the period of delay of 214 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 612 days attributable to the ground specified in § 1.702(a)(1).

Accordingly, at issuance, the Office properly entered 0 additional days of patent term adjustment for the Office taking in excess of 3 years to issue the patent for a total Office delay of 612 days.

In view thereof, the revised determination of patent term adjustment at the time of the issuance of the patent remains 612 days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to Shirene Willis Brantley, Senior Petitions Attorney, at (571) 272-3230.

Alesia M. Brown
Senior Petitions Attorney
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
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CASELLA & HESPOS
274 MADISON AVENUE
NEW YORK NY 10016

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MAY 12 2008

In re Application of	:	
Toshihko Watanabe	:	
Application No. 11/151,507	:	DECISION ON PETITION
Filed: June 13, 2005	:	
Attorney Docket No. P1633US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 17, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A one month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is January 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2852 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Charlema Grant
Petitions Attorney
Office of Petitions

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VIERING JENTSCHURA & PARTNERS
3770 HIGHLAND AVENUE, SUITE 203
MANHATTAN BEACH CA 90266

In re Application of	:	
MURRAY	:	
Application No. 11/151,510	:	DECISION ON PETITION
Filed: June 12, 2005	:	TO WITHDRAW
Attorney Docket No. P400553	:	FROM RECORD

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 23, 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 Alexander R. Schlee on behalf of all attorneys of record who are associated with customer No. 46155. All attorneys/agents associated with the Customer Number 46155 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 Monica A. Graves at 571-272-7253.

Amelia Au
Petitions Examiner
Office of Petitions

cc: **John A. Murray**
881 W. Valencia Street
Rialto, CA 92376

cc: **Kent R. Erickson**
Erickson & Kleypas LLC
800 W. 47th Street, Suite 401
Kansas City, MO 64112

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Kyosuke Ono	: DECISION ON REQUEST FOR
Patent Number	: 7606001	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,525	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1007** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 061405

Roylance, Abrams, Berdo & Goodman
1300 19th Street, N.W., Suite 600
Washington, DC 20036

JUL 27 2005

In re Application of:	:	
Kraemer *et al.*	:	DECISION ON PETITION
Serial No.: 11/151,530	:	TO MAKE SPECIAL
Filed: June 14, 2005	:	
Attorney Docket No.:	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed June 14, 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 birth certificate from one of the co-inventors, Wilhelm Kraemer, stating that he is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Clayton Laballe at (571) 272-1594.

Clayton Laballe, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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NATH & ASSOCIATES
112 SOUTH WEST STREET
ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Kraytsberg, Alexander	:	
Application No. 11/151,535	:	DECISION GRANTING PETITION
Filed: June 14, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 26836U	:	

This is a decision on the petition, filed September 15, 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 **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A review of the file record shows that a Request to Rescind was filed on September 15, 2006. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application.

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 Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Kraytsberg, Alexander	:	
Application No. 11/151,535	:	DECISION GRANTING PETITION
Filed: June 14, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 26836U	:	

This is a decision on the renewed petition, filed March 6, 2007, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on April 6, 2006. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request was previously mailed on September 22, 2006. The instant application was published on January 4, 2007.

This application is being forwarded to Technology Center Art Unit 1745 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 04/20/2010

Applicant	: Andrew Pickering	: DECISION ON REQUEST FOR
Patent Number	: 7580492	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,560	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **808** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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HEWLETT-PACKARD COMPANY
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3404 E. HARMONY ROAD
MAIL STOP 35
FORT COLLINS CO 80528

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OFFICE OF PETITIONS

In re Application of	:	
Gupta et al.	:	
Application No. 11/151,561	:	DECISION ON PETITION
Filed: June 13, 2005	:	
Attorney Docket No. 200405729-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the Office Action Summary mailed March 11, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). Accordingly, the application became abandoned on April 12, 2009. A Notice of Abandonment was mailed January 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response to the Office Action, (2) the petition fee of $1,620.00 and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-7751.

This application is being referred to Technology Center AU 2456 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Robert A. Asmus	: DECISION ON REQUEST FOR
Patent Number	: 7651990	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,563	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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4875 PEARL EAST CIRCLE
SUITE 200
BOULDER, CO 80301

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In re Application of	:	
Wayne W. Hanna, et. al.	:	
Application No. 11/151,586	:	ON PETITION
Filed: June 13, 2005	:	
Attorney Docket No. 65-05	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on April 3, 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 December 13, 2006. A Notice of Abandonment was mailed on March 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 $1,100for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $1,500; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges $150 for ten (10) color copies of the plant patent filed on April 3, 2007.

This application file is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHLUMBERGER TECHNOLOGY CORPORATION
David Cate
IP DEPT., WELL STIMULATION
110 SCHLUMBERGER DRIVE, MD1
SUGAR LAND, TX 77478

Mail Date: 04/20/2010

Applicant	: Michael H. Kenison	: DECISION ON REQUEST FOR
Patent Number	: 7614452	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,605	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **794** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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In re Application of	:	
Carl Dohrman, et al.	:	
Application No11/151,610	:	ON PETITION
Filed: June 13, 2005	:	
Attorney Docket No.: M0437.70075US00	:	

This is a decision on the petition, filed November 30, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 10, 2006, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2873 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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CHICAGO, IL 60601-6780

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OFFICE OF PETITIONS

In re Application of :
James D. McChesney, et al. :
Application No. 11/151,625 :
Filed: June 13, 2005 :
Attorney Docket No. 230904 :

DECISION GRANTING PETITION

This is a decision on the petition filed August 26, 2005 requesting that the above-identified application be accorded a filing date of June 13, 2005, instead of the presently accorded date of February 12, 2005. The petition is being treated under 37 CFR 1.10(d).

Petitioner maintains that the application was deposited in Express Mail service with the U. S. Postal Service, on June 13, 2005. However, the USPS incorrectly entered the "date-in" as June 12, 2005. Pursuant to 37 CFR 1.10(d), applicant petitions the Commissioner to accord a filing date for the above-identified application as of the actual date of deposit with the USPS. In support, petitioners provided, inter alia, a copy of the Express Mail label, receipt No. EV 336875596 US and a copy of the USPS Track/Confirm record for the package in question. It is noted that the transmittal letter found in the file includes the same Express Mail receipt number.

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day

of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Preliminarily, it is concluded that the petition was filed promptly within the meaning of §1.10(d)(1). The evidence of record further shows that the number of the "Express Mail" mailing label, EV 336875596 US, is on the correspondence of record presently accorded a filing date of June 12, 2005, and thus, was placed on the correspondence prior to the original mailing.

Finally, the USPS Track and Confirm record corroborates a "date-in" of June 13, 2005, as it shows that the "Express Mail" package bearing mailing label No. EV 336875596 US was accepted at the USPS located in Chicago, IL 60601 at 5:00pm on June 13, 2005.

The petition is GRANTED. Under the circumstances, no petition fee is required. The $400 petition fee is being refunded in the form of a credited to counsel's deposit account.

The application is being returned to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **June 13, 2005** and for issuance of a Corrected Filing Receipt.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Commissioner for Patents
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LOUIS J. WILLE
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

MAILED

JUN 0 9 2009

OFFICE OF PETITIONS

In re Patent No. 7,429,604	:	
Corte et al.	:	
Issued: September 30, 2008	:	DECISION ON REQUEST FOR
Application No. 11/151,627	:	RECONSIDERATION OF
Filed: June 13, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No. 10264 NP	:	
	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PERIOD IN GRANTED PATENT UNDER 37 C.F.R. §§ 1.181 & 1.705(d)," filed on October 27, 2008. This petition will be treated under 37 CFR 1.705(d). Patentees request correction of the patent term adjustment from four hundred thirty-one (431) days by one hundred nine (109) days to five hundred forty (540) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On September 30, 2008, the above-identified application matured into US Patent No. 7,429,604 with a patent term adjustment of 431 days. This request for reconsideration of patent term adjustment (including the required fee) was timely filed within two months of the issue date of the patent. See 1.705(d).

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that pursuant to Wyeth, a PTO delay under §154(b)(1)(A) overlaps with a delay under §154(b)(1)(B) only if the delays "occur on the same day." Patentees maintain that the period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), 109 days, does not overlap with the 431 day period of adjustment due to examination delay, pursuant to 37 CFR §1.702(a), as these periods do not occur on the same day.

Thus, patentees request that the determination of patent term adjustment be increased by 109 days to a total of five hundred forty (540) days.

The 109 day period is calculated based on the application having been filed under 35 U.S.C. §111(a) on June 13, 2005. Accordingly, patentees assert that the period of adjustment under § 1.702(b) is 109 days, counting the number of days beginning on June 13, 2008 and ending on September 30, 2008.

Patentee states that the patent is not subject to a terminal disclaimer.

The 431 day period is for failure by the Office to mail at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a), pursuant to § 1.702(a)(1). A non-final Office action was mailed on October 18, 2007, which is 14 months and 431 days after the application was filed on June 13, 2005.

Accordingly, patentees submit that the total period of Office Delay is 540 days, which is the sum of the period of Three Year Delay (109 days) and the period of Examination Delay (431 days).

The period of reduction of zero (0) days for applicant delay is not in dispute. As such, patentees assert entitlement to a patent term adjustment of 540 days ((431 + 109) days of Office delay - zero (0) days of applicant delay).

The Office agrees that the action detailed above was not taken within the specified time frame, and thus, the entry of period of adjustment of 431 days is correct. At issue is whether patentees should accrue 109 days of patent term adjustment for the Office taking in excess of three years to issue the patent.

