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WASHINGTON DC 20005

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AUG 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Masayuki Fukui et al	:	
Application No. 11/193,434	:	DECISION ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. 1405-1095	:	

This is a decision on the petition, filed June 8, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the final Office action mailed October 21, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on May 13, 2009.

Petitioner asserts that the Office action dated October 21, 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In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2174 for re-mailing the Office action of October 21, 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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RUSS, AUGUST & KABAT
Suite 522
Crystal Center 2
2461 South Clark Street
Arlington VA 22202

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JAN 08 2007

OFFICE OF PETITIONS

In re Application of :
Rudoy :
Application No. 11/193,451 : ON PETITION
Filed: August 1, 2005 :
Title: High Load Release Device :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed September 19, 2006.

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

The petition under 37 CFR 1.47 is **Dismissed**

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts mailed on August 19, 2005. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on October 20, 2005. A Notice of Abandonment was mailed on April 24, 2006.

Petitioner contends the Office Communication mailed on August 19, 2005 was not received. A review of the record shows that the Notice was returned to the Office on August 29, 2005. Petitioner states that the Notice was properly addressed and the failure of the USPS to deliver the Notice is unknown.

Further review of the record shows that the Notice was mailed to an address in

Arlington. VA. The address provided on the petition is Los Angeles, CA.

A review of the record shows that the Notice was properly mailed to the correspondence address of record. The record is not clear that the Notice was not received because petitioner no longer received mailed at the Arlington. VA address due to the move to the Los Angeles, CA. address. Where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. The lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address does not constitute unavoidable delay. See MPEP 711.03(c). Nor would the failure to promptly change the correspondence allow for withdrawing the holding of abandonment.

To the extent petitioner continues to receive mail at the Arlington address, a statement to that effect should be provided. If petitioner's correspondence address changed, the date of the move should be provided.

Since the petition under 37 CFR 1.181 is dismissed the petition under 37 CFR 1.47 must be dismissed as the application remains abandoned.

Petitioner my wish to file a petition under 37 CFR 1.137(b).

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building

401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Christopher J. McDonald
Russ, August & Kabat
12424 Wilshire Blvd.
Los Angeles, CA 90025

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Arlington VA 22202

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OFFICE OF PETITIONS

In re Application of
Rudoy et al.
Application No. 11/193,451
Filed: August 1, 2005
Attorney Docket No. A-9187

DECISIONS ON PETITION

This is a decision on the renewed petition, filed January 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. This decision will also address the petition filed under 37 CFR 1.47.

The petition under 37 CFR 1.181 is **GRANTED**.
The petition under 37 CFR 1.47 is **DISMISSED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts, which was mailed on August 19, 2005. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application was held abandoned on October 20, 2005. A Notice of Abandonment was mailed on April 24, 2006. A petition under 37 CFR 1.181 was dismissed January 8, 2007.

Petitioner asserts that the Notice dated August 19, 2005 was not received.

A review of the written record indicates an irregularity in the mailing of the Notice to File Missing Parts of August 19, 2005. In this regard, a review of the record shows that for an unknown reason the properly addressed Notice to File Missing Parts was returned to the Office on August 29, 2005. Accordingly, the Notice of Abandonment mailed April 24, 2006 is hereby vacated and the holding of abandonment withdrawn.

PETITION 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 reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

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

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor McCormick, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing McCormack. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor McCormack's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventor's last known address. Therefore, at the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr. McCormack's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where

there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

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

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

OIPE
MAY 04 2009
PATENT & TRADEMARK OFFICE

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Edward Rudoy et al

Serial No : **11/193,451**

Filed : **August 1, 2005**

For : **HIGH LOAD RELEASE DEVICE**

Attn: Charlema R. Grant
Petitions Attorney
Office of Petitions

RESPONSE TO DECISION ON PETITION AND PETITION UNDER RULE 47 FILED DECEMBER 29, 2008

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

Sir:

Further to our response filed on December 29, 2008, applicant, through the efforts of the undersigned, in addition to sending the application to Larry Leroy McCormick via certified mail at his last known address confirms that this address was, in fact, the last address listed by the applicant's employer. In addition, the telephone number last listed was called by the undersigned and is no longer in service.

The undersigned also conducted a search of the internet using Google to attempt to locate an address for Mr. Larry Leroy McCormick and this search failed to uncover an address different from the address listed and used to send Mr. McCormick a copy of the application. The undersigned personally conducted the Google search engine search and further, the office of the undersigned sent the documents to Mr. McCormick for execution.

Copies of all prior submitted documents are enclosed.

The undersigned conducted a search of regional or national registries available through Google attempting to locate a more current address of the undersigned. Further, there were no different addresses in Mr. McCormick's personnel records, nor was there any address of a next-of-kin or forwarding address for the undersigned to use in locating same. All attempts to locate or reach

the inventor through the personnel records, co-workers, email, a Google search on the internet, or via telephone have proved unsuccessful and were conducted diligently through the efforts of the undersigned and the undersigned's office. This statement is made by the undersigned having first hand knowledge of the facts recited therein and such is accompanied by all the previous documentation submitted.

The Petition fee was previously provided. If any additional fees are due and owing, the Commissioner is authorized to charge Deposit Account 08-2455.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Stewart L. Gitler
Reg. No. 31,256

Date: 5/4/09

Russ, August & Kabat
12424 Wilshire Boulevard
Suite 1200
Los Angeles, CA 90025

Attorney Docket No.: A-9187.Response and Petition#2/cat

OIPE IAP97 MAY 04 2009 PATENT & TRADEMARK OFFICE

HOFFMAN, WASSON & GITLER, PC (703) 415-0100

Docket No. : A-9187

Inventor/Applicant : Edward Rudoy et al.

Serial/Patent No. : 11/193,451

Filing/Issue Date : August 1, 2005

Title : High Load Release Device

The U.S. Patent and Trademark Office acknowledges receipt of:

OIPE IAP97 DEC 29 2008 PATENT & TRADEMARK OFFICE

PATENTS

___ Transmittal Letter (___pgs)
___ Patent Application _____
Specification (___pgs), Claims (___pgs) & Abstract (___pgs)
___ Drawings - ___ sheets (___formal/___informal)
___ Declaration/Power of Attorney (___signed/___unsigned) (___pgs)
___ Certificate Under Section 3.73(b) (___pgs)
___ Preliminary Amendment (___pgs)
___ Assignment w/ Transmittal (___pgs)
___ Priority Document(s) (___certified/___uncertified) _____
___ IDS/PTO Form 1449 (___pgs) w/ References (___ Documents)
___ Issue Fee/Publication Fee w/ Transmittal
___ _____ Maintenance Fee w/ Transmittal (___w/ Surcharge/___w/o Surcharge)
___ Amendment____/Response/Communication (___pgs)
___ _____ Extension of Time
___ Response to Notice to File Missing Parts/Requirements w/ copy of Notice
___ Terminal Disclaimer (___pgs)
___ PCT Request Form (___pgs)
___ Fee Calculation Sheet (___pgs)
___ National Phase 371 Transmittal (___pgs)
___ Demand for Preliminary Examination (Chapter II) (___pgs)
___ Response to Written Opinion (___pgs)
___ Copy of International Application, as filed (PCT/_____/_____)
Specification (___pgs), Claims (___pgs), Drawings (___pgs) & Cover Sheet (___pgs)
___ Copy of Published International Application (WO _____)
Specification (___pgs), Claims (___pgs), Drawings (___pgs) & Cover Sheet (___pgs)
___ Copy of International Preliminary Examination Report (___pgs)
___ Copy of International Search Report (___pgs)
___ Translation of Priority Application No. _____, filed _____
(___certified/___uncertified)
___ Petition _____ (___pgs)

MISCELLANEOUS : Response to Decision on Petition & Petition under Rule 47; Copy of Return Receipt; copy of envelope & copy of Decision on Petition

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the application of:

Edward Rudoy et al

Serial No : **11/193,451**

Filed : **August 1, 2005**

For : **HIGH LOAD RELEASE DEVICE**

Attn: Charlema R. Grant
Petitions Attorney
Office of Petitions

RESPONSE TO DECISION ON PETITION AND PETITION UNDER RULE 47

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

Sir:

It is respectfully requested that the Patent Office accept the application without the signature of one of the inventors, Larry Leroy McCormick, on the Declaration. Mr. McCormick's last address is 21603 Devonshire Street, No. 103, Chatsworth, California 91311. A copy of the application was mailed via certified mail by the undersigned to Mr. Larry McCormick at his last known address. The application with Declaration was mailed via certified mail, return receipt requested, to his last known address after a diligent search of the Internet and the letter was not accepted and returned. The letter was mailed by the office of the undersigned.

As attested to by the Affidavit of Edward Rudoy, Larry McCormick was employed by NEA and, in fact, assigned previous patents. The Affidavit attests to the oral agreement between Mr. McCormick and NEA to assign all inventions.

The Petition fee was previously provided. If any additional fees are due and owing, the Commissioner is authorized to charge Deposit Account 08-2455.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Stewart L. Gitler
Reg. No. 31,256

Date: 12/29/2008

Russ, August & Kabat
12424 Wilshire Boulevard
Suite 1200
Los Angeles, CA 90025

Attorney Docket No.: A-9187.Response and Petition/bh

A-9187

JUL 26 2006

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Larry Leroy McCormick
21603 Devonshire St.
No. 103
Chatsworth, CA 91311

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x [signature] ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) | C. Date of Delivery 7-29

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (*Transfer from service label*) 7003 0500 0003 7988 7401

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

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Crystal Center 2
2461 South Clark Street, Suite 522
Arlington, Virginia 22202

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NO FORWARDING ORDER ON FILE

U.T.F.

Larry ~~Leroy~~ McCormick
21603 Devonshire Street, No. 103
Chatsworth, CA 91311

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NO FORWARDING ORDER ON FILE

RETURN TO SENDER

REFUSED
7-31-06

R.R.R.

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OFFICE OF PETITIONS

In re Application of
Rudoy et al.
Application No. 11/193,451
Filed: August 1, 2005
Attorney Docket No. A-9187

DECISIONS ON PETITION

This is a decision on the renewed petition, filed January 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. This decision will also address the petition filed under 37 CFR 1.47.

The petition under 37 CFR 1.181 is **GRANTED**.
The petition under 37 CFR 1.47 is **DISMISSED**.

RESPONSE BY 1-20-09

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts, which was mailed on August 19, 2005. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application was held abandoned on October 20, 2005. A Notice of Abandonment was mailed on April 24, 2006. A petition under 37 CFR 1.181 was dismissed January 8, 2007.

Petitioner asserts that the Notice dated August 19, 2005 was not received.

A review of the written record indicates an irregularity in the mailing of the Notice to File Missing Parts of August 19, 2005. In this regard, a review of the record shows that for an unknown reason the properly addressed Notice to File Missing Parts was returned to the Office on August 29, 2005. Accordingly, the Notice of Abandonment mailed April 24, 2006 is hereby vacated and the holding of abandonment withdrawn.

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PETITION UNDER 37 CFR 1.47(A)

The petition is dismissed.

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Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

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

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor McCormick, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing McCormack. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor McCormack's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventor's last known address. Therefore, at the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr. McCormack's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where

there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

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

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Alexandria, VA 22313-1450

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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RUSS, AUGUST & KABAT
Suite 522
Crystal Center 2
2461 South Clark Street
Arlington VA 22202

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JUN 12 2009

OFFICE OF PETITIONS

In re Application of
Edward Rudoy, Larry Leroy McCormick,
Edwin Vega and Nury Israilov
Application No. 11/193,451
Filed: August 1, 2005
Attorney Docket No. A-9187

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed December 29, 2008 and supplemented on May 4, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor McCormick cannot be located to join in the filing of the above-identified application.

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

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

This application is being referred to the Office of Patent Application Processing for further processing.

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Larry Leroy McCormick
21603 Devonshire Street, No. 103
Chatsworth, CA 91311

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JUN 12 2009

OFFICE OF PETITIONS

In re Application of
Edward Rudoy, Larry Leroy McCormick,
Edwin Vega and Nury Israilov
Application No. 11/193,451
Filed: August 1, 2005
Attorney Docket No. A-9187
Title: High Load Release Device

Dear Mr. McCormick:

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 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) 272-3215. 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 the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: RUSS, AUGUST & KABAT
Suite 522
Crystal Center 2
2461 South Clark Street
Arlington VA 22202

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
HIDAKA, HIROSHI	:	**DECISION ON PETITION**
Application No. 11/193464	:	
Filed: August 1, 2005	:	
Attorney Docket No. **1442.1021CIP**	:	

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on May 13, 2009.

The Petition is **Granted**.

The application was held abandoned for failure to timely file corrected drawings as required by and within the three-month period set in, the Notice of Allowability mailed November 19, 2008. Corrected drawings were not submitted within the time period for response. Therefore, the application was **properly** held abandoned and the Notice of Abandonment was mailed on April 29, 2009.