The Office contends that 109 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of

> any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark*

> *Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of applicants. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding §1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3 year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative

> delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[1]

As such, the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, June 13, 2005 to September 30, 2008. 431 days of patent term adjustment were accorded prior to the issuance of the patent for the Office failing to respond within a specified time frame. Otherwise, the Office took all actions set forth in 37 C.F.R. § 1.702(a) within the prescribed timeframes. Nonetheless, given the 431 days of Office delay in issuing the first Office action, this application issued 3 years and 109 days after its filing date. In other words, the 431 days of delay contributed to the over three year pendency. The issuance of the patent was delayed by 431 days, not 431 + 109 days. The Office did not delay 431 days and then an additional 109 days. Entry of both periods is not warranted. 431 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 109 days for over three year pendency. Accordingly, the Office properly determined that the 109 days for Office delay pursuant to 37 CFR § 1.702(b) overlapped with the 431 days pursuant to 37 CFR § 1.702(a)(1). Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment for the Office taking in excess of 3 years to issue the patent.

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[1] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

In view thereof, the Office affirms that the revised determination of patent term adjustment at the time of the issuance of the patent is 431 days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to Douglas I. Wood, Senior Petitions Attorney, at (571) 272-3231.

Nancy Johnson
Senior Petitions Attorney
Office of the Deputy Commissioner
for Patent Examination Policy

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401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

MAILED

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OFFICE OF PETITIONS

In re Application of	:	
Michael LEFENFIELD, et al	:	
Application No. 11/151,661	:	DECISION ON PETITION
Filed: June 14, 2005	:	TO WITHDRAW
Attorney Docket No. 021.0002-US00	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 24, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Stephen M. Hertzler and the attorneys associated with Customer No. 22204, has been revoked by the assignee of the patent application on July 12, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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Harness, Dickey & Pierce, P.L.C.
P. O. Box 828
Bloomfield Hills, MI 48303

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OCT 1 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Norio Asai, et al.	:	
Application No. 11/151,675	:	DECISION GRANTING
Filed: June 13, 2005	:	PETITION
Attorney Docket No. 4041K-000252	:	

This is a decision on the petition filed July 26, 2005, requesting that the above-identified application be accorded a filing date of June 13, 2004, rather than the presently accorded date of June 14, 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 June 13, 2005. In support, the petition is accompanied by a copy of Express Mail receipt No. EV570164676US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of June 13, 2005.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on June 13, 2005.

In view of the above, the petition is **GRANTED**.

This application file is being forwarded to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **June 13, 2005** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3223. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

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OCT 13 2005

OFFICE OF PETITIONS

In re Application of
G. David Lisch, Kerry W. Silvers,
Dwayne G. Vailliencourt, Brian L. Pieszchala
and Richard J. Steih
Application No. 11/151,676
Filed: June 14, 2005
For: CONTAINER BASE STRUCTURE
RESPONSIVE TO VACUUM RELATED
FORCES

DECISION GRANTING PETITION
UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed September 23, 2005.

The petition is **granted**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The file is being forwarded to Technology Center 1700 for examination *in due course*.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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DWAYNE G. VAILLIENCOURT
304 RIVERBEND
MANCHESTER, MICHIGAN 48158

COPY MAILED

OCT 13 2005

OFFICE OF PETITIONS

In re Application of
G. David Lisch, Kerry W. Silvers,
Dwayne G. Vailliencourt, Brian L. Pieszchala and
Richard J. Steih
Application No. 11/151,676
Filed: June 14, 2005
For: CONTAINER BASE STRUCTURE
RESPONSIVE TO VACUUM RELATED
FORCES

Dear DWAYNE G. VAILLIENCOURT:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3228. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

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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
11/151,682	06/13/2005	3722	1330	4965-000223	6	15	4

CONFIRMATION NO. 4553

UPDATED FILING RECEIPT

OC000000016929000

27572
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Date Mailed: 09/02/2005

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)

Dirk Prust, Tuttlingen, GERMANY;
Hans-Henning Winkler, Tuttlingen, GERMANY;

Power of Attorney:

Christopher Brock–27313

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 10 2004 029 045.8 06/14/2004

If Required, Foreign Filing License Granted: 07/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/151,682

Projected Publication Date: 12/15/2005

Non-Publication Request: No

Early Publication Request: No

Title

Carrier for tool holders

Preliminary Class

483

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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JUN 1 8 2008

In re Application of	:	
VERFAILLIE, Catherine M. et al.	:	
Application No. 11/151,689	:	DECISION ON PETITION
Filed: June 13, 2005	:	TO WITHDRAW
Attorney Docket No. **2017.008US2**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 05, 2008.

The request is **Moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to Schwegman, Lundberg & Woessner, P.A. has been revoked by the assignee of the patent application on April 02, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **THOMPSON HINE L.L.P.**
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P.O. BOX 8801
DAYTON OH 45401-8801

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~~April 30, 2009~~
May 28, 2009

Charles L. Gagnebin
Weingarten, Schurgin, Gagnebin & Lebovici
Ten Post Office Square
Boston, MA 02109

Patent No: 7,399,981 B2
Application No.: 11/151,696
Applicant: Guy Cheymol, et al.
Issued: July 15, 2008
Title: **APPARATUS FOR GENERATING LIGHT IN THE EXTREME ULTRAVIOLET AND USE IN A LIGHT SOURCE FOR EXTREME ULTRAVIOLET LITHOGRAPHY**

Request for Certificate of Correction:

Consideration had been given to your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322.

The word "that", purported to be in column 12, line 12, cannot be found in the printed patent.

In view of the foregoing, your request in this matter is hereby **denied.**

Correspondence concerning this matter should be filed and directed to Decisions and Certificate of Correction Branch.

A certificate of correction will be issued to correct the remaining error mentioned in your request.

V. Tolbert

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(703) 756-1591

vt

copy

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRAD PEDERSEN
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

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OCT 1 2 2006
OFFICE OF PETITIONS

In re Application of	:	
PETERSON, et al	:	
Application No. 11/151,697	:	DECISION ON PETITION
Filed: June 13, 2005	:	
Attorney Docket No. 3537.01US02	:	

This is in response to the petition Under 37 CFR 1.47(a), filed January 9, 2006.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1) and (4) set forth above.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Petitioner states that a Combined Declaration and Power of Attorney and Assignment papers were sent to the non-signing inventor Steve Peterson by U.S. mail on November 10, 2005 and by certified mail on December 20, 2005. The petitioner received a return postcard receipt showing Steven J. Peterson signed for the certified letter on December 28, 2005.

Petitioner indicates that as requested in the letter received by the non-signing inventor, a signed copy of the Combined Declaration and Power of Attorney and the Assignment papers were not returned to the petitioner by the due date of January 3, 2006. Therefore petitioner construed that as a refusal to sign. Six days later, the instant petition was filed on January 9, 2006.

The record fails to show that the non-signing inventor was presented with the complete application papers including the specification, drawings, and claims. The letters sent to Steve Peterson on November 10, 2005 and December 20, 2005 indicated only two items were sent to the non-signing inventor: a combined declaration and power of attorney and assignment papers.

There was no mention of the complete application being provided to the non-signing inventor in the letters mailed to the last known address. While the petition states on page 2 (last paragraph) that the non-signing inventor has been presented with the application papers before the filing of this petition and was therefore apprised of the application to which the oath or declaration is directed, there is no evidence of such in the record. Petitioner should submit any supporting documents relating to *when*, *where*, and *how* the non-signing inventor was presented with the complete application papers along with the oath/declaration to be signed.

The petition states on page 2 (second to last paragraph) that petitioner believes that the last known address for the non-signing inventor was the same as the address listed on the letters. However, petitioner believes that said address is a forwarding address of the non-signing inventor as evidenced by the enclosed white pages search result. A copy of the "white pages search result" was not found with the petition and should be submitted if the petition is renewed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to Amelia Au at (571) 272-7414.

Brian Hearn
Petitions Examiner
Office of Petitions

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4800 IDS CENTER
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MINNEAPOLIS MN 55402-2100

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JUL 10 2007

OFFICE OF PETITIONS

In re Application of
STEVE PETERSON and JASON R. RICHARDSON
Application No. 11/151,697
Filed: June 13, 2005
Attorney Docket No. 3537.01US02

ON PETITION

This is a decision on the RENEWED petition under 37 CFR 1.47(a) filed December 7, 2006 with supplemental evidence filed on July 3, 2007.

The petition is **GRANTED.**

Petitioner has shown that Steve Peterson, the non-signing inventor, has refused to join in the filing of the above-identified application. Specifically, the statement of facts of Brad Pedersen established that the petitioner presented the application papers to the non-signing inventor on November 2, 2006 as evidenced by the signed returned certified mail receipt and that the non-signing inventor has not returned an executed copy of the declaration.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Technology Center Art Unit 3673 for appropriate action in its regular turn.

Telephone inquiries regarding this decision should be directed to Amelia Au at (571) 272-7414.

Frances Hicks
Petitions Examiner
Office of Petitions

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Paper No. None

MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG IL 60196

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SEP 27 2005

OFFICE OF PETITIONS

Application No. 11/151,710
Filing Date: June 13, 2005
Inventors: Mohamad A. Dawood and Kent M. Conness
Attorney Docket Number: CE12299R
Title of Invention: METHOD AND APPARATUS FOR RADIO FREQUENCY BAND ASSIGNMENT IN A WIRELESS COMMUNICATION SYSTEM

DECISION ON PETITION
UNDER 37 C.F.R. §1.182

This is a decision on the petition under 37 C.F.R. §1.182, filed September 15, 2005, to change the order of the names of the inventors.

The petition is **GRANTED**. The petition fee of $400 has been received along with a newly executed declaration which lists the two inventors in the proper order, and the order of the names of the inventors has been changed as follows:

Mohamad A. Dawood
Kent M. Conness

A filing receipt reflecting this change is enclosed.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

Encl. Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

Mail Date: 04/20/2010

Applicant	: Weitao Jia	: DECISION ON REQUEST FOR
Patent Number	: 7589132	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,723	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1129** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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9-30-08

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Patent No. :7,381,553
Ser. No. : 11/151,762
Inventor(s) : Zhao, et. al.
Issued : June 3, 2008
Title : HIGHLY ACTIVE XYLOSE REDUCTASE FROM NEUROSPORA CRASSA
Docket No. : 21419/99635

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 124 or 105

Alice O. Martin
Barnes & Thornburg LLP, P.O. Box 2786
Chicago, Illinois 60690-2786

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LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

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OFFICE OF PETITIONS

In re Application of Yamamoto et al. Application No. 11/151,764 Filed: June 13, 2005 Attorney Docket No. SHO-006DVRCE Title: Methods For Producing Optically Active Alcohols	:	ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is in response to the "STATEMENT REGARDING PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705" filed September 11, 2009. This matter is being properly treated under 37 CFR 1.705(b). Applicants state that the determination of patent term adjustment calculated by the Office is zero (0) days. Applicants submit they will be entitled to additional Patent Term Adjustment upon issuance of the patent based on the Office will take in excess of three years to issue this patent and in light of the court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

The application for patent term adjustment (PTA) under 37 CFR 1.705(b) is DISMISSED.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed June 12, 2009, indicated a patent term adjustment (PTA) to date of 0 days. The instant application for PTA was filed with the issue fee payment on September 11, 2009.

Submission of the patent term adjustment application fee is a prerequisite prior to treatment on the merits of any application submitted pursuant to 37 CFR 1.705. The instant application was filed without the required $200.00 fee. The application for

patent term adjustment did not authorize the Office to charge the required fee to applicants' deposit account.

Accordingly, the application for patent term adjustment is subject to dismissal for lack of fee.

Applicants are, however, advised that knowledge of the actual date a patent issues is required to calculate the amount, if any, of additional patent term for Office failure to issue the patent within three years, applicants may submit a timely application for patent term adjustment, including the required application fee, within two months of the issue date of the patent in accordance with 37 CR 1.705(d).

Applicants are reminded that if an application is entitled to an adjustment under 35 USC 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 USC 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 USC 154(b)(1)(B) in determining whether periods of delay overlap under 35 USC 154(b)(2)(A).

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application is being forwarded to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

Mail Date: 04/21/2010

Applicant	: Hiroaki Yamamoto	: DECISION ON REQUEST FOR
Patent Number	: 7645599	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,764	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **226** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DENIRO/RAMBUS
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105

Mail Date: 04/21/2010

Applicant	: Richard M. Barth	: DECISION ON REQUEST FOR
Patent Number	: 7581121	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,791	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **379** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DENIRO/RAMBUS
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105

Mail Date: 05/18/2010

Applicant : Richard M. Barth
Patent Number : 7581121
Issue Date : 08/25/2009
Application No : 11/151,791
Filed : 06/14/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **499** 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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Daniel John DiLorenzo
P.O. Box 19871
Seattle WA 98109

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OFFICE OF PETITIONS

In re Application of	:	
DiLorenzo	:	
Application No. 11/151,816	:	DECISION GRANTING
Deposited: June 13, 2005	:	PETITION
Attorney Docket No. GISTIM 02.01		

This is a decision on the petition under 37 CFR 1.182, filed January 27, 2006, requesting in effect, withdrawal of the Notice of Incomplete Nonprovisional Application, mailed October 28, 2005 and accordation of a June 13, 2005 filing date to the above-identified application.

The petition under 37 CFR 1.182 is **GRANTED**.

The application was deposited on June 13, 2005. On October 28, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioner, *inter alia*, that no filing date had been accorded to the application papers deposited on June 13, 2005 because no drawing was present, as is required by 35 U.S.C. 113.

In response to the Notice, petitioner timely filed the present petition.

Petitioner argues that 36 figures were indicated on the original transmittal letter and the ADS. Petitioner argues that the "Detailed Description" portion of the specification text is highly descriptive and enabling. Finally, petitioner notes that the majority of the figures are identical or derived from drawings already present in the Office in other related applications.

The fact that 36 figures were indicated on the original transmittal letter and the ADS is evidence at most of applicant's intention to file 36 figures. Whether the drawings accompanying the petition are new matter or not is the issue. What is at issue is whether the drawings were filed on June 13, 2005.

The Office file is the official record of what was filed on June 13, 2005. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. In this regard, declarations by individuals involved in the preparation and mailing of the original application reciting their personal recollection or belief of what was contained in the application that they reviewed and/or filed are no more persuasive of what was actually filed than the contents of the official record.

It is for this reason that the Office has established a practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice, which was long ago established and is well publicized, requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503).

Unfortunately, applicant's postcard receipt was not received in the Office, per the notation on the application transmittal letter.

Petitioner has not established that drawings were filed with the above-identified application papers on June 13, 2005.

However, it is noted that the above-identified application contains method claims. As stated in MPEP 601.01(f), it is the practice of the PTO to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence.)

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 figures in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains method claims. Therefore, the above-identified 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 figures referred to in the specification, a "Notice of Omitted Items" is mailed indicating that the application has been accorded a filing date.

In view of the above, the "Notice" mailed October 28, 2005 was mailed in error (with respect to the denial of a filing date) and is hereby withdrawn. The application is entitled to a filing date of June 13, 2005 without drawing figures. The petition is **granted**.

Petitioner is informed that the check submitted with the instant petition bounced. Therefore, the $400.00 petition fee was never charged.

Regarding addition of the drawing figures, petitioner could (1) attempt to add the drawings present in the prior applications via 37 CFR 1.57(a) or (2) attempt to add the drawings by amendment, arguing no new matter. Of course, the examiner would review the drawings for new matter.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **June 13, 2005**. The drawing figures submitted with the instant petition will not be processed at this time. The Office of Initial Patent Examination will address financial matters – examination, search, filing, and claim fees.

Thereafter, the application will be forwarded to Technology Center A.U. 3762 for examination in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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LEVINE BAGADE HAN LLP
2483 EAST BAYSHORE ROAD
SUITE 100
PALO ALTO, CA 94303

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JUL 2 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Gerald W. Kearby, et al.	:	
Application No. 11/151,820	:	DECISION ON PETITION
Filed: June 13, 2005	:	TO WITHDRAW
Attorney Docket No. NRTNNZ00500	:	FROM RECORD
	:	

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, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Levine, Bagade, Han, LLP has been revoked by the assignee of the patent application on May 23, 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: GERALD W. KEARBY
NEUROTONE, INC.
2317 BROADWAY STREET
SUITE 250
REDWOOD CITY, CA 94063

20 SEP 2005

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Alexandria, VA 22313-1450
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John J. Gresens
MERCHANT & GOULD P.C.
PO Box 2903
Minneapolis, Minnesota 55402-2903

In re Application of	:	
PARMEGGIANI, Luciano, et al.	:	
U.S. Application No.: 11/151,844	:	
PCT No.: PCT/IT02/00829	:	DECISION
International Filing Date: 24 December 2002	:	
Priority Date: None	:	
Attorney's Docket No.: 09728.0328USWO	:	
For: ANALYTICAL DEVICE FOR CELL CULTURES	:	

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182; Request For Consideration As 35 U.S.C. 371 Application" filed 16 September 2005, treated herein under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 24 December 2002, applicants filed international application PCT/IT02/00829 which did not claim an earlier priority date and which designated the United States. On 15 July 2004, a copy of the international application was transmitted to the United States Patent and Trademark Office ("USPTO") by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 24 June 2005.

On 14 June 2005, applicants filed a "Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371" (Form PTO-1390) with accompanying materials, including the small entity basic national fee.

The application was processed by the USPTO as a filing under 35 U.S.C. 111.

On 14 July 2005, the USPTO issued a filing receipt which did not reference the international application.

On 16 September 2005, applicants filed the petition considered herein. The petition seeks correction of the present application to a national stage application under 35 U.S.C. 371.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.494(f):

> The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371, otherwise the submission will be considered as being made under 35 U.S.C. 111.

In addition, section 1893.03(a) of the MPEP states that:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

As noted above, applicants' original Form 1390 Transmittal Letter, filed 14 June 2005, specifically identified the accompanying submission as a submission to enter the national stage under 35 U.S.C. 371. No contradictory instructions were submitted. Accordingly, the present application, 11/151,844, is appropriately treated as the national stage, filed under 35 U.S.C. 371, of international application PCT/IT0203/00829. The filing status of this application will therefore be corrected to a national stage application submitted under 35 U.S.C. 371.

Based on the above correction, applicants petition under 37 CFR 1.182 is moot.

The submission on 14 June 2005 included an executed declaration of the inventors. The declaration complies with the requirements of 37 CFR 1.497. Thus, as of 14 June 2005, applicants had satisfied the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4).

CONCLUSION

The present application will be treated a national stage, filed under 35 U.S.C. 371, of international application of PCT/IT02/00829.

Applicants' petition under 37 CFR 1.182 is **MOOT**.

The filing receipt mailed 14 July 2005, which did not identify the present application as a filing under 35 U.S.C. 371, is hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the International Division for further processing in accordance with this decision (including the

issuance of a corrected filing receipt). The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 June 2005.

Richard M. Ross
PCT Petitions Attorney
Office Of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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KONRAD RAYNES & VICTOR, LLP
ATTN: IBM37
315 SOUTH BEVERLY DRIVE, SUITE 210
BEVERLY HILLS CA 90212

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JUN 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Joan Laverne Mitchell et al	:	
Application No. 11/151,864	:	DECISION GRANTING PETITION
Filed: June 13, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. BLD920000005US5	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 17, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 11, 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 2624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

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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MAY 18 2007

OFFICE OF PETITIONS

LEVINE BAGADE HAN LLP
2483 EAST BAYSHORE ROAD, SUITE 100
PALO ALTO CA 94303

In re Application of

KEARBY, Gerald W. et al.
Application No. 11/151,873
Filed: June 13, 2005
Attorney Docket No. **NRTNNZ00600**

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 06, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by David A. Levine on behalf of all attorneys of record who are associated with customer No. 40518. 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 Gerald W. Kearby 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.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **GERALD W. KEARBY**
530 WURR ROAD
LOMA MAR, CA 94021

cc: **GERALD W. KEARBY**
NEUROTONE, INC.
2317 BROADWAY STREET
SUITE 250
REDWOOD CITY, CA 94063

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/151,873	06/13/2005	Gerald W. Kearby	NRTNNZ00600

CONFIRMATION NO. 4740

OC000000023897417

40518
LEVINE BAGADE HAN LLP
2483 EAST BAYSHORE ROAD, SUITE 100
PALO ALTO, CA 94303

Date Mailed: 05/16/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/06/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Michelle R Eason

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY

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MAY 31 2006

MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PIONEER HI-BRED
801 GRAND AVENUE, SUITE 3200
DES MOINES IA 50309-2721

In re Application of	:
Roy Luedtke, Jr.	:
Serial No.: 11/151,891	: SUSPENSION OF ACTION
Filed: June 14, 2005	:
Attorney Docket No.: P06390US01 - PHI 1590C	:

This is in reply to the petition under 37 CFR 1.103 to suspend action on this application at applicant's request for a period of six months, filed March 30, 2006.