Petitioner states that U.S. Patent and Trademark Office mistakenly required corrected drawings on the Notice of Allowability. After consultation with the Examiner, the Office agrees that the drawing requirement was made in error.

The drawings filed on August 1, 2005 are acceptable and no further corrections are required.

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

Kendrick Spruill
Office of Data Management
Patent Publication Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK NY 10036

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AUG 2 3 2007

OFFICE OF PETITIONS

In re Application of	:	
BEN-YAAKOV, et al.	:	
Application No. 11/193,495	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **P-8129-US**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 31, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes a copy of inventor Shmuel Ben-Yaakov's passport, 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 2838 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

In re Application of :
David Roger Moore et al :
Application No. 11/193,552 : ON PETITION
Filed: July 29, 2005 :
Attorney Docket No. 162325-1 :

This is a decision on the petition filed January 11, 2008 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed September 5, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 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 and Publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

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

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

GL02 200 301P

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FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP

ORUM & ROTH
53 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3606

26 JAN 2006

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OFFICE OF PETITIONS

In re Application of
Mark Mayer et al
Application No. 60/642,170
Filed: January 7, 2005
Attorney Docket No. 13902

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 28, 2005, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice) mailed January 31, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 1, 2005.

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. 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 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition has been reviewed and found in compliance with the requirements for revival under 37 CFR 1.137(b). Accordingly, the instant petition under 37 CFR 1.137(b) is hereby **GRANTED.**

However, in accordance with 35 U.S.C. § 111(b)(5), a provisional application for patent is regarded as abandoned 12 months after the filing date of such application and is not be subject to revival after such 12-month period.

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,

"DOCKETED"

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 of currently of record until such time as appropriate instructions are received to the contrary.

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

This matter is being referred to the Office of Initial Patent Examination.

Wan Laymon

Wan Laymon
Petitions Examiner
Office of Petitions

cc: FAY SHARPE FAGAN MINNICH & MCKEE
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND, OH 44114-2579

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OFFICE OF PETITIONS

In re Application of :
Mark J. MAYER, et al :
Application No. 11/193,572 : ON PETITION
Filed: July 29, 2005 :
Attorney Docket No. 160201/GLOZ200301 :

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

The petition is **GRANTED**.

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 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 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 three (3) 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 April 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 Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1540; and (3) the required statement of unintentional delay have been received.

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

This application is being referred to Technology Center 2875 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.

Thurman K. Page

Thurman Page
Petitions Examiner
Office of Petitions

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LEVENFELD PEARLSTEIN
INTELLECTUAL PROPERTY DEPARTMENT
2 NORTH LASALLE, SUITE 1300
CHICAGO, IL 60602

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JUN 25 2007

OFFICE OF PETITIONS

In re Application of	:	
CHEUNG, Bernard	:	
Application No. 11/193,575	:	DECISION ON PETITION
Filed: July 29, 2005	:	TO WITHDRAW
Attorney Docket No. **25306-60387**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 27, 2006.

The request is **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 there remains less than 30 (thirty days) between the date of this decision and the maximum extendable time period for filing a response to the Office action mailed on January 24, 2007.

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

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UNITED STATES DEPARTMENT OF COMMERCE
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Pabst Patent Group LLP
1545 PEACHTREE STREET NE
SUITE 320
ATLANTA, GA 30309

Mail Date: 04/21/2010

Applicant	: Said Rizk	: DECISION ON REQUEST FOR
Patent Number	: 7641825	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/193,580	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **970** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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OFFICE OF PETITIONS

In re Application of	:	
FARLEY, et al.	:	
Application No. 11/193,587	:	DECISION ON PETITION
Filed: July 29, 2005	:	TO WITHDRAW
Attorney Docket No. **TAN-2-1551.02.US**	:	FROM RECORD
	:	

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

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

A review of the file record indicates that the power of attorney to *HAMILTON BROOK SMITH & REYNOLDS PC* has been revoked by the assignee of the patent application on April 26, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **VOLPE AND KOEING PC**
30 SOUTH 17TH STREET, SUITE 1600
UNITED PLAZA, DEPT. ICC
PHILADELPHIA, PA 19103

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

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MAR 16 2007

Technology Center 2100

In re Application of: Riley, et al.	)	
Application No. 11/193,590	)	
Filed: July 28, 2005	)	**DECISION ON PETITION TO MAKE**
For: HIGH SPEED PERIPHERAL	)	**SPECIAL UNDER M.P.E.P.§708.02(II):**
INTERCONNECT APPARATUS,	)	**INFRINGEMENT**
METHOD AND SYSTEM	)	

This is a decision on the petition, original filed July 28, 2005 and supplemented on November 9, 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 July 28, 2005 and supplemented on November 9, 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
Quality Assurance Specialist
Technology Center 2100
Computer Architecture, Software, and Information Security
(571) 272-3595

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BRIAN ROFFE
11 SUNRISE PLAZA
SUITE 303
VALLEY STREAM, NY 11580-6170

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OFFICE OF PETITIONS

In re Application of	:	
Arnold R. Leiboff et al	:	
Application No. 11/193,600	:	DECISION ON PETITION
Filed: July 29, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 129.101	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 10, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED.**

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 a passport. However, the birth date is not clear.

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

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

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

By FAX: (571) 273-8300

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

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

This matter is being referred to Technology Center Art Unit 3721 for action in its regular turn.

Denise Pothier
Petitions Examiner
Office of Petitions

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BRIAN ROFFE, ESQ
11 SUNRISE PLACE
SUITE 303
VALLEY STREAM, NY 11580-6170

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OFFICE OF PETITIONS

In re Application of	:	
Arnold R. Leiboff et al	:	DECISION ON PETITION
Application No. 11/193,600	:	TO MAKE SPECIAL UNDER
Filed: July 29, 2005	:	37 CFR 1.102(c)(1)
Attorney Docket No. 129.101	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed December 19, 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 petition includes a copy of a passport. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to Technology Center AU 3721 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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

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MAY 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Gerald D. Kimmel et al.	:	
Application No. 11/193,607	:	DECISION ON PETITION
Filed: July 29, 2005	:	TO WITHDRAW
Attorney Docket No. 23840-516	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 14, 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 20350 has been revoked by the Assignee of the patent application on March 5, 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.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Gerald D. Kimmel et al.	:	
Application No. 11/193,607	:	DECISION ON PETITION
Filed: July 29, 2005	:	TO WITHDRAW
Attorney Docket No. **IA-000300US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 9, 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 22852 has been revoked by the assignee of the patent application on July 28, 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: Darrow Law Group
149 R. Street, NE
Suite 3
Washington DC 20002-2150

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OFFICE OF PETITIONS

Darrow Law Group
149 R. Street, NE
Suite 3
Washington DC DC 20002-2150

In re Application of	:	
Gerald D. Kimmel et al.	:	
Application No. 11/193,607	:	DECISION ON PETITION
Filed: July 29, 2005	:	TO WITHDRAW
Attorney Docket No. **IA-000300US**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 21, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Justin T. Darrow on behalf of all attorneys of record who are associated with Customer No. 88828.

All attorneys/agents associated with the Customer No. 88828 have been withdrawn.

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

All future correspondence will be directed to the assignee of record "InfoAssure, Inc." at the address list below.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: InfoAssure, Inc.
1997 Annapolis Exchange Parkway, Suite 210
Annapolis, MD 21401

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/193,607	07/29/2005	Gerald D. Kimmel	IA-000300US

CONFIRMATION NO. 9063

POWER OF ATTORNEY NOTICE

88828
Darrow Law Group
149 R. Street, NE
Suite 3
Washington DC, DC 20002-2150

OC000000038183689

Date Mailed: 10/08/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/21/2009.

- 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.

/jlburke/

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

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120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

MAILED

MAY 20 2010

OFFICE OF PETITIONS

In re Application of	:
Sierra-Gomez et al	:
Application No. 11/193,613	: DECISION ON PETITION
Filed: August 1, 2005	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 1410/77274	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 15, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment and Application Data Sheet (ADS) filed with the petition.

The petition is **GRANTED**.

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

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1783 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.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/193,613	08/01/2005	1783	2580	1410/77274	49	3

CONFIRMATION NO. 7413

CORRECTED FILING RECEIPT

48940
FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

OC000000041692952

Date Mailed: 05/19/2010

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)

Gladys Odette Sierra-Gomez, Woodbridge, NJ;
Eva Marie Peters, Cedar Grove, NJ;
Alexis Julian Gracia-Lugo, Bloomingdale, NJ;
Paul Anthony Mankowski, Maplewood, NJ;
Douglas Philipsen, Great Meadows, NJ;
Daniel Robert Feldmeier, Waunakee, WI;

Power of Attorney: The patent practitioners associated with Customer Number 48940

Domestic Priority data as claimed by applicant

This application is a CIP of 11/029,651 01/06/2005 PAT 7,344,744
which is a CIP of 10/414,502 04/16/2003 PAT 6,918,532

Foreign Applications

If Required, Foreign Filing License Granted: 08/16/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/193,613**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Resealable tray container

Preliminary Class

426

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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JAN 04 2010

OFFICE OF PETITIONS

In re Application of Schumann et al. Application Number: 11/193616 Filing Date: 08/01/2005 Attorney Docket Number: 1005-21U	: : : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on October 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on May 18, 2009, for failure to timely file a response to the non-final Office action mailed on February 17, 2009, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on September 21, 2009.

On October 22, 2009, the subject petition was filed, accompanied by an amendment in reply to the last Office action.

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional 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)).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[2] The three (3)-month extension request filed on October 22, 2009, was submitted more than three (3) months after the end of the period for reply to the non-final Office action mailed on February 17, 2009, and therefore is unnecessary. The extension of time fee paid on October 22, 2009, will be refunded to counsel.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record. A change of correspondence address should be filed if the correspondence address needs to be updated.

The application is being referred to Technology Center Art Unit 2439 for further processing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc:

DAVID YEE
518 WOODLAND CT. NW
VIENNA VA 22180

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

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WASHINGTON, DC 20036

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OFFICE OF PETITIONS

In re Application of :
Ishijima, et al. :
Filed: August 1, 2005 : ON PETITION
Application No. 11/193,619 :
Atty. Dkt. No.: 100725-00163 :

This decision is in response to the "RESPONSE TO NOTICE OF MISSING PARTS," filed September 23, 2005. This matter is being treated as a petition to accord the above-identified application a filing date of August 1, 2005 with pages 9-12 as part of the original application as filed.

The application was filed August 1, 2005. The Notice to File Missing Parts of Incomplete Nonprovisional Application (Notice) mailed August 16, 2005 indicated, *inter alia*, that the application had been accorded a filing date but that pages 9-12 of the specification appeared to have been omitted from the application as filed.

In response, the petitioners herein argue that the application as deposited included pages 9-12 of the specification and have presented as proof of mailing and proof of receipt of the pages of specification in question a return postcard date stamped by the Office on August 1, 2005. A copy of pages 9-12 of the specification purportedly filed with the application on August 1, 2005 was submitted herewith.

The original pages 9-12 of the specification have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of August 1, 2005 is GRANTED.

Since the original of pages 9-12 of the specification cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of August 1, 2005.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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ARLINGTON VA 22203

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OFFICE OF PETITIONS

In re Application of	:	
Barry Duane WILLIAMSON	:	
Application No. 11/193,634	:	DECISION ON PETITION
Filed: August 01, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 550-693	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 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 **DISMISSED**.

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

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

The petition does not satisfy item (1), (2) and (3) above.

Item 1:
The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an

application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Item 2:
The petition surcharge set forth in § 1.17(t) is $1,410.00, there is a fee deficiency of $1,010.00.

Item 3:
The petition did not include 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.

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

By mail: Mail Stop PETITIONS
Commissioner for Patents
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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 Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

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ARLINGTON VA 22203

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MAR 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Barry Duane WILLIAMSON	:	
Application No. 11/193,634	:	DECISION ON PETITION
Filed: August 01, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 550-693	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed December 10, 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 Michelle R. Eason at (571) 272-4231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2189 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Thurman K Page

Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/193,634	08/01/2005	2189	1730	550-693	18	6

CONFIRMATION NO. 7367

CORRECTED FILING RECEIPT

23117
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

OC000000040615471

Date Mailed: 03/15/2010

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

Applicant(s)

Barry Duane Williamson, Cedar Park, TX;
Gerard Richard Williams, Sunset Valley, TX;
Muralidharan Santharaman Chinnakonda, Austin, TX;

Assignment For Published Patent Application

ARM Limited, Cambridge, UNITED KINGDOM
Texas Instruments Incorporated, Dallas, TX

Power of Attorney: The patent practitioners associated with Customer Number 23117

Domestic Priority data as claimed by applicant

This application is a CIP of 11/105,593 04/14/2005 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 10/24/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/193,634**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Correction of incorrect cache accesses

Preliminary Class

711

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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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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CANADA

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OFFICE OF PETITIONS

In re Application of	:	
Jacobs et al.	:	
Application No. 11/193,635	:	DECISION ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. EV0303B	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 24, 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 (previously submitted on March 7, 2008) and Replacement Drawings, (2) the petition fee, and (3) a proper statement of unintentional delay.