A review of the file history shows that this is an unexamined application. Applicant requests that action on this application be suspended for six months in view of the fact that the claims in this case are substantially similar to claims in cases currently on appeal with the same Assignee.

§ 1.103 Suspension of action by the Office.

(a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

Applicant's petition requests suspension in view of the fact that the claims in this case are substantially similar to claims in cases currently on appeal with the same Assignee. No indication is given as to when these cases were filed, their status or approximate date of decision or resolution, nor how any decision would affect prosecution or patentability in this application. Also, in the instant case, no issues have as yet been developed and the issues ultimately developed may not be the same as those at the Board of Appeals. Further, it is not the general practice of the Office to suspend prosecution in unexamined applications except in extraordinary circumstances. None have been set forth in the petition. In summary, no showing of good or sufficient cause has been made.

In view of the above reason the petition is **DENIED**.

The application will be forwarded to the examiner for initial examination in turn.

Should there be any questions with respect to this action, please contact Marianne C. Seidel, by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the Office general facsimile number, 571-273-8300.

George C. Elliott

George Elliott
Director, Technology Center 1600

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ALNYLAM/FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Mail Date: 04/20/2010

Applicant	: Sailen Barik	: DECISION ON REQUEST FOR
Patent Number	: 7592322	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/151,893	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **427** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO IL 60606-1080

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OFFICE OF PETITIONS

In re Application of	:	
Dennis L. Abernathie	:	
Application No. 11/151,894	:	ON PETITION
Filed: June 14, 2005	:	
Attorney Docket No. 70030000-0002	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 20, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed January 16, 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 17, 2007. The Notice of Abandonment was mailed August 21, 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 that *prima facia* places the application in condition for allowance; 2) the petition fee of $770; and (3) an adequate 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.

Also, the person signing the petition requests a change of correspondence address to the address given in the petition. There is, however, no indication that the person signing the requested change of address was ever given a power of attorney to prosecute the application. Accordingly, the change of address filed January 23, 2008 is not approved since it was not signed by an attorney of record. If the person signing

the requested change of address 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 concerning this decision should be directed to Terri Williams at (571) 272-2991.

The application file is being referred to Technology Center AU 3673 for appropriate action on the concurrently filed amendment.

Chris Bottorff
Petitions Examiner
Office of Petitions

cc: **R. Scott Kimsey**
Kimsey Patent Services
804 Shamrock Avenue
Boonville, Missouri 65233

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AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834**

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OFFICE OF PETITIONS

In re Application of	:	
Victor B. KLEY	:	
Application No. 11/151,899	:	DECISION ON PETITION
Filed: June 13, 2005	:	TO WITHDRAW
Attorney Docket No. 015772-001322US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 14, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted above have been performed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: THEODORE WERN
PERKINS COIE LLP
131 S. DEARBORN STREET,
SUITE 1700
CHICAGO, IL 60603-5559

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MINTZ LEVIN COHN FERRIS
GLOVSKY AND POPEO, PC
ONE FINANCIAL CENTER
BOSTON MA 02111

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MAY 25 2010

OFFICE OF PETITIONS

In re Patent No. 7,674,884
Elson, et al.
Application No. 11/151,916
Issue Date: March 9, 2010
Filed: June 14, 2005
Attorney Docket No. 23 I 35-402CIP

: DECISION ON
: REQUEST FOR RECONSIDERATION
: of PATENT TERM ADJUSTMENT
: and
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition under 37 CFR 1.705(b), filed January 20, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by six hundred ninety-two (692) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by six hundred ninety-two (692) days is GRANTED to the extent indicated herein.

Applicants filed the instant application for patent term adjustment on January 20, 2010. Applicants assert that they were improperly attributed sixty-six (66) days of delay pursuant to 37 CFR I. 704(b) for filing a reply on February 13, 2006. According to Applicants, no such reply was filed on that date. On March 9, 2010, the application matured into U.S. Patent No. 7,674,884 with a patent term adjustment of six hundred twenty-four (624) days. The Office determined a patent term adjustment of 624 days based upon 499 days of Office delay pursuant to 37 CFR 1.703(a)(I), and 414 days of Office delay pursuant to 37 CFR 1.703(b), reduced by applicant delay of 66, 123,69, and 31 days, all pursuant to 37 CFR 1.704(b).

A review of the application file reveals that Applicants are correct - Applicants did not file a reply on February 13, 2006, and as such, should not have been assessed any applicant delay with respect to this filing.

In addition, a review of the file indicates that the Office should have been assessed two (2) days

of PTO delay pursuant to 37 CFR 1.703(a)(2). Applicants filed a reply on December 1, 2008.

However, the Office did not mail an Office action in response until April 3, 2009. As such, two (2) days of PTO delay should have been assessed.

Lastly, a review of the file indicates that Applicants should have been assessed three (3) days of Applicant delay pursuant to 37 CFR 1.704(c)(8). Applicants filed an RCE on August 3, 2009. However, subsequent to this reply, Applicants filed an IDS on August 7, 2009. The IDS did not contain a 37 CFR 1.704(d) statement. As such, Applicants should have been assessed three (3) days for the filing of this supplemental reply.

In view thereof, the correct number of days of patent term adjustment is six hundred, eighty-nine (689) days (915 days of PTO delay, reduced by 226 day of Applicant delay).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given one (I) month or thirty (30) days, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The 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 Certificate 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 six hundred eighty-nine (689) days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo, at (571) 272-3207.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.: 7,674,884
DATED: March 9, 2010
INVENTOR(S): Elson 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 624 days.

Delete the pharse "by 624 days" and insert - - 689 - - days.

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COMMISSIONER FOR PATENTS
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OFFICE OF PETITIONS

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

In re Application of	:
Ito, et al.	: DECISION REFUSING STATUS
Application No. 11/151,920	: UNDER 37 CFR 1.47(a)
Filed: June 14, 2005	:
Atty. Dkt. No.: PRM-0046	:
For: POWER SUPPLY APPARATUS	:
PROVIDED WITH OVERCURRENT	:
PROTECTION FUNCTION	:

This decision is in response to the petition under 37 CFR 1.47(a), filed August 22, 2005.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed June 14, 2005 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed July 11, 2005 requiring an executed oath or declaration and a surcharge.

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.

As to item (1), petitioners have failed to establish that the non-signing inventor cannot be reached or located for

presentation of the application papers (specification, including claims, drawings, and oath or declaration). Petitioners allege that a postal package addressed to the non-signing inventor at the non-signing inventor's last known address was returned as by the postal service.

Where inability to reach or locate a non-signing inventor is alleged, petitioners are required to establish that diligent effort was made to locate the non-signing inventor and provide the non-signing inventor with a complete copy of the patent application (specification, including claims, drawings, and oath or declaration). Petitioners have not established that diligent effort has been made to locate the non-signing inventor for presentation of the application papers.

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the non-signing inventor cannot be located. A statement of facts should be submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate the non-signing inventor. 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. At the very least, a search of the internet, human resource records, telephone directories, and international registries should be undertaken in regions where it is suspected the non-signing inventor may reside. Petitioner should reference and supply evidence of any such searches in a renewed petition. *See*, MPEP 409.03(d).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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JAN 0 9 2006

OFFICE OF PETITIONS

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

In re Application of	:
Ito, et al.	: DECISION GRANTING STATUS
Application No. 11/151,920	: UNDER 37 CFR 1.47(a)
Filed: June 14, 2005	:
Atty. Dkt. No.: PRM-0046	:
For: POWER SUPPLY APPARATUS	:
PROVIDED WITH OVERCURRENT	:
PROTECTION FUNCTION	:

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed November 14, 2005.

The petition is **GRANTED**.

Petitioner has shown that inventor Hiroyuki Iwaki has either refused to execute the declaration for the above-identified application after having been presented with the application papers or cannot be reached or located despite diligent effort for the purposes of presentation of the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Hiroyuki Iwaki
1383, Aza Nigorikawa, Natta,
Isawa-cho, Isawa-gun, Iwate 023-0401
Japan

COPY MAILED
JAN 09 2006
OFFICE OF PETITIONS

In re Application of :
Ito, et al. :
Application No. 11/151,920 : LETTER
Filed: June 14, 2005 :
Atty. Dkt. No.: PRM-0046 :
For: POWER SUPPLY APPARATUS :
PROVIDED WITH OVERCURRENT :
PROTECTION FUNCTION :

Dear Sir:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STEVEN C. BRUESS
MERCHANT & GOULD PC
P O BOX 2903
MINNEAPOLIS, MN 55402-0903

COPY MAILED
APR 25 2006
OFFICE OF PETITIONS

In re Application of	:
David E. Rapp et al	:
Application No. 11/151,932	: DECISION GRANTING PETITION
Filed: June 13, 2005	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2316.1821USD1	:

This is a decision on the petition, filed April 25, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 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 2839 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Apr9\151932.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).*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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STEVEN C. BRUESS
MERCHANT & GOULD PC
P O BOX 2903
MINNEAPOLIS, MN 55402-0903

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APR 26 2006
OFFICE OF PETITIONS

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~~APR 25 2006~~
~~OFFICE OF PETITIONS~~

In re Application of	:
David E. Rapp et al	:
Application No. 11/151,932	: DECISION GRANTING PETITION
Filed: June 13, 2005	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2316.1821USD1	:

This is a decision on the petition, filed April 25, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 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 2839 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Apr9\151932.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).*

11/151934

Cofc

APPROVED: /P.J.P/

OIPE IAP21
OCT 30 2007
PATENT & TRADEMARK OFFICE

Docket No.: 27584/39964A
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
Johnny Bjornsen

Patent No.: 7,221,299

Issued: May 22, 2007

For: Method and Apparatus for Operating an ADC Circuit with Wider Input Signal Swing

REQUEST FOR CERTIFICATE OF CORRECTION
PURSUANT TO 37 CFR 1.323

Certificate
NOV 02 2007
of Correction

Attention: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Upon reviewing the above-identified patent, Patentee noted typographical errors which should be corrected.