The Customer Number provided in the Power of Attorney submitted with the instant petition, No. 002839, does not have any attorneys associated with it. Further, the address associated with the above Customer Number also does not match the address provided on the Power of Attorney or the address listed on the petition. Accordingly, the Power of Attorney is hereby not accepted as this time. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

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

cc:

RICHES, MCKENZIE & HERBERT LLP
2 BLOOR STREET EAST, SUITE 1800
TORONTO, ON M4W 3J5
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

KOUCHENG WU
20F – 2, NO.8, LANE 175, WULING RD.
HSINCHU CITY 30055 TW TAIWAN

COPY MAILED

DEC 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Koucheng Wu	:	
Application No. 11/193,653	:	ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No.	:	

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 14, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 15, 2007.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $65 extension of time submitted with the petition on October 17, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary. However, petitioner submitted $765 on October 17, 2008 for the petition fee under 37 CFR 1.137(b). Effective October 2, 2008 the petition fee under 37 CFR 1.137(b) changed to $810 (Small Entity). The $65 extension of time fee is being applied toward the petition fee under 37 CFR 1.137(b) which leaves an overage of $20. Petitioner may request a refund of this amount by writing to Mail Stop 16, Refund Section. A copy of this decision should accompany petitioner's request.

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

This matter is being referred to Technology Center AU 2818 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OFFICE OF COUNSEL, CODE 004
NAVAL SURFACE WARFARE CENTER,
CARDEROCK DIVISION
9500 MACARTHUR BLVD.
WEST BETHESDA, MD 20817

COPY MAILED

JUN 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Fazel A. Rashid	:	
Application No. 11/193,657	:	DECISION ON PETITION
Filed: July 27, 2005	:	TO WITHDRAW
Attorney Docket No. 97,177	:	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 April 2, 2007.

The request is **APPROVED** to the extent noted below.

A review of the file record indicates that, requestor, Scott R. Boalick, formerly of the firm of Fish & Richardson: (1) has never been given a power of attorney in this patent application; and there is no indication that he (or the firm of Fish & Richardson) (2) has been employed or otherwise engaged in the proceedings in this patent application. To the extent that Scott R. Boalick may have been employed or otherwise engaged in the proceedings in this application, the request is approved. Mr. Boalick 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). A courtesy copy of this decision is being mailed to Mr. Boalick at the address of Fish & Richardson noted below.

The correspondence address of record remains unchanged.

There are no outstanding office actions at this time.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc:

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

OIPE IAP44
APR 0 2 2007
PATENT & TRADEMARK OFFICE

Please type a plus sign (+) inside this box → ☐

PTO/SB/83 (2/00)
Approved for use through 10/31/02. OMB 0651-0035
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

Application Number	11/193,657
Filing Date	7-27-2005
First Named Inventor	
Group Art Unit	
Examiner Name	
Attorney Docket Number	97177

To: Assistant Commissioner for Patents
Washington, DC 20231

I hereby apply to withdraw as attorney or agent for the above identified patent application.

The reasons for this request are:

Mandatory withdrawal due to my employment by the United States Patent and Trademark Office beginning April 1, 2007.

1. ☑ The correspondence address is NOT affected by this withdrawal.
2. ☐ Change the correspondence address and direct all future correspondence to:

CORRESPONDENCE ADDRESS

☐ Customer Number 38092 → *Place Customer Number Bar Code Label here*

OR

☐ Firm *or* Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone		Fax			

This request is enclosed in triplicate.

Name	Scott R. Boalick
Signature	
Date	March 30, 2007

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.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled

Interactive Pedestrian Routing System

the specification of which (check one) ☒ is attached hereto. ☐ was filed on _____ as United States Application Number or PCT International Application Number_____ and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations §1.56, including, for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or (f) or §365(b) of any foreign application(s) for patent or inventor's certificate(s) or plant breeder's rights certificate(s), or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below any foreign application for patent or inventor's certificate(s) or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below.

U.S. Parent Application Number(s)	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number), and hereby certify that the Government of the United States has the irrevocable right to prosecute this application:

Howard Kaiser, Reg. No. 31,381; John L. Forrest, Jr., Reg. No. 29,378; Jacob Shuster, Reg. No. 19,660; Scott R. Boalick, Reg. No. 42,337.

SEND CORRESPONDENCE TO: Office of Counsel, Code 004
Naval Surface Warfare Center
Carderock Division
9500 MacArthur Boulevard
West Bethesda, MD 20817-5700

DIRECT TELEPHONE CALLS TO: **Howard Kaiser**
(301) 227-1835

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor: **Fazal A. Rashid**

Inventor's signature X _____

Date X July 21, 2005

Residence: 26 O'Rourke Court, Newark, Delaware 19702

Citizenship: U.S.A.

Mailing address: 26 O'Rourke Court, Newark, Delaware 19702

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PAUL L. MARSHALL
DELPHI TECHNOLOGIES, INC.
Legal Staff, Mail Code: 480-410-202
P.O. Box 5052
Troy MI 48007-5052

9/2/09

In re Application of:
HEMINGWAY, MARK D. et al
Serial No.: 11/193,661
Filed: July 29, 2005
Docket: DP-312196
Title: SYSTEM AND METHOD FOR DIRECTING FLUID FLOW

DECISION ON PETITION

This is a decision on the petition filed on August 26, 2009 by which petitioner requests withdrawal of the restriction requirement of September 5, 2007 and reinstatement of the non-elected claims 1-7. This petition is considered as if pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **GRANTED**

A review of the record shows that in response to the applicant's amendment filed on April 2, 2009, the examiner allowed the application on June 26, 2009. In the Notice of Allowability, the examiner allowed the elected claims 8-18. It appears from the record that the Notice of Allowability of June 26, 2009, the examiner failed to address non-elected claims 1 and 3-7. It should be noted the non-elected claim 2 was cancelled in the April 2, 2009 amendment.

In finding petitioner's points of argument persuasive and after consulting with the examiner, it was agreed that the restriction requirement of September 5, 2007 should be withdrawn. Therefore, the restriction requirement is hereby withdrawn. Non-elected claims 1, 3-7 will be rejoined and examined with the elected invention. The examiner has been directed to re-open prosecution or issue a supplemental Notice of Allowability allowing all claims 1, 3-18 in due course.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3748 for further processing. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

Petition **Granted**

Robert Olszewski, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

COPY MAILED
OCT 25 2005
OFFICE OF PETITIONS

In re Application of
Bruce A. Willins, Huayan Amy Wang, and
Benjamin Beritsky
Application No. 11/193,665
Filed: July 29, 2005
Attorney Docket Number: 40146/02101-1948
Title: SIGNAL DETECTION
ARRANGEMENT

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

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed September 29, 2005 along with the present application.

The above-identified application was filed on July 29, 2005, identifying Bruce A. Willins, Huayan Amy Wang, and Benjamin Beritsky as joint inventors. The declaration which was submitted on filing was not executed by any of the joint inventors. On August 19, 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 replacement drawings. The notice set a two-month period for response.

1 A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

With the present petition, Petitioner has submitted the petition fee[2], the surcharge, a declaration which has been executed by Mr. Beritsky, a statement of facts, and replacement drawings.

Petitioner has met requirements (1) - (3) and (5) above.

Regarding joint inventor Willins, a complete copy of the application was delivered to the last known address of this individual.

Regarding Ms. Wang, Petitioner attempted to deliver a complete copy of the application to the last known address of this individual, however Federal Express notified the sender that the recipient had moved and no forwarding address was available. As such, Petitioner was made aware that the last known address for Ms. Wang was not valid, yet it does not appear that any attempt was made to locate the same.

Regarding the fourth requirement above, Petitioner has not submitted adequate proof that diligent efforts have been made to locate Ms. Wang. *As petitioner has set forth that Ms. Wang cannot be reached, Petitioner is required to establish that a diligent effort was made to locate her*. 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 her 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 Ms. Wang 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

As such, the petition under 37 C.F.R. §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 "Renewed Petition Under 37 C.F.R. §1.47(a)," 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[4], hand-delivery[5], or facsimile[6].

---

2 Petitioner has submitted $130. The remaining $70 has been charged to the Deposit Account, as authorized in the petition.
3 See MPEP 409.03(d).
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300 - please note this is a central facsimile number.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

COPY MAILED

NOV 15 2005

OFFICE OF PETITIONS

In re Application of
Bruce A. Willins, Huayan Amy Wang, and
Benjamin Beritsky
Application No. 11/193,665
Filed: July 29, 2005
Attorney Docket Number: 40146/02101-1948
Title: SIGNAL DETECTION
ARRANGEMENT

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

This is in response to the renewed petition under 37 C.F.R. §1.47(a)[1], filed November 8, 2005.

The above-identified application was filed on July 29, 2005, identifying Bruce A. Willins, Huayan Amy Wang, and Benjamin Beritsky as joint inventors. The declaration which was submitted on filing was not executed by any of the joint inventors. On August 19, 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 replacement drawings. The notice set a two-month period for response.

---

1 A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

The original petition was submitted on September 29, 2005, and was dismissed via the mailing of a decision on October 25, 2005, for failure to meet the fourth requirement of 37 C.F.R. §1.47(a).

With this second renewed petition, Petitioner has included a declaration which has been executed by the previously non-signing joint inventor.

As such, the second renewed petition is **DISMISSED AS MOOT**.

In view of the joinder of the joint inventor, further consideration under 37 CFR §1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR §1.47(a).

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

LAW OFFICES OF
FAY KAPLUN & MARCIN, LLP
INTELLECTUAL PROPERTY LAW

150 BROADWAY, SUITE 702
NEW YORK, NEW YORK 10038
PHONE: (212) 619-6000
FAX : (212) 208-6819
WWW.FKMIPLAW.COM

FACSIMILE COVER SHEET

FAX NO	:	(571) 272-3225 / 273-0025
TO	:	Mail Stop: Petitions Commissioner for Patents Attn: Paul Shanoski, Esq.
FROM	:	Oleg F. Kaplun, Esq. of Fay Kaplun & Marcin, LLP
DATE	:	December 14, 2005
SUBJECT	:	U.S. Patent Appln. Serial No. 11/193,665 for *Signal Detection Arrangement* Our Ref.: 40146/02101

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OFFICE OF PETITIONS

NUMBER OF PAGES INCLUDING COVER :

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Please see attached.

Thank you.

IF ANY PAGES WERE NOT RECEIVED OR ARE ILLEGIBLE, PLEASE CALL (212) 619-6000 AS SOON AS POSSIBLE
The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service. We will reimburse any costs you incur in notifying us and returning the message to us. Thank you

[40146/02101 - 1948]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Willins et al.
Serial No.	:	11/193,665
Filed	:	July 29, 2005
For	:	Signal Detection Arrangement
Group Art Unit	:	2661
Examiner	:	To be assigned

FAX RECEIVED
DEC 14 2005
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Mail Stop: Petitions
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P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Facsimile
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Mail Stop: Petitions
Commissioner for Patents
Alexandria, VA 22313-1450
571-272-3225

By: Date: December 14, 2005
Oleg F. Kaplun, Reg. No. 45,559

TRANSMITTAL

Transmitted herewith please find a Request for Reconsideration of Petition for filing in the above-identified application. No fees are believed to be required. The Commissioner is authorized to charge the **Deposit Account of Fay Kaplun & Marcin, LLP No. 50-1492** any additional fees. A copy of the paper is enclosed for this purpose.

Respectfully Submitted,

Dated: December 14, 2005

By: _____
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, N.Y. 10038
(212) 619-6000 (telephone)
(212) 619-0276 (facsimile)

[40146/02101 - 1948]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Willins et al.
Serial No.	:	11/193,665
Filed	:	July 29, 2005
For	:	Signal Detection Arrangement
Group Art Unit	:	2661
Examiner	:	To be assigned

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Alexandria, VA 22313-1450

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Mail Stop: Petitions
Commissioner for Patents
Alexandria, VA 22313-1450
571-272-3225

By: Date: December 14, 2005
Oleg F. Kaplun, Reg. No. 45,559

TRANSMITTAL

Transmitted herewith please find a Request for Reconsideration of Petition for filing in the above-identified application. No fees are believed to be required. The Commissioner is authorized to charge the **Deposit Account of Fay Kaplun & Marcin, LLP No. 50-1492** any additional fees. A copy of the paper is enclosed for this purpose.

Respectfully Submitted,

Dated: December 14, 2005

By: _____
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, N.Y. 10038
(212) 619-6000 (telephone)
(212) 619-0276 (facsimile)

[40146/02101 - 1948]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Willins et al.
Serial No.	:	11/193,665
Filed	:	July 29, 2005
For	:	Signal Detection Arrangement
Group Art Unit	:	2661
Examiner	:	To be assigned

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Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

This is in response to a Decision Noting Joinder and Dismissing Renewed Petition as Moot ("Second Decision") mailed on November 15, 2005 by the USPTO in the above-identified application.

On October 25, 2005, the USPTO issued a Decision on Petition ("First Decision") in response to Applicants' Petition to accept the application without executed Declaration by two inventors, Mr. Willins and Ms. Wang. In this First Decision, the Examiner indicated that all necessary requirements for grating the Petition in regards to Mr. Willins were completed, but because certain requirements in regards to Ms. Wang were not completed, the Petition was dismissed. Subsequently, the Applicants submitted a Renewed Petition along with the executed Declaration of Ms. Wang. In response to the Renewed Petition, the USPTO issued the Second Decision dismissing the Renewed Petition as moot.

Although the First Decision indicated all necessary requirements for grating the Petition in regards to Mr. Willins were completed, neither the First Decision nor the Second Decision granted Applicants' Petition with respect to Mr. Willins. Therefore, Applicants respectfully request that the Second Decision be reconsidered and the Petition with respect to Mr. Willins be granted. A copy of the Second Decision is enclosed herewith.

Respectfully Submitted,

Dated: December 14, 2005

By: _____
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, N.Y. 10038
(212) 619-6000 (telephone)
(212) 619-0276 (facsimile)

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. None

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

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NOV 15 2005

OFFICE OF PETITIONS

In re Application of
Bruce A. Willins, Huayan Amy Wang, and Benjamin Beritsky
Application No. 11/193,665
Filed: July 29, 2005
Attorney Docket Number: 40146/02101-1948
Title: SIGNAL DETECTION ARRANGEMENT

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

This is in response to the renewed petition under 37 C.F.R. §1.47(a)[1], filed November 8, 2005.

The above-identified application was filed on July 29, 2005, identifying Bruce A. Willins, Huayan Amy Wang, and Benjamin Beritsky as joint inventors. The declaration which was submitted on filing was not executed by any of the joint inventors. On August 19, 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 replacement drawings. The notice set a two-month period for response

[1] A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

The original petition was submitted on September 29, 2005, and was dismissed via the mailing of a decision on October 25, 2005, for failure to meet the fourth requirement of 37 C.F.R. §1.47(a).

With this second renewed petition, Petitioner has included a declaration which has been executed by the previously non-signing joint inventor.

As such, the second renewed petition is **DISMISSED AS MOOT**.

In view of the joinder of the joint inventor, further consideration under 37 CFR §1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR §1.47(a).

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

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: 5-7-07

CHK
Paper No.

In re Application of WILLIAMSON
Serial No.: 11/193,681
Filed: July 29, 2005
For: PHOTOPOLYMRIZABLE COMPOSITION

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

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed February 27, 2007 to correct inventorship under 37 CFR 1.48(a) by adding the name of Paul Callant.

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

The request is **GRANTED**.

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

Cynthia H. Kelly
Supervisory Patent Examiner
Art Unit 1752
Technology Center 1700

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

Herculano J. Chavez
510 Stallion Rd. S.E.
Rio Rancho NM 87124

COPY MAILED

DEC 13 2007

OFFICE OF PETITIONS

In re Application of :
Herculano John CHAVEZ :
Application No. 11/193,722 : DECISION ON PETITION
Filed: August 01, 2005 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 24, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 29, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (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).

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) 1. Petitioner failed to provide the required reply to the final office action of September 29, 2006.

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

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

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

The centralized facsimile number is **(571) 273-8300.**

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

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

Attachment: Courtesy copy of examiners Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/193,722	Applicant(s) CHAVEZ, HERCULANO JOHN	
	Examiner Andrea M. Valenti	Art Unit 3643	

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

THE REPLY FILED 14 February 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 Continuation Sheet*. (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: *1-3*.
   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: _____.

Andrea M. Valenti
Andrea M. Valenti
Primary Examiner
Art Unit 3643

PAGE 2/5 * RCVD AT 11/7/2007 3:39:46 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/8 * DNIS:2734231 * CSID: * DURATION (mm-ss):01-14

Continuation Sheet (PTO-303) **Application No. 11/193,722**

Continuation of 3. NOTE: Proposed amendments require further consideration and does not immediately place the application in condition for allowance.

PAGE 3/5 * RCVD AT 11/7/2007 3:39:46 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/8 * DNIS:2734231 * CSID: * DURATION (mm-ss):01-14

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www.uspto.gov

HERCULANO J. CHAVEZ
510 STALLION RD. S.E.
RIO RANCHO, NM 87124

COPY MAILED
MAY 12 2008

In re Application of	:	
Herculano J. CHAVEZ	:	
Application No. 11/193,722	:	DECISION ON PETITION
Filed: August 01, 2005	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 22, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed September 29, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 30, 2006.

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

Petitioner failed to provide an amendment that *prima facie* places 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 the undersigned at (571) 272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

Attachment: Courtesy copy of examiners Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/193,722	Applicant(s) CHAVEZ, HERCULANO JOHN	
	Examiner ANDREA M. VALENTI	Art Unit 3643	

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

THE REPLY FILED 22 January 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: *The pruposed amendment necessitates further consideration and does not immediately place the application in condition for allowance.*. (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: 1-3.
   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: _____.

/Andrea M. Valenti/
Primary Examiner, Art Unit 3643

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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WAGNER, MURABITO & HAO, LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

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DEC 13 2005
OFFICE OF PETITIONS

In re Application of :
Pelham :
Filed: July 28, 2005 : ON PETITION
Application No. 11/193,723 :
Atty. Dkt. No.: TRAN-P431 :

This decision is in response to the "PETITION TO ACCEPT SUBMISSION OF OMITTED APPLICATION PAPER AS BEING SUBMITTED WITH THE ORIGINAL APPLICATION PAPERS ACCORDED THE FILING DATE OF 07/28/2005," filed September 22, 2005.

The application was filed July 28, 2005. The Notice of Omitted Items in a Nonprovisional Application (Notice) mailed August 25, 2005 indicated that the application had been accorded a filing date but that page 38 of the specification appeared to have been omitted from the application as filed.

In response, the present petition was filed wherein petitioners argue that the application as deposited included page 38 of the specification. Petitioners have included as proof of mailing and proof of receipt of the page in question a return postcard date stamped by the Office on July 28, 2005. A copy of page 38 of the specification purportedly filed with the application on July 28, 2005 was submitted herewith.

The original page 38 of the specification submitted with the application papers has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of July 28, 2005 is GRANTED.

Since the original page 38 of the specification cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of July 28, 2005.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Takayuki Kondo	: DECISION ON REQUEST FOR
Patent Number	: 7580437	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/193,727	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **895** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

AVAYA INC.
MARGARET CARMICHAEL, DOCKETING SPECIALIST
1300 W. 120TH AVENUE
ROOM B1-F53
WESTMINSTER, CO 80234

Mail Date: 04/21/2010

Applicant	: Amit Goel	: DECISION ON REQUEST FOR
Patent Number	: 7640550	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/193,728	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1188** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Gibb & Rahman, LLC
2568-A RIVA ROAD SUITE 304
ANNAPOLIS MD 21401

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JUN 26 2008

OFFICE OF PETITIONS

Applicant: Abdelgany
Appl. No.: 11/193,737
Filing Date: July 29, 2005
Title: SPINAL ROD INSERTER
Attorney Docket No.: CUS.5018
Pub. No.: US 2006/0265003 A1
Pub. Date: November 23, 2006

This is a decision on the paper requesting a corrected publication under 37 CFR 1.221(b) received on December 12, 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 wrong drawings, as the drawings that were published are for another application. Applicant's representative asserts that the Office had plenty of time to remove the drawings that he improperly submitted into this application file, as he filed a request to withdraw the replacement drawings on December 28, 2005.

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

The instant request does not identify a material mistake in the publication made by the office. The application was published with the drawings submitted by Applicants' representative on December 13, 2005. The drawings submitted on December 13, 2005, included the application number to the above-identified application on the transmittal letter.

[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).

Regarding Applicant's request to remove the drawings, petitions to expunge are under 37 CFR 1.59, see MPEP 724.05.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicant's request for a Corrected Publication on December 12, 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.

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

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

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

By facsimile: 571-273-8300

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

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

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD, SUITE 350
BIRMINGHAM, MI 48009

COPY MAILED

AUG 21 2008

In re Application of	:	
Michael Dallmeyer	:	
Application No. 11/193,747	:	DECISION ON PETITION
Filed: July 29, 2005	:	
Attorney Docket No. 2004P09101US01	:	

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**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 28, 2007, as required by the Notice of Allowance and Fee(s) Due mailed June 28, 2007. Accordingly, the date of abandonment of this application is September 29, 2007. A Notice of Abandonment was mailed October 24, 2007.

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

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

The address given on the petition differs from the current address of record. The correspondence address of record is associated with Customer No. 24500. However, petitioner listed Customer No. 28524 on the instant petition. Accordingly, a courtesy copy of this decision will be mailed to

the address given on the petition; however, all future correspondence will be mailed solely to the address of record.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

cc: Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/193,754	07/28/2005	1756	1000	20050626Q-US-NP	2	17	3

CONFIRMATION NO. 1641

CORRECTED FILING RECEIPT

OC000000017230080

25453
PATENT DOCUMENTATION CENTER
XEROX CORPORATION
100 CLINTON AVE., SOUTH, XEROX SQUARE, 20TH FLOOR
ROCHESTER, NY 14644

Date Mailed: 10/12/2005

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

Applicant(s)

Jin Wu, Webster, NY;
Robert P. Altavela, Webster, NY;
James R. Backus, Webster, NY;
Liang-Bih Lin, Rochester, NY;

Assignment For Published Patent Application

Xerox Corporation

Power of Attorney:

Eugene Palazzo--20881
Ronald Chapuran--26402
Elizabeth Harasek--28850
Mark Costello--31342
Kevin Kepner--32145
Nola McBain--35782
Annette Bade--37029

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/193,754

Projected Publication Date: 02/01/2007

Non-Publication Request: No

Early Publication Request: No

Title

Photoreceptor layer having antioxidant lubricant additives

Preliminary Class

430

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/193,755	07/28/2005	2854	1360	81752.0175	15	8	2

CONFIRMATION NO. 1653

CORRECTED FILING RECEIPT

OC000000017298356

000026021
HOGAN & HARTSON L.L.P.
500 S. GRAND AVENUE
SUITE 1900
LOS ANGELES, CA 90071-2611

Date Mailed: 10/20/2005

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

Applicant(s)

Makoto Takada, Shiojiri-shi, JAPAN;
Seiji Tanaka, Nagano-ken, JAPAN;
Yoichi Hine, Kashiwa-shi, JAPAN;

Assignment For Published Patent Application

SEIKO EPSON CORPORATION
KING JIM CO., LTD

Power of Attorney: The patent practitioners associated with Customer Number **26021**.

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2004-234409 08/11/2004

If Required, Foreign Filing License Granted: 09/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/193,755

Projected Publication Date: 02/16/2006

Non-Publication Request: No

Early Publication Request: No

Title

Character-information processing method, character-information processing apparatus, program, and storage medium

Preliminary Class

400

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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license 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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CORNING NY 14831

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OFFICE OF PETITIONS

In re Application of Forenz et al. :
Application No. 11/193,786 :
Filing Date: July 28, 2005 :
Attorney Docket No. SP05-090 :

Decision on Petition

This is a decision on the petition filed October 31, 2005, under 37 CFR 1.10(d) to accord the above-identified application a filing date of July 28, 2005, instead of July 29, 2005.

The petition is **granted**.

The date-in on the copy of the Express Mail label filed with the petition is illegible. Therefore, the petition will be considered under the provisions of 37 CFR 1.10(d).

37 CFR 1.10(d)(3) states,

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

Petitioner has provided a printout from a USPS database indicating the application was given to the USPS on or before 4:54 pm on July 28, 2005. Therefore, petitioner has satisfied the requirements of 37 CFR 1.10(d) and the application will be accorded a filing date of July 28, 2005.

The Office of Initial Patent Examination will be informed of the instant decision and will accord the application a filing date of July 28, 2005.

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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BUHLER ASSOCIATES
Buhler, Kirk A.
1101 California Ave.
Suite 208
Corona, CA 92881

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OFFICE OF PETITIONS

In re Application of	:	
SLATER, Randy	:	
Application No. 11/193,809	:	DECISION ON PETITION
Filed: July 28, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **RS01-02U**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 10, 2006, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence showing such as a doctor's certificate or other medical certificate that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition includes a statement from applicant's physician attesting to Randy Slater's health. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3643 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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

SAWYER LAW GROUP LLP
PO BOX 51418
PALO ALTO, CA 94303

In re Application of	:	
Stephane GRAVOILLE, et al	:	
Application No. 11/193,817	:	DECISION ON PETITION
Filed: July 28, 2005	:	TO WITHDRAW
Attorney Docket No. 3186P		FROM RECORD
	:	

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 2, 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 attorneys of record were not appointed by customer~~ number.