On the First Page:

At Specification page 1, lines 1-2, PTO error, "METHOD AND APPARATUS FOR AN ADC CIRCUIT WITH WIDER INPUT SIGNAL SWING" should be -- METHOD AND APPARATUS FOR OPERATING AN ADC CIRCUIT WITH WIDER INPUT SIGNAL SWING --.

In the Specification:

At Specification page 1, lines 1-2, PTO error, "METHOD AND APPARATUS FOR AN ADC CIRCUIT WITH WIDER INPUT SIGNAL SWING" should be -- METHOD AND APPARATUS FOR OPERATING AN ADC CIRCUIT WITH WIDER INPUT SIGNAL SWING --.

NOV 2 2007

The errors were not in the application as filed by applicant; accordingly no fee is required.

The errors now sought to be corrected are inadvertent typographical errors the correction of which does not involve new matter or require reexamination.

Transmitted herewith is a proposed Certificate of Correction effecting such amendment. Patentee respectfully solicits the granting of the requested Certificate of Correction.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 27584/39964A.

Dated: October 25, 2007

Respectfully submitted,

By _____

Roger A. Heppermann
Registration No.: 37,641
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant

NOV 2 2007

PTO/SB/44 (04-05)
Approved for use through 04/30/2007. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	7,221,299
APPLICATION NO.	:	11/151,934
ISSUE DATE	:	May 22, 2007
INVENTOR(S)	:	Johnny Bjornsen

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the First Page:

At field (54), "METHOD AND APPARATUS FOR AN ADC CIRCUIT WITH WIDER INPUT SIGNAL SWING" should be -- METHOD AND APPARATUS FOR OPERATING AN ADC CIRCUIT WITH WIDER INPUT SIGNAL SWING --.

In the Specification:

At Column 1, lines 1-3, "METHOD AND APPARATUS FOR AN ADC CIRCUIT WITH WIDER INPUT SIGNAL SWING" should be -- METHOD AND APPARATUS FOR OPERATING AN ADC CIRCUIT WITH WIDER INPUT SIGNAL SWING --.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Roger A. Heppermann
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357

2 2007

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/23/09

TO SPE OF : ART UNIT 2819
SUBJECT : Request for Certificate of Correction for Appl. No.: 11151934
Patent No.: 7221299

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square
Palm Location 7580

Should the changes be made **Valerie Jackson** **Certificates of Correction Branch**

703-756-1573

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: _____

/Rexford Barnie/ SPE 2819

/ **SPE** **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CAESAR RIVISE BERNSTEIN
COHEN & POKOTILOW, LTD.
11TH FLOOR, SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA, PA 19103-2212

COPY MAILED

JAN 25 2007

OFFICE OF PETITIONS

In re Application of Glen Alan Bailey Application No. 11/151,950 Filed: June 14, 2005 Attorney Docket No. E1089/20009	: : : : :	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed August 3, 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 months publication country on June 14, 2006. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen months publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of

such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122 (b) (2) (B) (i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request, which sets forth the projected publication date will be mailed in a separate correspondence.

Any inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1744 for examination in due course.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

In re Application of	:	
William E. Lear Jr. et al	:	DECISION ON PETITION
Application No. 11/151,951	:	TO MAKE SPECIAL
Filed: June 14, 2005	:	37 CFR 1.102(c)(2)
Attorney Docket No. 5853-535-1	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(ii), filed February 13, 2006, to make the above-identified application special based on the invention materially contributing to the development or conservation of energy resources as set forth in M.P.E.P. § 708.02, Section VI.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(ii) and MPEP § 708.02, Section VI: Energy, must state how the invention materially contributes to (A) the discovery or development of energy resources, or (b) the more efficient utilization and conservation of energy resources. If the disclosure is not clear on its face that the claimed invention materially contributes category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. No fee is required.

The 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 Wan Laymon at 571-272-3220.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

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
DIW Sep-08

BELL, BOYD & LLOYD LLC
P.O. BOX 1135
CHICAGO IL 60690-1135

COPY MAILED
SEP 26 2008

In re Application of	:	
Peyman et al.	:	DECISION ON PETITION TO
Application Number: 11/151978	:	WITHDRAW HOLDING OF
Filing Date: 06/14/2005	:	ABANDONMENT
Attorney Docket Number: 115601-027	:	

This is a decision on the petition filed on August 25, 2008, to withdraw the holding of abandonment in the above-identified application.

The petition is **DISMISSED.**

The application became abandoned on April 12, 2008, for failure to timely respond to the non-final Office action mailed on January 11, 2008. Notice of Abandonment was mailed on July 25, 2008.

Petitioners assert that an amendment in response to the non-final Office action was timely filed by facsimile on April 11, 2008. In support, petitioner has supplied a copy of an amendment, which petitioners assert was filed by facsimile on April 11, 2008, including a copy of the sending unit's transmission report.

37 CFR 1.8(a) states:

> Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed

if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail;

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6 (d); or

(C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and

(ii) The correspondence **includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.**

(emphasis added)

37 CFR 1.8(b) states:

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.

Petitioners have not shown that the correspondence allegedly sent to the USPTO on April 11, 2008 was transmitted with a Certificate of Transmission in accordance with 37 CFR 1.8(a). Specifically, neither the transmittal letter nor the amendment contains a signed certificate of transmission in accordance with 37 CFR 1.8. The copy of the sending unit's report and transmittal letter, without more, are not sufficient evidence of the timely filing of a response by facsimile.

Petitioners' argument that the Facsimile Transmittal Receipt (sending unit's report) constitutes *prima facie* evidence that the amendment was filed on April 11, 2008, is not well taken, as the regulations specifically provide a procedure (*i.e.*, the Certificate of Mailing or transmission listed at 37 CFR 1.8) by which papers transmitted by facsimile may be considered as being timely filed on the date they are transmitted to the Office. 37 CFR 1.8 states that the actual date of receipt will be used for all other purposes.

Likewise, petitioner's argument that the facsimile transmission report is tantamount to a postcard in accordance with MPEP 503 is unpersuasive: A postcard receipt must be stamped by the USPTO with the date of receipt to serve as *prima facie* evidence that the documents itemized therein were received in the Office on the date stamped thereon. In this case, the facsimile transmission report shows, at best, an intention to file the amendment in the Office of April 11, 2008, but provides no evidence that the Office actually *received* the transmission.

If petitioner is unable to provide evidence of the timely submission of the amendment by facsimile, petitioner may wish to consider filing a petition to revive under 37 CFR 1.137(b). A copy of the form for filing a petition under 37 CFR 1.137(b) is enclosed.

As such, the showing of record is that petitioners intended to file a timely reply by facsimile, but failed so to do.

Petitioners could have avoided the predicament which has now occurred through use of a Certificate of Mailing or Transmission in accordance with 37 CFR 1.8. Accordingly, the failure to use a Certificate of Transmission constitutes an avoidable mistake. Withdrawal of the holding of abandonment is not warranted when petitioners or their counsel have made an avoidable mistake in filing papers.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. **This period may not be extended.**[1]

ALTERNATIVE VENUE

Petitioner may wish to consider filing a 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 the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly.

---

[1] 37 CFR 1.181(f).

A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's convenience.

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

Encl: Form PTO/SB/64

UNITED STATES 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 MILLER LAW OFFICES, PLC
801 BRICKELL AVE
SUITE 900
MIAMI FL 33131

MAILED

JUL 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Edward L. JANTZ	:	
Application No. 11/151,981	:	DECISION ON PETITION
Filed: June 14, 2005	:	
Attorney Docket No. Jantz - 2005	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 27, 2009 and supplemented on November 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed February 27, 2009, which set a shortened statutory period for reply of three (3) months. A three (3) months extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on August 28, 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 continuing application under 37 CFR 1.53(b); (2) the petition fee of $810; 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. 12/628,197.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

Rajesh Krishnamurthy

Rajesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Richard E. Zawitz	: DECISION ON REQUEST FOR
Patent Number	: 7661896	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/152,020	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **869** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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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LAM RESEARCH CORPORATION
4650 CUSHING PARKWAY CA-1
FREMONT CA 94538

RECEIVED
DEC 23 2008
OFFICE OF PETITIONS

In re Application of :
Andreas Fischer :
Application Number: 11/152022 :
Filing Date: 06/13/2005 : ON PETITION
Attorney Docket Number: LAM-P1364 :

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on November 11, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on July 31, 2008, for failure to timely respond to the non-final Office action mailed on April 30, 2008, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on November 13, 2008.

Receipt of the amendment filed on November 11, 2008, is acknowledged.

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application is referred to Technology Center Art Unit 1792 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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LIU & LUI
444 S FLOWER ST
SUITE 1750
LOS ANGELES CA 90071

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NOV 0 3 2005

OFFICE OF PETITIONS

In re Application of	:	
George Harwood, Keiko Muto, Michael	:	
Petroff, Mayuki Yanagawa	:	DECISION REFUSING STATUS
Application No. 11/152,027	:	UNDER 37 CFR 1.47(a)
Filed: June 13, 2005	:	
Attorney Docket No. 1035/208	:	

This is in response to the petition under 37 CFR 1.47(a), filed September 9, 2005.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 13, 2005, without an executed oath or declaration. On July 21, 2005, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration (and a surcharge for its late filing), together with the filing and search fees. This Notice set a two-month period for reply.