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

There are no outstanding Office actions pending at the present time.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SCHWEGMAN, LUNDBERG
WOESSNER/ATMEL
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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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MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

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NOV 01 2005

OFFICE OF PETITIONS

In re Application of	:
Depetrillo, et al.	: DECISION REFUSING STATUS
Application No. 11/193,819	: UNDER 37 CFR 1.47(a)
Filed: July 28, 2005	:
Atty. Dkt. No.: RONLP001.CIP4	:
For: SYSTEM AND METHOD FOR	:
REDUCING METAL OXIDES WITH	:
HYDROGEN RADICALS	:

This decision is in response to the petition under 37 CFR 1.47(a), filed October 24, 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 July 28, 2005 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed August 22, 2005 requiring, *inter alia*, 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.

The instant petition fails to satisfy requirement (2) set forth above. Petitioners have failed to present a declaration in accordance with 37 CFR 1.63. The declaration presented with the instant petition is unacceptable as it contains alterations that have not been initialed. *See*, 37 CFR 1.52(c). Any renewed petition must be accompanied by a proper oath or declaration in full compliance with 37 CFR 1.63 and 37 CFR 1.64.

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) 283-8300
By hand:	U.S. Patent & 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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FEB 02 2006

OFFICE OF PETITIONS

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

In re Application of	:
Depetrillo, et al.	: DECISION GRANTING STATUS
Application No. 11/193,819	: UNDER 37 CFR 1.47(a)
Filed: July 28, 2005	:
Atty. Dkt. No.: RONLP001.CIP4	:
For: SYSTEM AND METHOD FOR	:
REDUCING METAL OXIDES WITH	:
HYDROGEN RADICALS	:

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

The petition is **GRANTED**.

Petitioner has shown that inventors M. McGuire and R. Bar-Gadda have refused to execute the declaration for the above-identified application after having been presented with the application papers.

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

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

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO IL 60610

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APR 1 0 2008

OFFICE OF PETITIONS

In re	:
Takeshi Natsuno	: DECISION REGARDING
Application No. 11/193,827	: PATENT TERM ADJUSTMENT
Filed: July 28, 2005	:
Attorney Docket No. 9683/239	:

This decision is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT", filed September 19, 2007, requesting correction of the patent term adjustment (PTA) indicated on the patent.

The request 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 **zero (0) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

The Office determined a patent term adjustment of four (4) days based on an adjustment for PTO delay of eighteen (18) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), reduced by fourteen (14) days of applicant delay pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b). Both adjustments have been reviewed and determined to be correct.

However, a review of the file reveals that applicant should have been assessed additional delay pursuant to 37 C.F.R. 1.704(c)(10). The Office mailed a Notice of Allowance on February 22, 2007. In response, Applicant filed an RCE on May 18, 2007. The Office then mailed a new Notice of Allowance on June 26, 2007. Accordingly, pursuant to 1.704(c)(10), forty (40) days of Applicant delay should have been assessed.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is **zero (0)** days (18 days of PTO delay, reduced by 54 (14+40) days of applicant delay).

No petition fee was required and none has been charged. The Office thanks Applicant for his good faith and candor in bringing this matter to the attention of the Office.

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Day : Wednesday

PALM INTRANET

Date: 4/9/2008
Time: 17:46:25

PTA Calculations for Application: 11/193827			
Application Filing Date:	07/28/2005	PTO Delay (PTO):	18
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	14
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-40		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
70	04/09/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		40	
64	06/26/2007	MAIL NOTICE OF ALLOWANCE			
63	06/24/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
62	06/24/2007	NOTICE OF ALLOWABILITY			
61	05/18/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
60	05/18/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
59	06/15/2007	DATE FORWARDED TO EXAMINER			
58	05/18/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
57	06/15/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
56	05/29/2007	FINISHED INITIAL DATA CAPTURE			
55	05/18/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
54	05/18/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
53	05/16/2007	WORKFLOW - QUERY REQUEST - FINISH			
52	05/14/2007	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
51	05/10/2007	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
50.7	04/02/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
50	04/02/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
49	04/17/2007	PUBS CASE REMAND TO TC			
48	04/19/2007	WORKFLOW - QUERY REQUEST - BEGIN			

47	04/13/2007	WORKFLOW - QUERY REQUEST - FINISH			
46	04/09/2007	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
45	04/02/2007	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
44	03/15/2007	PUBS CASE REMAND TO TC			
43	03/19/2007	WORKFLOW - QUERY REQUEST - BEGIN			
42	02/27/2007	EXPORT TO INITIAL DATA CAPTURE			
41	02/22/2007	MAIL NOTICE OF ALLOWANCE			
40	02/20/2007	ISSUE REVISION COMPLETED			
39	02/21/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
38	02/20/2007	NOTICE OF ALLOWABILITY			
37	12/10/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
36	02/09/2007	DATE FORWARDED TO EXAMINER			
35	01/30/2007	RESPONSE TO ELECTION / RESTRICTION FILED		14	32
34	01/30/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
33.7	12/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	12/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
32	10/16/2006	MAIL RESTRICTION REQUIREMENT	18		-1
31	09/26/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
30	09/30/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	07/28/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
28	05/22/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
27	06/19/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	08/22/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	08/22/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	09/11/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23.7	09/11/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

23	09/11/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22.7	08/22/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	08/22/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21.7	08/22/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	08/22/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	06/19/2006	REFERENCE CAPTURE ON IDS			
19.7	06/19/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	06/19/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18.7	05/22/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	05/22/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	04/20/2006	CORRESPONDENCE ADDRESS CHANGE			
16	03/28/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	07/28/2005	PRELIMINARY AMENDMENT			
14	07/28/2005	REFERENCE CAPTURE ON IDS			
13.7	07/28/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	07/28/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	03/22/2006	CASE DOCKETED TO EXAMINER IN GAU			
11	03/13/2006	CASE DOCKETED TO EXAMINER IN GAU			
10	09/30/2005	REFERENCE CAPTURE ON IDS			
9.7	09/30/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	09/30/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	08/16/2005	APPLICATION RETURN FROM OIPE			
7	08/17/2005	APPLICATION IS NOW COMPLETE			
6	08/16/2005	APPLICATION RETURN TO OIPE			
5	08/15/2005	APPLICATION DISPATCHED FROM OIPE			
4	08/16/2005	APPLICATION IS NOW COMPLETE			
3	08/12/2005	CLEARED BY OIPE CSR			

2	08/09/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	07/28/2005	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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DICKSTEIN SHAPIRO LLP
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NEW YORK, NY 10036-2714

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DEC 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Ravi Subramanian et al	:	
Application No. 11/193,851	:	DECISION ON PETITION
Filed: July 29, 2005	:	
Attorney Docket No. I4303.0078	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 30, 2007, 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 February 26, 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). Two-month extension of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 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 a Notice of Appeal; (2) the petition fee of $1500; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $570 extension of time submitted with the petition on August 30, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's credit card.

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

This application is being referred to Technology Center AU 2182 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Irvin Dingle
Petition Examiner
Office of Petitions

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IBM CORPORATION, T.J. WATSON RESEARCH CENTER
P.O. BOX 218
YORKTOWN HEIGHTS, NY 10598

Mail Date: 04/20/2010

Applicant	: Azita Emami-Neyestanak	: DECISION ON REQUEST FOR
Patent Number	: 7602869	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/193,868	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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RALEIGH NC 27627

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of:
DUNKO, Gregory A.
Application No.: 11/193,876
Filed: July 29, 2005
Attorney Docket No.: 9314-116

DECISION APPROVING WITHDRAWAL OF ATTORNEY

This is a decision on the Request to Withdraw as Attorney/Agent of Record under 37 CFR § 1.36, filed October 2, 2008.

The Request is **APPROVED**.

Debra K. Stephens requests that she alone be withdrawn as an attorney under 37 CFR § 1.36, pursuant to the reason set forth under 37 CFR § 10.40(b)(2), because of her current employment by the United States Patent and Trademark Office. Since the Request satisfies all of the requirements for withdrawal, it is appropriate to approve the Request and withdraw only Ms. Stephens as an attorney of record.

All future communications from the Office will continue to be directed to the above-identified correspondence address.

A courtesy copy of this decision is being mailed to Ms. Stephens at the address identified in the Request.

Telephone inquiries relating to this decision should be directed Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

Cc: Debra K. Stephens
301 Edgemore Avenue
Cary, NC 27519

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EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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JUN 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Nezhat et al.	:	DECISION ON PETITION
Application No. 11/193,881	:	TO WITHDRAW
Filed: July 28, 2005	:	FROM RECORD
Attorney Docket No. ARAG0009	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 1, 2005.

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

A review of the file record indicates that the power of attorney to practitioners associated with Townsend and Townsend and Crew, LLP, has been revoked by the assignee of the patent application on March 1, 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: GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

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ONE FINANCIAL CENTER
BOSTON, MA 02111

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OFFICE OF PETITIONS

In re Application of	:	
Gerald D. KIMMEL, et al	:	
Application No. 11/193,911	:	DECISION ON PETITION
Filed: July 29, 2005	:	TO WITHDRAW
Attorney Docket No. 23840-518	:	FROM RECORD
	:	

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 13, 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 Kyle Turley 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 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: GERALD D. KIMMEL
211 DEER RUN LANE,
STEVENSVILLE, MD 21666

cc: INFOASSURE, INC./ JAMES G. LIGHTBURN
1997 ANNAPOLIS EXCHANGE PARKWAY,
SUITE 210
ANNAPOLIS, MD 01401

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OFFICE OF PETITIONS

In re Application of	:	
Kimmel et al.	:	DECISION ON PETITION
Application No. 11/193,911	:	TO WITHDRAW
Filed: July 29, 2005	:	FROM RECORD
Attorney Docket No. IA-000400US	:	

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 7, 2009.

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

A review of the file record indicates that on July 28, 2009 the power of attorney to Townsend and Townsend and Crew, 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: Darrow Law Group
149 R. Street, NE
Suite 3
Washington DC 20002-2150

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SUITE 3
WASHINGTON DC 20002-2150

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OCT 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Kimmel et al.	:	DECISION ON PETITION
Application No. 11/193,911	:	TO WITHDRAW
Filed: July 29, 2005	:	FROM RECORD
Attorney Docket No. IA-000400US	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed September 21, 2009.

The request is **APPROVED**.

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

The request was signed by Justin T. Darrow on behalf of all attorneys of record who are associated with Customer No. 88828.

All attorneys/agents associated with Customer Number 88828 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is an outstanding Office action mailed May 5, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: InfoAssure, Inc.
1997 Annapolis Exchange Parkway, Suite 210
Annapolis MD 21401

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P.O. BOX 7599
LOVELAND CO 80537-0599

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OFFICE OF PETITIONS

In re Application of Curry et al.	:	
Application No. 11/193,912	:	Decision on Petition
Filing Date: July 29, 2005	:	
Attorney Docket No. 10051288-1	:	

This is a decision on the petition under 37 CFR 1.181, filed September 25, 2006, to withdraw the holding of abandonment.

The petition is **granted.**

The Office mailed a Notice to File Missing Parts on September 30, 2005.

The Office did not receive a reply to the Notice.

A Notice of Abandonment was mailed June 5, 2006.

Petitioner has proven the Notice to File Missing Parts was never received. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Office of Initial Patent Examination will be informed of the instant decision and will enter the executed declaration and other papers filed September 25, 2006, with the petition.

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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ARTHUR FREILICH
9045 CORBIN AVE #260
NORTHRIDGE CA 91324-3343

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DEC 0 6 2005

OFFICE OF PETITIONS

In re Application of Al Pinhas Sosnik Application No. 11/193,927 Filed: July 28, 2005 Attorney Docket No. 204/514 US	: : : : :	DECISION ON PETITION

This is a decision on the paper titled "PETITION", filed October 3, 2005, which is being treated as a petition under 37 C.F.R. § 1.53 to accord the above-identified application a filing date of July 28, 2005, with Figure 4 of the drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on July 28, 2005. However, on August 24, 2005, the Initial Patent Examination Division mailed applicant a "Notice of Omitted Item(s) in a Nonprovisional Application." Applicants were notified that the application papers had been accorded a filing date; however, Figure 4 of the drawings appeared to have been omitted.

In response, applicants filed the instant petition. Accompanying the petition was a copy of Figure 4. Applicants maintain that the application as originally filed this drawing figure. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Drawings: 4 sheets" as enclosed, bearing a United States Patent and Trademark Office date-stamp of July 28, 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, no petition fee was required, and none has been charged.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of July 28, 2005, using the application papers received in the Office on that date and Figure 4 of the drawings as resupplied on petition filed October 3, 2005.

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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1301 MCKINNEY
SUITE 5100
HOUSTON TX 77010-3095

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MAR 3 1 2008

In re Application of	:	
Johan Engstrom et al	:	
Application No. 11/193,953	:	DECISION GRANTING PETITION
Filed: July 29, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. HO-P02746US1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 31, 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 February 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) 272-3208.

This application is being referred to Technology Center AU 1797 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

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

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HEWLETT-PACKARD COMPANY
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P.O. BOX 272400
FORT COLLINS, CO 80527-2400

In re Application of	:	
Michael A. Pate et al	:	
Application No. 11/193,956	:	ON PETITION
Filed: July 29, 2005	:	
Attorney Docket No. 100110563-6	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 25, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed November 9, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 10, 2006.

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Timothy F. Myers
Hewlett-Packard Co.
Legal Dept.
1000 NE Circle Blvd. m/s 422B
Corvallis, OR 97370

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5200 BAYWAY DRIVE
P O BOX 2149
BAYTOWN, TX 77522-2149

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OFFICE OF PETITIONS

In re Application of	:	
Lawrence C. Smith	:	
Application No. 11/193,957	:	DECISION GRANTING PETEITION
Filed: July 29, 2005	:	
Attorney Docket No. 2005B102	:	

This is a decision on the petition filed July 31, 2006, requesting that the above-identified application be accorded a filing date of July 29, 2005, rather than the presently accorded date of July 26, 2005. The petition is properly treated as a petition under 37 CFR 1.10(d). This is also a decision on the petition under 37 CFR 1.182, filed August 24, 2006, requesting expedited consideration of the petition under 37 CFR 1.10(d).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on July 29, 2005, pursuant to 37 CFR 1.10. The petition is accompanied by a copy of Express mail label No. EV 638994943 US, showing a handwritten "date-in" of July 26, 2005. Petitioner is alleging that the date of mailing shown in the "date-in" is a U.S. Postal Service error and the correct date of mailing pursuant to 37 CFR 1.10 is July 29, 2005. In support of the showing that this application is entitled to the July 29, 2005 filing date, petitioner has proffered a copy of the U.S. Postal Service Track & Confirm email Restoration record for Express Mail label No. EV 638994943 US, which discloses that the package at issue was accepted at the Houston, TX Post Office on July 29, 2005. In an effort to further establish support of the July 29, 2005 filing date, petitioner has submitted a copy of a "Sign-in Logsheet" and an "Express Mail Delivered to Post Office" log. The aforementioned Express Mail number (EV 638994943 US) appears on the original transmittal papers found in the application file.

The evidence presented is convincing that the Express Mail package at issue was entrusted to the USPS on July 29, 2005. Accordingly, this application is entitled to a filing date of July 29, 2005, and has been so accorded.

In view of the above, the petition under 37 CFR 1.10(d) is **GRANTED**.

Additionally, as expedited consideration of the petition under 37 CFR 1.10(d) has been given, the petition under 37 CFR 1.182 therefor is **GRANTED**.

This application file is being referred to the **Office of Initial Patent Examination (OIPE) for correction of Office records to indicate that this application is entitled to a filing date of July 29, 2005. A corrected Filing Receipt accompanies this decision on petition.**

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3218. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/193,957	07/29/2005	1764	2650	2005B102	3	37	7

CONFIRMATION NO. 9241

CORRECTED FILING RECEIPT

OC000000020224484

23455
EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

Date Mailed: 08/29/2006

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)

Lawrence C. Smith, Houston, TX;

Power of Attorney: The patent practitioners associated with Customer Number **23455**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/193,957

Projected Publication Date: 02/01/2007

Non-Publication Request: No

Early Publication Request: No

Title

Loop reactor heat removal

Preliminary Class

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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INTERNATIONAL BUSINESS MACHINES CORPORATION
INTELLECTUAL PROPERTY LAW
650 HARRY ROAD
SAN JOSE, CA 95120

Mail Date: 04/20/2010

Applicant	: Prasenjit Sarkar	: DECISION ON REQUEST FOR
Patent Number	: 7640416	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/193,959	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **609** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SYNGENTA BIOTECHNOLOGY, INC.
PATENT DEPARTMENT
3054 CORNWALLIS ROAD
P.O. BOX 12257
RESEARCH TRIANGLE PARK, NC 27709-2257

COPY MAILED

DEC 21 2005

OFFICE OF PETITIONS

In re Application of	:	
Albert Johannes Joseph Van Ooyen et al	:	DECISION DISMISSING
Application No. 11/193,968	:	PETITION
Filed: July 30, 2005	:	
Attorney Docket No. 46014/MOGUSCNT2	:	

This is a decision on the petition filed September 23, 2005, requesting that the above-identified application be accorded a filing date of July 29, 2005, rather than the presently accorded filing date of July 30, 2005.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on July 29, 2005, pursuant to the requirements of 37 CFR 1.10. Petitioner acknowledges that the date of deposit in Express Mail shown on applicants' Express Mail receipt is July 30, 2005, but argues that the application was actually deposited with the USPS as Express Mail on July 29, 2005.

37 CFR 1.10(a) states that:

> Any correspondence received by the U.S. Patent and Trademark Office (USPTO) 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. <u>The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation</u> If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date. See § 1.6(a). (Emphasis supplied)

37 CFR 1.10(d) 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 Director 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 Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in 'Express Mail Post Office to Addressee' service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS." Evidence from the USPS may be the Express Mail Corporate Account Mailing Statement. Evidence that came into being within one day after the deposit of the correspondence as Express Mail may be in the form of a log book which contains information such as the Express Mail number; attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log.

The petition filed September 23, 2005 is not accompanied by the corroborating evidence required by the rule. Accordingly, the petition is dismissed. The $400 petition fee submitted is unnecessary and will be credited to petitioner's deposit account in due course.

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

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

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

By fax: (571) 273-8300

This matter is being referred to Technology Center AU 1638 for preexamination processing.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

Frances Hicks
Lead Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/193,974	08/01/2005	Herbert Christensen	80663.254619	1281

71398 7590 03/03/2009
STEFAN KIRCHANSKI
VENABLE LLP 2049 CENTURY PARK EAST
21ST FLOOR
LOS ANGELES, CA 90067

EXAMINER
BUI PHO, PASCAL M

ART UNIT	PAPER NUMBER
2878	

NOTIFICATION DATE	DELIVERY MODE
03/03/2009	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):

SJKIRCHANSKI@VENABLE.COM
AMA02@VENABLE.COM
SBP01@VENABLE.COM

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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STEFAN KIRCHANSKI
VENABLE LLP
2049 CENTURY PARK EAST, 21ST FLOOR
LOS ANGELES, CA 90067

In re Application of Alexandre Marceaux et al.
Appl. No.: 11/193,974
Filed: August 1, 2005
For: APPARATUS FOR AUTOMATICALLY FEEDING THE SILVER WIRE INTO THE SOLUTION

DECISION ON PETITION UNDER 37 C.F.R. § 1.59

This is a decision on the "Petition for Removal of Inadvertently Efiled Documents filed February 25, 2008. The petition is being treated as a petition under 37 C.F.R. §1.59(b) to expunge information unintentionally submitted on January 29, 2008 (Electronically Acknowledgement Receipt EFS ID #2780220) from the above-identified application.

The petition is DENIED.

Petitioner requests that the information (including claims) submitted on January 29, 2008, be expunged from the record in order to avoid the file record from having inappropriate documents.

A grantable petition to expunge information unintentionally submitted in a patent application must satisfy the conditions set forth in M.P.E.P. § 724.05, which states:

"II. INFORMATION UNINTENTIONALLY SUBMITTED IN APPLICATION

A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;

(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

(C) the information has not otherwise been made public;

(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
(F) the petition fee as set forth in 37 CFR 1.17(g) is included.
A request to expunge information that has not been clearly identified as information that may be later subject to such a request by marking and placement in a separate sealed envelope or container shall be treated on a case-by-case basis. Applicants should note that unidentified information that is a trade secret, proprietary, or subject to a protective order that is submitted in an Information Disclosure Statement may inadvertently be placed in an Office prior art search file by the examiner due to the lack of such identification and may not be retrievable. If a petition to expunge is not filed prior to the mailing of the notice of allowability, the materials submitted under MPEP § 724.02 will be released to the public upon the issuance of the application as a patent and upon the filing of a request and the appropriate fee (37 CFR 1.14)."

The petition does not satisfy all the conditions required for a grantable petition to expunge information unintentionally or inadvertently filed on January 29, 2008. The information submitted January 29, 2008 (Electronically Acknowledgement Receipt EFS ID #2780220) will remain in the file record.

It is noted that the application is currently in abandoned status.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

Cassandra Spyrou, Acting TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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SUN MICROSYSTEMS, INC. c/o DORSEY & WHITNEY, LLP
370 SEVENTEENTH ST.
SUITE 4700
DENVER CO 80202

COPY MAILED

AUG 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Pelegri-Llopart, et. al	:	DECISION ON PETITION
Application No. 11/194,003	:	
Filed: July 28, 2005	:	
Docket No.: 188192/US/4	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 16, 2007.

The petition is hereby **GRANTED**.

This application became abandoned July 10, 2007 for failure to timely submit a proper reply to the Notice of Allowance (Notice) mailed April 9, 2007. Notice of Abandonment was mailed July 20, 2007.

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

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

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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PRO-TECHTOR INTERNATIONAL SERVICES
20775 NORADA CT.
SARATOGA CA 95070

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NOV 19 2007

OFFICE OF PETITIONS

In re Application of :
HSU, YU-TU :
Application No. 11/194,005 :
Filed: 07/28/2005 :
Attorney Docket No. 1451048 :

DECISION ON PETITION

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

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue and publication fees as required by the Notice of Allowance and Fee(s) Due mailed on February 12, 2007, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on May 13, 2007. A Notice of Abandonment was mailed on June 8, 2007.

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

The Office will charge the $700.00 issue fee, the $300.00 publication fee, and the $750.00 petition fee to the Deposit Account as authorized.

This matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning the issuance of the application into a patent should be directed to the Office of Patent Publication, Customer Service at (571) 272-4200. Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211.

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

COPY MAILED
NOV 25 2008

In re Application of	:	
Wayne A. Calco, et al.	:	
Application No. 11/194,006	:	DECISION ON PETITION
Filed: July 28, 2008	:	TO WITHDRAW
Attorney Docket No. 0236016-0014US1	:	FROM RECORD
	:	

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, 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 practitioners have not certified that (1) he has given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) has delivered to his client or duly authorized representative of the client all papers and property (including funds) to which the client is entitled; (3) notified the client of any responses that may be due and the time frame within which the applicant must response. 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: ROBERT FISH
FISH & ASSOCIATES, PC
2603 MAIN STREET
SUITE 1050
IRVINE, CA 92614

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United States Patent and Trademark Office
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RUTAN & TUCKER, LLP
611 ANTON BLVD.
SUITE 1400
COSTA MESA, CA 92628-1950

MAILED
JAN 30 2009
OFFICE OF PETITIONS

In re Application of	:	
Wayne A. Calco, et al.	:	
Application No. 11/194,006	:	DECISION ON PETITION
Filed: July 28, 2005	:	TO WITHDRAW
Attorney Docket No. 023016.0014US1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 4, 2008.

The request is **DISMISSED** as moot.

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

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

cc: ROBERT FISH
FISH & ASSOCIATES, PC
2503 MAIN STREET
SUITE 1050
IRVINE, CA 92614

UNITED STATES PATENT AND TRADEMARK OFFICE

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PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK CA 94026

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of

HU, Junling
Application No. 11/194,008
Filed: July 29, 2005
Attorney Docket No. **59701-8001.US01**

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 26, 2007.

The request is **APPROVED**.

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

The request was signed by Brian R. Coleman on behalf of all attorneys of record who are associated with customer No. 22918. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **JUNLING HU**
843 ROBLE AVE., APT. 2
MENLO PARK, CA 94025

cc: **TALKAI, INC.**
1800 ADAM DRIVE
MENLO PARK, CA 94025

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JOSHUA L. PRICE
OLIVER & OLIVE, P.A.
500 MEMORIAL STREET
P.O. BOX 2049
DURHAM, NC 27702-2049

COPY MAILED
JUN 1 2 2006
OFFICE OF PETITIONS

In re Application of :
Edwin T. Coulbourn Jr. :
Application No. 11/194,012 : ON PETITION
Filed: July 29, 2005 :
Attorney Docket No. BBWC5001 :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and publication fee, if applicable, on or before March 23, 2006. Accordingly, this application became abandoned on March 24, 2006. A Notice of Abandonment was mailed on April 26, 2006.

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

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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Date :June 11, 2009

Patent No. :7549596
Inventor(s) :Elizabeth Young, et al.
Issued :June 23, 2009
Title :IMAGE BEARING SURFACE

Re: Request for Certificate of Correction

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

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

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

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;

B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and

C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

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

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

By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	571-273-8300 ATTN: Office of Petitions
EFS web	uspto.gov/ebc/index.html (must be registered as an e-filer to submit responses) Technical Support 1-866-217-9197

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

for A. Green

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1544

Murabito Hao & Barnes, LLP
Two North Market Street, Third Floor
San Jose, CA 95113

/arg

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MURABITO, HAO & BARNES, LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

MAILED
JUL 02 2010
OFFICE OF PETITIONS

In re Patent No. 7,549,596 :
Issue Date: June 23, 2009 :
Application No. 11/194,020 : DECISION ON PETITION
Filed: July 29, 2005 :
Attorney Docket No. LEAP-0340 :

This is a decision on the Reconsideration Of Request For Application/Patent To Be Corrected To State The Correct Name Of The Assignee Pursuant To 37 C.F.R. 3.81(b), filed on May 5, 2010, requesting correction on the Title Page of the subject patent to identify the correct assignee's name. The Request is being treated as a Petition. A completed Certificate of Correction Form PTO/SB/44 was previously submitted on June 2, 2009.