In reply, applicants paid the necessary fees and filed the instant petition on September 9, 2005. Accompanying the petition was a declaration thrice executed by inventor George Harwood, in his signature block and in the signature blocks of inventors Muto and Yanagawa.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Rule 47 applicant has not met requirement (2) above.

As to requirement (2), the signature block for inventors Muto and Yanagawa should be left blank. A declaration with blank signature blocks for the nonsigning inventors will be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor.[1]

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 regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

[1] See MPEP 409.03(a).

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 1750
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OFFICE OF PETITIONS

In re Application of	:	
George Harwood, Keiko Muto, Michael	:	
Petroff, Mayuki Yanagawa	:	DECISION GRANTING PETITION
Application No. 11/152,027	:	AND ACCORDING STATUS
Filed: June 13, 2005	:	UNDER 37 CFR 1.47(A)
Attorney Docket No. 1035/208	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed December 13, 2005.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on June 13, 2005, without an executed oath or declaration. On July 21, 2005, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration (and a surcharge for its late filing), together with the filing and search fees. This Notice set a two-month period for reply.

In reply, applicants paid the necessary fees and filed the a petition under 37 CFR 1.47(a) on September 9, 2005. Accompanying the petition was a declaration thrice executed by inventor George Harwood, in his signature block and in the signature blocks of inventors Muto and Yanagawa. However, the petition was dismissed in a decision mailed on November 3, 2005 because the signature blocks for inventors Muto and Yanagawa should have been left blank. See MPEP 409.03(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

With the instant petition, petitioner has submitted a proper declaration in compliance with 37 CFR 1.63. The other requirements for a grantable petition under 37 CFR 1.47(a) were fulfilled in the petition filed on September 9, 2005. Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to Group Art Unit 2643 for docketing and examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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CHRISTOPHER M. AUBUCHON
1066 Metro Circle
Palo Alto CA 94303

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FEB 0 5 2007

OFFICE OF PETITIONS

In re Application of :
Aubuchon :
Application No. 11/152,028 :
Filed: June 13, 2005 :
Attorney Docket No. EXAJ-005CON :
For: MICROMIRROR SYSTEM WITH CONCEALED MULTI-PIECE HINGE STRUCTURES

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 14, 2006 and supplemented on August 18, 2006, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Application mailed July 29, 2005, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on September 30, 2005. A Notice of Abandonment was mailed on March 31, 2006.

Applicant has submitted a proper reply to the July 29, 2005 Notice in the form of various fees and surcharge, an acceptable statement of the unintentional nature of the delay in responding to the July 29, 2005 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Bacon & Thomas, PLLC
625 Slaters Lane
Fourth Floor
Alexandria, VA 22314-1176

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MAR 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Tseng-Lu Chien	:	
Application No. 11/152,063	:	ON PETITION
Filed: June 15, 2005	:	
Attorney Docket No. CHIE3077CIP/BEU	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 18, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 12, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A one month extension of time was obtained. Accordingly, the date of abandonment of this application is February 13, 2008. A Notice of Abandonment was mailed on June 2, 2008. A reply in the form of an amendment was received on April 12, 2008. The reply was not proper since it did not place the application in condition for allowance.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination), with the required fee of $405, (2) the petition fee of $810, 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 2839 for processing of the RCE and any action that is required by the Examiner in the normal course of business.

Carl Friedman
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 07/28/2010

Applicant	: Tseng-Lu Chien	: DECISION ON REQUEST FOR
Patent Number	: 7651365	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/152,063	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

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OCT 0 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Stephane Foulonneau	:	
Application No. 11/152,096	:	DECISION GRANTING
Filed: June 15, 2005	:	PETITION
Attorney Docket No. 0563-1046	:	

This is a decision on the petition under 37 CFR 1.53(e), filed September 8, 2005, requesting that the above-identified application be accorded a filing date of June 15, 2005.

The application was filed on June 15, 2005. On July 8, 2005, the Office of Initial Patent Examination mailed a "Notice Of Omitted Item(s) in A Nonprovisional Application (Notice)" stating that the application has not been accorded a filing date because it was deposited without drawings.

In response, on September 8, 2005, the petition contends that one sheet of drawings was filed with the application papers on June 15, 2005. In support, the petition is accompanied by a copy of a postcard receipt, indicating receipt in the USPTO for this application on June 15, 2005 of, *inter alia*, "1 Sheets of Drawings." The petition also encloses a copy of drawings purportedly filed on June 15, 2005.

In view of the evidence presented, the Office concludes that one sheet of drawings was filed on June 15, 2005, but was later misplaced. Accordingly, the petition is granted.

Receipt is acknowledged of the declaration filed September 8, 2005, in response to the Notice mailed July 8, 2005.

The $400.00 petition fee is being credited to Deposit Account No. 25-0120 as authorized.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of June 15, 2005, using the application papers filed on that date, and

the copy of one sheet of drawings supplied with the present petition, and for indicating in the USPTO record that one sheet of drawings was present on filing.

Frances Hicks for
Brian Hearn
Senior Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

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FEB 17 2010

In re Application of	:	
Hideyuki Arai, et al.	:	
Application No. 11/152,109	:	DECISION GRANTING PETITION
Filed: June 15, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 071971-0268	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 16, 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 January 7, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2894for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Terri Johnson
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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KILPATRICK STOCKTON LLP
1001 WEST FOURTH STREET
WINSTON-SALEM NC 27101

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OFFICE OF PETITIONS

In re Application of	:	
Shan Suthaharan	:	
Application No. 11/152,121	:	DECISION ON PETITION
Filed: June 14, 2005	:	TO WITHDRAW
Attorney Docket No. 39892-316964	:	FROM RECORD
	:	

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 6, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Kilpatrick Stockton, LLP has been revoked by the assignee of the patent application on October 4, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: STANISLAV ANTOLIN
SMITH MOORE, LLP
300 NORTH GRRENE STREET
SUITE 1400
GREENSBORO, NC 27401

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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 05 2008

OFFICE OF PETITIONS

In re Application of

DERVIEUX, Thierry
Application No. 11/152,128
Filed: June 13, 2005
Attorney Docket No. **021825-002810US**

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 23, 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, our client has been acquired by another company, 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 Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **NAN WU**
COOLEY GODWARD KRONISH LLP
101 CALIFORNIA STREET, 5TH FLOOR
SAN FRANCISCO, CA 9411-5800

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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD VA 22116

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OFFICE OF PETITIONS

In re Application of	:	
Shih, Ke-Yan	:	
Application No. 11/152,132	:	ON PETITION
Filed: June 14, 2005	:	
Attorney Docket No. 252016-1270	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 11, 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 the Issue Fee Transmittal with payment of the issue and publication fees; (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 Publishing Division for processing into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/152,135	06/14/2005	1623	1000	17223-002002	15	3	1

CONFIRMATION NO. 6942

CORRECTED FILING RECEIPT

OC000000017037878

26161
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 09/16/2005

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)

Paul O.P. Ts'O, Ellicott City, MD;
Robert Duff, York, PA;
Scott Deamond, Baltimore, MD;

Assignment For Published Patent Application

Cell Works Therapeutics, Inc., Delaware corporations
The Johns Hopkins University, Delaware corporations

Power of Attorney: The patent practitioners associated with Customer Number **23460**.

Domestic Priority data as claimed by applicant

This application is a CON of 09/998,497 11/30/2001 PAT 6,906,182
which claims benefit of 60/250,139 12/01/2000

Foreign Applications

If Required, Foreign Filing License Granted: 09/16/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/152,135

Projected Publication Date: 11/10/2005

Non-Publication Request: No

Early Publication Request: No

Title

Conjugates of glycosylated/galactosylated peptide, bifunctional linker, and nucleotidic monomers/polymers, and related compositions and methods of use

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 11/16/2009

DATE : November 3, 2009

TO SPE OF : ART UNIT 2193 - SPE Lewis A. Bullock, Jr.

SUBJECT : Request for Certificate of Correction for Appl. No.: ~~10/152,165~~ 11/152,165 Patent No.: 7,559,055 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Should amendment dated 03-09-2009 be entered?

Certificates of Correction Branch

(571)272-0483

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

LEWIS A. BULLOCK, JR.
SUPERVISORY PATENT EXAMINER 2193

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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

Thomas, Kayden, Horstemeyer & Risley, LLP
600 Galleria Parkway, S.E.
Ste. 1500
Atlanta, GA 30339-5994

In re Application of :
George Yen :
Application No. 11/152,200 : ON PETITION
Filed: June 15, 2005 :
Attorney Docket No. 251938-1010 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, June 5, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 6, 2008. A Notice of Abandonment was mailed on December 19, 2008. A reply was received on September 5, 2008. This reply was not a proper response.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of $405, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being 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.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Technology Center AU 2629 for appropriate action in the normal course of business for processing of the RCE received December 3, 2009.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/152,200	06/15/2005	George Yen	251938-1010

CONFIRMATION NO. 7866

POA ACCEPTANCE LETTER

24504
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

OC000000040659158

Date Mailed: 03/17/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/09/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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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 Kazuo Hara, et al. Application No. 11/152,206 Filed: June 15, 2005 Attorney Docket No. 023971-0578	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 August 8, 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 July 13, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 3611 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Frances Hicks

Frances M. Hicks
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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Jagtiani + Guttag
10363-A Democracy Lane
Fairfax, VA 22030

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AUG 1 1 2008

In re Application of	:	
David Greco	:	
Application No. 11/152,233	:	DECISION ON PETITION
Filed: June 15, 2005	:	TO WITHDRAW
Attorney Docket No. STAT-0002-UT1	:	FROM RECORD
	:	

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 **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272- 2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Static Safe Products Company, Inc.**
P.O. Box 5346
Milford, CT 06460

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

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APR 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Lehmann et al.	:	
Application No. 11/152,236	:	DECISION ON PETITION
Filed: 06-15-2005	:	
Attorney Docket No. 635.44094PX1	:	

This is a decision on the petition under 37 CFR 1.181, filed March 23, 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 August 21, 2006, which set a three-month shortened statutory period for reply. In the apparent absence of a timely filed response, the application was held abandoned and a Notice of Abandonment was mailed on March 13, 2007.