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

Petitioner urges that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL-85B and such error was a mistake of a minor nature. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction, to correct the assignee's name identified thereon from:

"Nvidia Corporation, Santa Clara, CA (US)"

to:

--LeapFrog Enterprises, Inc., Emeryville, CA (US)--

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

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

The requisite $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a), has been submitted. However, the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), was accompanied deposit account authorization to charge any required fees. As such, the fee has been charged as authorized. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the form (PTO/SB/44) previously submitted on June 2, 2009.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

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

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,549,596.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: FM Bay	: DECISION ON REQUEST FOR
Patent Number	: 7606289	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/194,033	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **993** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 05/18/2010

Applicant	: FM Bay	: NOTICE CONCERNING IMPROPER
Patent Number	: 7606289	: CALCULATION OF PATENT TERM
Issue Date	: 10/20/2009	: ADJUSTMENT BASED UPON USPTO
Application No	: 11/194,033	: IMPROPERLY MEASURING REDUCTION
Filed	: 07/29/2005	: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **1033** 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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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

Mail Date: 04/21/2010

Applicant	: Shu-Ping Yang	: DECISION ON REQUEST FOR
Patent Number	: 7619008	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/194,039	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **250** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

Mail Date: 05/18/2010

Applicant : Shu-Ping Yang
Patent Number : 7619008
Issue Date : 11/17/2009
Application No : 11/194,039
Filed : 07/29/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **364** 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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ROBERT E. KREBS
THELEN REID & PRIEST
P.O. BOX 640640
SAN JOSE CA 95164-0640

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OFFICE OF PETITIONS

In re Application of	:	
Meck, Ronald A.	:	DECISION ON PETITION
Application No. 11/194,047	:	TO WITHDRAW
Filed: July 28, 2005	:	FROM RECORD
Attorney Docket No. US40c	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 12, 2005.

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

A review of the file record indicates that the power of attorney to Robert E. Kreps, along with the other attorneys initially given power of attorney in the instant application, has been revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.136(b) is moot.

All future communications from the Office will to be directed to the below-listed address.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: TROPIAN INC.
20813 STEVENS CREEK BLVD.
CUPERTINO CA 95014

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GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON, MA 02109-2881

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OFFICE OF PETITIONS

In re Application of	:	
Bradley J. Glenn et al	:	
Application No. 11/194,050	:	DECISION ON PETITION
Filed: July 29, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. SCH-001	:	

This is a decision on the petition, filed May 9, 2007, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on November 23, 2005. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of December 13, 2007 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 3733 for examination in due course.

Irvin Dingle
Petition Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/194,050	07/29/2005	Bradley J. Glenn	SCH-001

CONFIRMATION NO. 8272

51414
GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON, MA 02109-2881

Date Mailed: 09/06/2007

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

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

The projected publication date is 12/13/2007.

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

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

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

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

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

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ALPINE/BHGL
P.O. Box 10395
Chicago IL 60610

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In re Application of	:	
Shoichi Tsuboi	:	
Application No. 11/194,066	:	LETTER REGARDING
Filed: July 29, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No. 9333/458	:	

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT," filed on June 23, 2008. Applicants request that the initial determination of patent term adjustment under 35 USC 154(b) be reviewed. The request is treated as a request pursuant to applicant's duty of good faith and candor to the Office.

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

On May 19, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 USC 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is two hundred thirty (230) days.

The instant request was filed on June 23, 2008. Applicants state that the Determination of Patent Term Adjustment may extend the term of the patent by too many days. Applicants state no specific basis for review of the patent term adjustment.

A review of the record reveals that the initial determination of patent term adjustment of 230 days is correct. Specifically, the calculation of a period of reduction of 26 days pursuant to 37 CFR 1.704(b) for the amendment filed April 7, 2008 is correct. As the amendment filed March 6, 2008, was not in compliance with

§ 1.113(c), the period for reply to the final rejection mailed December 12, 2007, continued to run. The record supports a conclusion that the proper reply was not received in the Office until April 7, 2008. Accordingly, the reduction pursuant to 37 CFR 1.704(b) began March 13, 2008, the day after the date that is three months after the date of mailing of the final rejection, and ended April 7, 2008, the date the amendment was filed (or 26 days).

(It is noted that if the proper reply were deemed to be the amendment filed April 21, 2008, the initial determination of patent term adjustment would still be the same. The period of reduction would be 40 days pursuant to 37 CFR 1.704(b), instead of 26 days pursuant to 37 CFR 1.704(b) and 14 days pursuant to 37 CFR 1.704(c)(8))

It is significant to this decision that the reply after-final filed March 6, 2008 is not a reply in compliance with 37 CFR 1.113(c) as is necessary to stop the clock for calculating applicant delay pursuant to 37 CFR 1.704(b) and the reply filed April 7, 2008 is not a supplemental reply within the meaning of 37 CFR 1.704(c)(8). Thus, the calculations of record at the time of the mailing of the notice of allowance are correct, two hundred thirty (230) days (270 days of PTO delay, reduced by 40 (26+14) days of Applicant delay). To the extent that applicants are aware of any specific error in the PTA calculation, applicants should so advise the Office.

As this letter was submitted as an advisement to the Office of an error in applicants' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

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

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 Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
11/194081	7/29/05	PUSKAR, MICHAEL P.	05-EDP-276

MARTIN J. MORAN
EATON ELECTRICAL, INC.
TECHNOLOGY AND QUALITY CENTER
170 INDUSTRY PARK DRIVE, RIDC WEST
PITTSBURGH PA 15275-1032

EXAMINER	
BARRERA, RAMON	
ART UNIT	PAPER NUMBER
2832	

DATE MAILED: 12/11/07

NOTICE OF RESCINDED ABANDONMENT

☒ **In response to your communication filed** 7/31/06

☐ **Through inadvertence, a Notice of Abandonment was mailed in the above-identified application. The Notice of Abandonment is hereby rescinded.**

For Kendrick Lee
Manager, Publications Division
Office of Patent Publication
571-272-4200

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

Mail Date: 04/20/2010

Applicant	: Joseph M. Renes	: DECISION ON REQUEST FOR
Patent Number	: 7653199	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/194,092	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

Mail Date: 04/21/2010

Applicant	: John Gavin MacDonald	: DECISION ON REQUEST FOR
Patent Number	: 7655829	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/194,102	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **552** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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COPY MAILED
FEB 02 2006
OFFICE OF PETITIONS

Rodney T. Hodgson, Ph.D.
822 Pines Bridge Rd.
Ossining, NY 10562

In re Application of	:	DECISION GRANTING
Mater, et al.	:	PETITION UNDER 37 CFR
Application No. 11/194,103	:	1.137(f)
Filed: July 29, 2005	:	
Attorney Docket No.: 905-013	:	

This decision is in response to the petition to revive filed, December 23, 2005, which is being treated as a petition under 37 CFR 1.137(b) to revive the present 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 hereby **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)."

Petitioners state that the present nonprovisional application is the subject of an application filed in an eighteen-month publication country. Petitioners indicate that 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.

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 present petition lacks item (1) above. In the present petition, petitioners did not indicate the filing date of the subsequently filed foreign or international application. The Office is unable to evaluate the petition on its merits without petitioners providing the correct filing date of the foreign or international application. This information must be provided with any renewed petition. Accordingly, the present application remains abandoned.

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

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

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

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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COPY MAILED

MAY 12 2006

OFFICE OF PETITIONS

Rodney T. Hodgson, Ph.D.
822 Pines Bridge Rd.
Ossining, NY 10562

In re Application of	:	DECISION GRANTING
Mater, et al.	:	PETITION UNDER 37 CFR
Application No. 11/194,103	:	1.137(f)
Filed: July 29, 2005	:	
Attorney Docket No.: 905-013	:	

This decision is in response to the petition to revive filed, December 23, 2005, which is being treated as a petition under 37 CFR 1.137(b) to revive the present 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). This decision vacates and corrects the decision mailed February 2, 2006

The petition is hereby **GRANTED**.

Petitioners state that the instant Nonprovisional application is the subject of an application (PCT App. US2005/027089) filed July 29, 2005 in another country, or under a multinational treaty that requires publication of applications eighteen months after filing. Petitioners' further state that petitioners unintentionally failed to notify the Office of this filing within 45 days of the filing of the subject application in a foreign country.

Hence, the application became abandoned pursuant to 35 USC 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 grantable petition under 37 CFR 1.137(f) must be accompanied by: (1) the reply; (2) the petition fee; (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; and (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition has been reviewed and found to be in compliance with the provisions of 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 USC 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 USC 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request setting forth the projected publication date of the instant application is enclosed herewith.

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/194,103	07/29/2005	Michael J. Mater	905-013

CONFIRMATION NO. 7948

24295
Rodney T. Hodgson, Ph.D.
822 Pines Bridge Rd.
Ossining, NY 10562

Date Mailed: 05/05/2006

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

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

The projected publication date is 08/17/2006.

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

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

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

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

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

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/194,103	07/29/2005	Michael J. Mater	905-013

CONFIRMATION NO. 7948

24295
Rodney T. Hodgson, Ph.D.
822 Pines Bridge Rd.
Ossining, NY 10562

Date Mailed: 05/05/2006

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

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

The projected publication date is 08/17/2006.

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

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

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

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

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

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

MAILED
JUL 16 2010
OFFICE OF PETITIONS

In re Patent No. 7,565,703	:	DECISION ON REQUEST
Avis, et al.	:	FOR
Issue Date: July 28, 2009	:	RECONSIDERATION OF
Application No. 11/194,112	:	PATENT TERM ADJUSTMENT
Filed: July 29, 2005	:	and
Atty Docket No. **005127.00512**	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 25, 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 a minimum of five hundred and thirty (530) 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 and ninety-four (394) days is **GRANTED to the extent indicated herein.**[1]

[1] The period of overlap between the "A" delay and the "B" delay is 118 days. It is noted that, in this case where no Request for Continued Examination was filed, 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, from the filing date of the application to the issue date of the patent. It is further noted that "A" delays and "B" delays overlap only if such delays occur on the same calendar day. A review of the record reveals that the relevant periods of "A" delay began April 2, 2009, and ended July 28, 2009. The period of "B" delay began July 30, 2008, and ended July 28, 2009. There are 118 days of "A" delay and "B" delay that occur on the same calendar day. Thus, the period of overlap between the "A" delay and the "B" delay is 118 days and the patent term adjustment is properly reduced by such.

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 receipt of the $200.00 for the fee set forth in 37 CFR 1.18(e). No additional fees are due.

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 and ninety-four (394)** days.

Telephone inquiries specific to this matter should be directed to the undersigned, at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,565,703 B2

DATED : Jul. 28, 2009

INVENTOR(S) : Avis 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 (166) days

Delete the phrase "by 166 days" and insert – by 394 days--

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

MAILED

JUN 15 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Sheehan et al. :
Application No 11/194,114 :
Filed: July 29, 2005 :
Attorney Docket No. 022357-000110 :

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**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 21, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is October 22, 2009. A Notice of Abandonment was mailed March 4, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

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 and 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.

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

This application is being referred to Technology Center AU 2443 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.

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Dane C. Butzer
P.O. Box 390711
Mountain View, CA 94039-0013

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : June 27, 2008

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/194115 Patent No.: 7358331 B2

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

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

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

DO NOT SENT TO ATTORNEY

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

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

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

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

Thank You For Your Assistance

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

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

Comments: _____

/Kathleen Kerr Bragdon/ 1656
SPE **Art Unit**

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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

Mail Date: 06/28/2010

Applicant	: Adrian Burian	: DECISION ON REQUEST FOR
Patent Number	: 7636467	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/194,124	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

Mail Date: 04/26/2010

Applicant	: David J. Husak	: DECISION ON REQUEST FOR
Patent Number	: 7667572	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/194,128	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1212** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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OFFICE OF PETITIONS

In re Application of	:	
Aram Mooradian, et al.	:	
Application No. 11/194,141	:	DECISION ON PETITION
Filed: July 29, 2005	:	TO WITHDRAW
Attorney Docket No. NOVX-004/02US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 13, 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 Edward Van Gieson on behalf of all attorneys of record who are associated with customer No. 23419.

All attorneys/agents associated with the Customer Number 23419 have been withdrawn.