Petitioners assert that they filed a timely reply in response to the nonfinal Office action on February 21, 2007. 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 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 February 21, 2007, in response to the nonfinal Office action. Accordingly, the petition is granted.

The Notice of Abandonment was mailed in error. The application is restored to pending status in view of the fact that a response was timely filed and received on February 21, 2007.

The matter is being referred to the Technology Center Art Unit 2855 for a review of the amendment submitted on February 21, 2007.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

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JUN 0 2 2008

OFFICE OF PETITIONS

In re Application of :
Jimmy Miller :
Application No. 11/152,251 : ON PETITION
Filed: June 15, 2005 :
Attorney Docket Number: Miller13 :

This is a decision on the petition, filed October 11, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition filed under 37 CFR 1.181 is **Granted**.

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of February 26, 2007. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on May 27, 2007. A Notice of Abandonment was mailed on September 19, 2007.

Petitioner contends a reply to the non-final Office action was received in the Office on April 12, 2007. Petitioner states that the reply in the form of an amendment, and claims were submitted on April 12, 2007. In support of petitioner's argument, a copy of the amendment and a stamped post card receipt dated April 12, 2007.

Petitioner does acknowledge the transmittal letter included the incorrect application number. The transmittal did contain the correct art unit, filing date, examiner's name, applicant and title of invention. The amendment also contained the correct application number.

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 application 11/151,251 rather than the correct application No. 11/152,251. The Office elects, in this instance, to treat applicant's listing of a typographical error in providing the correct application number, as a correctable minor error as permitted under MPEP 502. *However, applicant is reminded that minor errors, such as occurred in the instant application, are to be avoided in the future by the careful review of correspondence prior to submission to the Office.*

The response submitted April 12, 2007 has been located. 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.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

This application is being forwarded to the Art Unit 3733 for further processing of the reply submitted on April 12, 2007.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ATTN: PATENT INTAKE CUSTOMER NO. 30623
ONE FINANCIAL CENTER
BOSTON MA 02111

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OFFICE OF PETITIONS

In re Application of	:	
Teodoro **CONCETTI**	:	
Application No. 11/152,262	:	DECISION ON PETITION
Filed: June 14, 2005	:	
Attorney Docket No. 37387-401600	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 17, 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) was obtained. Accordingly, the application became abandoned on April 18, 2007.

The petition satisfies the requirements for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment, (2) the petition fee of $ 770 and (3) a proper statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of January 17, 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 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 of 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Lori Baker Amerson at (571) 272-6052.

This application is being referred to Technology Center AU 3721 for appropriate action on the concurrently filed Request for Continued Examination and amendment.

David Bucci
Petitions Examiner
Office of Petitions

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Paper No: __

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OFFICE OF PETITIONS

YAO-DONG MA
14586 PENSHAM DR.
FRISCO TX 75035

In re Application of
Ma
Application No. 11/152,270
Filed: 10 June, 2005
Attorney Docket No. (None)

ON PETITION

This is a decision on the petition filed as a request for reconsideration on 28 April, 2006, to revive the above-identified application under 37 C.F.R. §1.137(a)

For the reasons set forth below, the petition as considered under 37 C.F.R. §1.137(a) is **DISMISSED**.

NOTES:

(1) Any petition (and fee) for reconsideration of this decision under 37 C.F.R. §1.137(a) (as to unavoidable delay) or an alternative request for relief under 37 C.F.R. §1.137(b)[1] (as to unintentional delay) must be submitted within two (2)

[1] Effective December 1, 1997, the provisions of 37 C.F.R. §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 C.F.R. §1.137(b). a grantable petition filed under the provisions of 37 C.F.R. §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 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. The Commissioner may require additional information where there is a question whether the delay was

months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(a)"; and/or "Petition under 37 C.F.R. §1.137(b)";

(2) Thereafter, there will be no further reconsideration of this matter.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the Notice to File Corrected Application Papers (replacement drawings and fees) mailed on 13 July, 2005 (the July Notice)–copy enclosed–with reply due absent extension of time on or before 13 September, 2005;
- the application went abandoned by operation of law after midnight 13 September, 2005;
- the Office mailed the Notice of Abandonment on 16 March, 2006;
- on 28 April, 2006, Petitioner filed the instant petition with fee, and averred that: he and his family were out of the country; other persons were living at his residence and supposed to forward mail by failed to do so; he never received the Notice in question; further Petitioner filed no response to the July Notice.

If Petitioner changes address, he must give Notice to the Office of such change timely and in advance of the change. Petitioner's agreement with a third party to forward mail and that party's failure to satisfy that undertaking does not support a petition under 37 C.F.R. §1.137(a).

Clearly Petitioner cannot make a satisfactory showing as to unavoidable delay and his only alternative is to file a petition alleging unintentional delay, with fee, a proper reply, and make the statement of unintentional delay.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the

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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). (Emphasis supplied.)

appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[3]

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[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

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.

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[4]

Delays in responding properly raise the question whether delays are unavoidable.[5] Where there is 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]))

The requirements for a grantable petition under 37 C.F.R. §1.137(a) are the petition and fee, a showing of unavoidable delay, a proper reply, and–where appropriate--a terminal disclaimer and fee.

Petitioner has failed to satisfy the "showing" and "reply" requirements of the regulation.

CONCLUSION

The instant petition under 37 C.F.R. §1.137(a) hereby is **dismissed**.

---

[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.

ALTERNATIVE VENUE

It appears that Petitioner will be unable to make a showing of unavoidable delay. Petitioner's only alternative to irretrievable abandonment is to file a petition under 37 C.F.R. §1.137(b) (state therein 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").

Petitioner may wish to refer to the guidance (as to revival of abandoned applications) found at the Office website at http://www.uspto.gov/web/offices/pac/dapp/petitionspractice.html#lapse and/or review the guidance at http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

Thus, Petitioner may wish to supplement the petition to plead alternatively under 37 C.F.R. §1.137(b) wherein the "showing" burden is much less onerous.

Further correspondence with respect to this matter should be addressed as follows:[9]

By mail: Commissioner for Patents[10]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

By hand: Mail Stop: Petition
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

While telephone inquiries regarding this decision may be directed to the undersigned at (571)

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[9] 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 .)

[10] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[11]) 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

Encl: 13 July, 2005, Notice to File Corrected Application Papers (replacement drawings and fees)
Form: Petition under 37 C.F.R. §1.137(b)

[11] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/152,270	06/10/2005	Yao-Dong Ma	

CONFIRMATION NO. 8119

FORMALITIES LETTER

OC000000016507609

Yao-Dong Ma
14586 Pensham Dr.
Frisco, TX 75035

Date Mailed: 07/13/2005

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
    - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 1-4.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$105** for a Small Entity

- The application search fee has not been paid. Applicant must submit **$250** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27

(A previous payment of **$245** will be applied to the additional fees indicated above.)

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Office of Initial Patent Examination (703) 308-1202

PART 3 - OFFICE COPY

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJR.: 08-06

Paper No: __

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OCT 09 2007

OFFICE OF PETITIONS

YAO-DONG MA
14586 PENSHAM DR.
FRISCO TX 75035

In re Application of
Ma
Application No. 11/152,270
Filed: 10 June, 2005
Attorney Docket No. (None)

ON PETITION

This is a decision on the petition filed on 20 November, 2006, to revive the above-identified application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay

NOTE: Petitioner is reminded that Certificates of Mailing/Transmission should be included with every filing and that the certificate must be dated and signed.

For the reasons set forth below, the petition as considered under 37 C.F.R. §1.137(b) is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the Notice to File Corrected Application Papers (replacement drawings and fees) mailed on 13 July, 2005 (the July Notice)–copy enclosed–with reply due absent extension of time on or before 13 September, 2005;

- the application went abandoned by operation of law after midnight 13 September, 2005;

- the Office mailed the Notice of Abandonment on 16 March, 2006;
- on 28 April, 2006, Petitioner filed the original petition with fee, and averred that: he and his family were out of the country; other persons were living at his residence and supposed to forward mail by failed to do so; he never received the Notice in question; further Petitioner filed no response to the July Notice–and so failed to satisfy the showing and reply requirements of the regulation, for which reason the petition was dismissed;[1]
- the instant petition seeks to overcome those deficiencies and Petitioner filed the petition with fee, reply in the form of drawings and fees, and made the statement of unintentional delay.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

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[1] If Petitioner changes address, he must give Notice to the Office of such change timely and in advance of the change. Petitioner's agreement with a third party to forward mail and that party's failure to satisfy that undertaking does not support a petition under 37 C.F.R. §1.137(a)–and it appeared that Petitioner could not make a satisfactory showing as to unavoidable delay.

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent 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

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[3]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[4]

Delays in responding properly raise the question whether delays are unavoidable.[5] Where there is 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

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Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of—

(1) Holding certain facts to have been established;
(2) Returning papers;
(3) Precluding a party from filing a paper, or presenting or contesting an issue;
(4) Imposing a monetary sanction;
(5) Requiring a terminal disclaimer for the period of the delay; or
(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).
[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

[3] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[4] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[5] See: *Changes to Patent Practice and Procedure*; *Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[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.

regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[8]))

As to the Allegation
of Unintentional Delay

The requirements for a grantable petition under 37 C.F.R. §1.137(b) are the petition and fee, a statement/showing of unintentional delay, a proper reply, and–where appropriate--a terminal disclaimer and fee.

It appears that Petitioner has satisfied the requirements of the regulation.

CONCLUSION

The petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to OIPE 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[9]) 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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[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] 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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Dennis M. Flaherty, Esq.
Ostrager Chong Flaherty & Broitman P.C.
570 Lexington Avenue
New York, NY 10022-6894

Mail Date: 04/27/2010

Applicant	: Carroll F. Baranowske III	: DECISION ON REQUEST FOR
Patent Number	: 7585444	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/152,271	: OF WYETH
Filed	: 06/14/2005	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE NOBLITT GROUP, PLLC
4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE AZ 85251

RECEIVED
DEC 3 0 2008
OFFICE OF PETITIONS

In re Application of
Thomas K. Lo, et. al.
Application No. 11/152,287
Filed: June 13, 2005
Attorney Docket No. RAYTH.0300

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the Final Office Action of February 11, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). 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 May 12, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

The United States Patent and Trademark Office received a payment of $1,050 for a three month extension of time on August 14, 2008.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,050 extension of time fee was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to the petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 3661 for appropriate action by the Examiner in the normal course of business on the reply received.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DEC 17 2009

OFFICE OF PETITIONS

CORNING INCORPORATED
SP-TI-3-1
CORNING NY 14831

In re Application of	:	
Dannoux, et al.	:	
Application No. 11/152,290	:	DECISION ON PETITION
Filed: June 13, 2005	:	
Attorney Docket No. SP04-050	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 3, 2009.

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 April 2, 2009. This Office action set a shortened statutory period for reply of three (3) months. The Office mailed a Notice of Abandonment on October 9, 2009, stating that no reply had been received.

A review of the application file reveals the presence of an Amendment, filed on October 7, 2009, made timely by obtaining a three month extension of time and including a Certificate of Mailing dated October 2, 2009. A review of Office finance records confirms that the Office received the fee for the three month extension of time on October 7, 2009. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn**.

Given the basis for granting this petition, the petition fee of $130 has been refunded to Deposit Account No. 03-3325.

The matter is being forwarded to Group Art Unit 1797 for consideration of the Amendment, timely filed with a three month extension of time on October 7, 2009 (Certificate of Mailing dated October 2, 2009).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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July 2005

NIRMEL AND ASSOCIATES
1717 K ST NW STE 600
WASHINGTON, DC 20036

SEP 01 2005

In re Application of: ROBIN HORRELL ET AL. Serial No.: 11/152,311 Filed: 13 June 2005 Docket: HORRELL-001	: : : : :	DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

This is a decision on the petition filed on June 13, 2005, to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

In support of the petition, petition provides: a) the applicable petition fee; b) a statement that a pre-examination search was made, including the search areas; d) copies of the references stated as being most closely related to the claimed subject matter; and e) a discussion of the teaching of the references.

For accelerated examination under MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d), a showing of the following is required: a) a petition to make special accompanied by the applicable petition fee; b) all claims are directed to a single invention; c) a statement that a pre-examination search was made, including the search areas; d) a copy of each of the references deemed most closely related to the claimed subject matter; and e) a detailed discussion of the references pointing out with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is distinguishable over the references.

The requirements of MPEP § 708.02(VIII)(a) and (d) are considered to have been met. However, petitioner fails to point out with the particularity required by 37 CFR § 1.111 (b) and (c), how the claimed subject matter is distinguishable over the *each* of the references. Therefore, petitioner fails to meet the requirement of MPEP § 708.02(VIII)(e). Furthermore, petitioner fails to state that the claims are directed to a single invention and to make an offer to elect without traverse should a restriction or election of species requirement is made in accordance with MPEP § 708.02(VIII)(b).

Copied from 11153311 on 12/18/2006

37 CFR § 1.111 (b) states"[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made."

Petitioner presents a brief discussion of the cited references, and states that they do not teach the specific limitations claimed in the independent claims. However, a *detailed discussion* of how each of the references overcomes each of the independent claims is required for the petition to be granted. For instance, petitioner has not discussed exactly how the Cohen and Spedding references lack a disclosure or fair teaching of the limitations of each independent claim. A mere statement alleging that the claims contain a feature not found in the relevant prior art is insufficient. Petitioner is required to provide such detailed discussion for each reference with respect to each independent claim.

While Technology Center Directors may have granted petitions that do not comply with the detailed discussion requirement of the Accelerated Examination procedure, Technology Center Director decisions on petitions are not binding precedent of the Patent Examining Corps, and the application of an improper standard in certain cases does not require the Office to continue to apply the improper standard in all cases. *See In re The Boulevard Entertainment, Inc.*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003)).

For the above-mentioned reasons, the petition is dismissed. The application will therefore be taken up by the examiner for action in its regular turn.

Any request for reconsideration of this decision must be submitted within 2 (two) months of the date of this decision in order to be considered timely. Any resubmission of the petition must provide a detailed discussion of how each of the independent claims is not met by each of the references presented as relevant, and a statement complying with MPEP § 708.02(VIII)(b).

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

Hien H. Phan, Special Program Examiner
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

Copied from 11153311 on 12/18/2006

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LOEB & LOEB, LLP
321 NORTH CLARK
SUITE 2300
CHICAGO, IL 60610-4746

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JUN 30 2008

In re Application of	:	
Triveni P. SHUKLA	:	
Application No. 11/152,314	:	DECISION ON PETITION
Filed: June 14, 2005	:	
Attorney Docket No. 211125-10006	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 05, 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 February 27, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 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 a continuing application under 37 CFR 1.53(b); (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 11/844,878.

The power of attorney filed by the assignee on May 19, 2008 has been accepted and made of record.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to Technology Center AU 1761.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Yongki Min	: DECISION ON REQUEST FOR
Patent Number	: 7588992	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/152,328	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **808** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HUSCH BLACKWELL SANDERS LLP
190 Carondelet Plaza
Suite 600
ST. LOUIS, MO 63105

Mail Date: 04/20/2010

Applicant	: Terry Calvin Wolfe	: DECISION ON REQUEST FOR
Patent Number	: 7582225	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/152,361	: OF WYETH
Filed	: 06/14/2005	:
		:

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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OFFICE OF PETITIONS

In re Application of	:	
Reginald Brys, et al.	:	
Application No. 11/152,366	:	DECISION GRANTING PETITION
Filed: June 14, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P27,880-A USA	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 28, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 14, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 1639 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Karen Creasy
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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GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

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JUL 06 2010

OFFICE OF PETITIONS

In re Application
Strawn, et al.
Application No. 11/152,374
Filed: June 15, 2005
Dkt. No.: 39700-643001US/NC33922US

: PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed March 2, 2010. This matter is being properly treated pursuant to 37 CFR 1.705(b) as an application for patent term adjustment.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 809 days, not 557 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

Insofar as the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is DISMISSED as PREMATURE.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the

USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

Receipt is hereby acknowledged of the required patent term adjustment application fee under 37 CFR 1.705(b) of $200.00. See, 37 CFR 1.18(e).

However, any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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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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HARRITY & SNYDER, L.L.P.
11350 Random Hills Road
SUITE 600
FAIRFAX VA 22030

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DEC 01 2006

OFFICE OF PETITIONS

In re Application of	:	
Ahmed et al.	:	DECISION ON PETITION
Application No. 11/152,375	:	
Filing Date: 06/15/2005	:	
Attorney Docket Number:	:	
AF01606	:	

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 August 2, 2006.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of a foreign or international application filed on June 7, 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(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date

of filing of such foreign or international application as provided by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request indicating a projected publication date of March 8, 2007 accompanies this decision on petition.

The application will be examined in Technology Center AU 2813 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

Attachment: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

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OFFICE OF PETITIONS

HARRITY & HARRITY, LLP
11350 Random Hills Road
SUITE 600
FAIRFAX VA 22030

In re Application of
Shibly S. Ahmed et al.
Application No. 11/152,375
Filed: June 15, 2005
Attorney Docket No. AF01606

DECISION ON PETITION

This is a decision on the petition, under 37 CFR 1.137(b) filed on December 22, 2009, to revive the above-identified application.

The petition 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(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 file a proper reply in a timely manner to the non-Final Office Action mailed December 24, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on March 25, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the required reply, unless previously filed; (2) the petition fee of $1620 as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee of $140 as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Accordingly, the reply to the non-Final Office Action mailed December 24, 2009 is accepted as having been unintentionally delayed.

Application No. 11/152,375

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 decision should be directed to Tammara Peyton at (571) 272-6052 or in his absence to the undersigned at (571) 272-3217.

The Application is being referred to Art Unit 2813 for further processing.

David Bucci
Petitions Examiner
Office of Petitions

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BARRY W. CHAPIN, ESQ.
CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH, MA 01581

Mail Date: 04/20/2010

Applicant	: Bruce A. Linker	: DECISION ON REQUEST FOR
Patent Number	: 7574675	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/152,389	: OF WYETH
Filed	: 06/14/2005	:
		:

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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WESTBOROUGH, MA 01581

Mail Date: 05/17/2010

Applicant : Bruce A. Linker
Patent Number : 7574675
Issue Date : 08/11/2009
Application No : 11/152,389
Filed : 06/14/2005

: 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 **997** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate 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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RESEARCH TRIANGLE PARK, NC 27709

Mail Date: 04/20/2010

Applicant	: Brian Mitchell Bass	: DECISION ON REQUEST FOR
Patent Number	: 7620048	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/152,419	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1191** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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NATIONAL STARCH AND CHEMICAL COMPANY
P.O. BOX 6500
BRIDGEWATER, NJ 08807-3300

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OFFICE OF PETITIONS

In re Application of	:	
David Duckworth	:	
Application No. 11/152,430	:	DECISION ON PETITION
Filed: June 14, 2005	:	
Attorney Docket No. 3100.PKG	:	

This is a decision in response to the petition, filed January 28, 2009, to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 14, 2008. On January 28, 2009, the present petition was filed. A Notice of Abandonment was subsequently mailed on February 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and appeal fee of $540; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application is being referred to Technology Center AU 3754 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries relating to the prosecution of the application should be referred to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: CYNTHIA L. FOULKE
10 FINDERNE AVENUE
BRIDGEWATER, NJ 08807

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PHILADELPHIA, PA 19103

Mail Date: 04/21/2010

Applicant	: Jung-Lin Pan	: DECISION ON REQUEST FOR
Patent Number	: 7630732	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/152,435	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **534** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.