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

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

There is an outstanding Office action mailed June 18, 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: NOVALUX INC.
1220 MIDAS WAY
SUNNYVALE, CA 94085

cc: SIMON FIELD
ARASOR INTERNATIONAL
411 CLYDE AVENUE
MOUNTAIN VIEW, CA 94043

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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
11/194,141	07/29/2005	Aram Mooradian	NOVX-004/02US

CONFIRMATION NO. 7828

POWER OF ATTORNEY NOTICE

OC000000031591130

23419
COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
Washington, DC 20001

Date Mailed: 08/14/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/13/2008.

- 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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BALLARD SPAHR ANDREWS & INGERSOLL, LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

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SEP 1 0 2008

OFFICE OF PETITIONS

In re Application of
KELLY, James H.
Application No. 11/194,143
Filed: July 29, 2005
Attorney Docket No. **16016.0007U2**

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 20, 2008.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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 acts (1) thru (3) noted in the above-identified certifications have been performed.

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
Paralegal Specialist
Office of Petitions

cc: **STEM CELL INNOVATIONS, INC.**
11222 RICHMOND AVENUE
SUITE 1000
HOUSTON TX 77082-2646

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WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

Mail Date: 04/26/2010

Applicant	: David J. Husak	: DECISION ON REQUEST FOR
Patent Number	: 7667575	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/194,144	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1212** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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LYNN G. FOSTER, L.C.
65 N STREET, SUITE C3
SALT LAKE CITY, UT 84103

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AUG 13 2008

OFFICE OF PETITIONS

In re Application of

MORTENSEN, et al.
Application No. 11/194,164
Filed: August 1, 2005
Attorney Docket No. 8838

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 9, 2008.

The request is NOT APPROVED.

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

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

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: BRUCE MORTENSEN
26 WEST 208 SOUTH
BURLEY, IDAHO 83318

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Smith, Frohwein, Tempel, Greenlee, Blaha, LLC
Two Ravinia Drive
Suite 700
Atlanta, GA 30346

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OFFICE OF PETITIONS

In re Application of	:	
Kathleen Haffamier et al.	:	
Application No. 11/194,165	:	DECISION ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. 15003.1011	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 5, 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 October 21, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 22, 2009. A Notice of Abandonment was mailed on June 9, 2009.

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

As to item (3) the statement of unintentional delay is presently not acceptable since the petition was not signed by all of the inventors. See 37 CFR 1.33(b) which states:

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

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

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on August 5, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

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

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

The centralized facsimile number is **(571) 273-8300.**

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

Carl Friedman
Petitions Examiner
Office of Petitions

cc: Kathleen M. Haffamier
2130 Sumter Lake Drive
Marietta, GA 30062

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Smith, Frohwein, Tempel, Greenlee, Blaha, LLC
Two Ravinia Drive
Suite 700
Atlanta, GA 30346

In re Application of	:	
Kathleen Haffamier et al.	:	
Application No. 11/194,165	:	DECISION ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. 15003.1011	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 1, 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 October 21, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 22, 2009. A Notice of Abandonment was mailed on June 9, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

The petition decision mailed September 24, 2009 dismissed the petition filed on August 5, 2009 for failure to provide a proper statement of unintentional delay. The renewed petition includes a proper statement.

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

This application is being referred to Technology Center AU 3634 for appropriate action by the Examiner in the normal course of business on the reply received August 5, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

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RALEIGH NC 27627

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OFFICE OF PETITIONS

In re Application of	:	
Andrews et al.	:	
Application No. 11/194183	:	ON APPLICATION FOR
Filing or 371(c) Date: 08/01/2005	:	REVISION OF
Attorney Docket Number: 5308-493	:	PATENT TERM ADJUSTMENT

This is in response to the APPLICATION FOR REVISION OF PATENT TERM ADJUSTMENT, filed January 22, 2010. Applicant submits that the correct patent term adjustment to be indicated on the patent is 891 days, not 415 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The application is properly treated under 37 C.F.R. §1.705(b).

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

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

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

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

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

/Derek L. Woods/

Derek L. Woods
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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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Mail Date: 05/18/2010

Applicant	: Peter Andrews	: DECISION ON REQUEST FOR
Patent Number	: 7623252	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/194,183	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **891** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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OFFICE OF PETITIONS

In re Application of Pulitzer	:	
Application No. 11/194,187	:	Decision on Petition
Filing Date: August 1, 2005	:	
Attorney Docket No. PULI-0019	:	

This is a decision on the petition filed October 24, 2005, under 37 CFR 1.10(c) to accord the above-identified application a filing date of August 1, 2005, instead of August 2, 2005.

The petition is **granted**.

Petitioner has shown the Express Mail mailing label number was placed on the transmittal sheet.

A review of the Express Mail mailing label indicates the presence of a date stamp with the date August 1, 2005.

Petitioner has provided a printout from a USPS database indicating the application was given to the USPS on or before 5:25 pm on August 1, 2005.

Petitioner has satisfied the requirements of 37 CFR 1.10(c) and the application will be accorded a filing date of August 1, 2005.

The Office of Initial Patent Examination will be informed of the instant decision and will accord the application a filing date of August 1, 2005.

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

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OFFICE OF PETITIONS

In re Application of	:	
J. Hutton Pulitzer	:	
Application No. 11/194,187	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0019 (122926.0027)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang 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 since it is that of the sole inventor in this application at the address noted in the request to withdraw.

There are no outstanding office actions at this time.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc: J. Hutton Pulitzer
9328 Wichita Trail
Frisco, TX 75034

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MERONI & MERONI, P.C.
P. O. BOX 390
BARRINGTON, IL 60011

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SEP 21 2006
OFFICE OF PETITIONS

In re Application of	:	
Schlais et al.	:	
Application No. 11/194,188	:	ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. 03176	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 12, 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 from the applicant, Donald E. Truitt. 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 3632 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS TN 38132

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OFFICE OF PETITIONS

In re Application of	:	
Thomas Carls et al.	:	
Application No. 11/194,191	:	DECISION ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. **MSDI-7/P22381.00**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 17, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 17, 2009. Accordingly, the date of abandonment of this application is July 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

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

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS, TN 38132

Mail Date: 04/30/2010

Applicant	: Thomas Carls	: DECISION ON REQUEST FOR
Patent Number	: 7611537	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/194,191	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **79** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Jackson Walker LLP
901 Main Street
Suite 6000
Dallas, TX 75202-3797

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OFFICE OF PETITIONS

In re Application of	:	
J. Hutton Pulitzer	:	
Application No. 11/194,192	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0042(122926.00050)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang 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 J. Hutton Pulitzer at the address indicated below.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **J. Hutton Pulitzer**
4505 Claire Chennaut
Addison, TX 75001

cc: **J. Hutton Pulitzer**
9328 Wichita Trail
Frisco, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,192	08/01/2005	J. Hutton Pulitzer	PULI-0042(122926.00050)

CONFIRMATION NO. 3005

OC000000025799194

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

Date Mailed: 09/13/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

- 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.

Y. Williams

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

FORMER ATTORNEY/AGENT COPY

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OFFICE OF PETITIONS

In re Application of	:	
J. Hutton Pulitzer	:	
Application No. 11/194,193	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0040 (122926.00048)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang 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 J. Hutton Pulitzer at the address indicated below.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **J. Hutton Pulitzer**
4505 Claire Chennaut
Addison, TX 75001

cc: **J. Hutton Pulitzer**
9328 Wichita Trail
Frisco, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,193	08/01/2005	J. Hutton Pulitzer	PULI-0040 (122926.00048)

CONFIRMATION NO. 3004

OC000000025798792

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

Date Mailed: 09/13/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

- 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.

Terri Williams

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

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901 MAIN STREET, SUITE 6000
DALLAS TX 75202-3797

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of :
PULITZER, J. Hutton :
Application No. 11/194,194 :
Filed: August 1, 2005 :
Attorney Docket No. **PULI-0012(122926.00020)** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **J. HUTTON PULITZER**
9328 WICHITA TRAIL
FRISCO, TX 75034

DATE SEP 2 5 2007

APPLICATION NUMBER 11194194

DOC CODE N578

DOC DATE

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,194	08/01/2005	J. Hutton Pulitzer	PULI-0012 (122926.00020)

CONFIRMATION NO. 3003

OC000000026012339

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

Date Mailed: 09/26/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

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

In re Application of	:	
PULITZER, J. HUTTON	:	
Application No. 11/194,195	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. **PULI-0014(122926.00022)**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the sole named inventor J. Hutton Pulitzer at the address indicated below.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **J. HUTTON PULITZER**
9328 WICHITA TRAIL
FRISCO, TX 75034

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OFFICE OF PETITIONS

In re Application of	:	
J. Hutton Pulitzer	:	
Application No. 11/194,196	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0021 (122926.00029)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang 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 since it is that of the sole inventor in this application at the address noted in the request to withdraw.

There are no outstanding office actions at this time.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc: J. Hutton Pulitzer
9328 Wichita Trail
Frisco, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,196	08/01/2005	J. Hutton Pulitzer	PULI-0021 (122926.0029)

CONFIRMATION NO. 2996

OC000000024729560

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

Date Mailed: 07/10/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

Kimberly Gravinet
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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Intellectual Property Department
4100 North Atlantic Boulevard
Auburn Hills MI 48326

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In re Application of	:	
PAUMIER, et al.	:	
Application No. 11/194,199	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. TFR0317	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2006.

The request is **APPROVED**.

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

The request was signed by Thomas P. Liniak. Thomas P. Liniak has been withdrawn as attorney or agent of record; all other attorneys remain of record. The correspondence address of record remains unchanged.

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

Amelia Au
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
PULITZER, J. Hutton :
Application No. 11/194,204 :
Filed: August 1, 2005 :
Attorney Docket No. **PULI-0023(122926.0031)** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **J. HUTTON PULITZER**
9328 WICHITA TRAIL
FRISCO, TX 75034

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of :
PULITZER, J. Hutton :
Application No. 11/194,205 :
Filed: August 1, 2005 :
Attorney Docket No. **PULI-0009(122926.00017)** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **J. HUTTON PULITZER**
9328 WICHITA TRAIL
FRISCO, TX 75034

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OFFICE OF PETITIONS

In re Application of :
J. Hutton Pulitzer :
Application No. 11/194,206 :
Filed: August 1, 2005 :
Attorney Docket No. PULI-0011 (122926.00019) :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang 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 since it is that of the sole inventor in this application at the address noted in the request to withdraw.

There are no outstanding office actions at this time.

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

Frances Hicks
Frances Hicks
Petitions Examiner
Office of Petitions

cc: J. Hutton Pulitzer
9328 Wichita Trail
Frisco, TX 75034

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,206	08/01/2005	J. Hutton Pulitzer	PULI-0011(122926.00019)

CONFIRMATION NO. 3158

OC000000024729899

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

Date Mailed: 07/10/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

Kimberly Drabinski

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

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JACKSON WALKER LLP
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DALLAS, TX 75202-3797

In re Application of
J. Hutton PULITZER
Application No. 11/194,208
Filed: August 1, 2005
Attorney Docket No. PULI-0022 (122926.00030)

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn.

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

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.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
4505 CLAIRE CHENNAUT
ADDISON, TX 75001

cc: J. HUTTON PULITZER,
9328 WICHITA TRAIL
TRISCO, TX 75034

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,208	08/01/2005	J. Hutton Pulitzer	PULI-0022 (122926.0030)

CONFIRMATION NO. 1302

OC000000024379207

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

Date Mailed: 06/15/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Daniel V. Cantrell	: DECISION ON REQUEST FOR
Patent Number	: 7647932	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/194,215	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1032** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of
J. Hutton PULITZER
Application No. 11/194,218
Filed: August 1, 2005
Attorney Docket No. PULI-0046 (122926.00054)

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn.

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

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.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
4505 CLAIRE CHENNAUT
ADDISON, TX 75001

cc: J. HUTTON PULITZER,
9328 WICHITA TRAIL
TRISCO, TX 75034

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,218	08/01/2005	J. Hutton Pulitzer	PULI-0046(122926.00054)

CONFIRMATION NO. 3161

OC000000024379131

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

Date Mailed: 06/15/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

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

MOTOROLA INC
600 NORTH US HIGHWAY 45
W4 - 39Q
LIBERTYVILLE, IL 60048-5343

In re Application of	:	
Love et al.	:	
Application No. 11/194,224	:	ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. CS26707DB	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 23, 2009, 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.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed February 24, 2009, which set a shortened statutory period for reply of three (3) months. A two (2) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 25, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and fee of $540, (2) the petition fee of $1,620, and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 2617 for further examination on the merits.

Chris Bottorff
Petitions Examiner
Office of Petitions

Recommend Approval
/ZE/

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 3/27/08

TO SPE OF : ART UNIT 3748

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/194243 Patent No: 7290509 B2

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

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

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

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

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

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

Thank You For Your Assistance

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

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

Comments: _____

THOMAS DENION
SUPERVISORY PATENT EXAMINER
~~TECHNOLOGY CENTER 3700~~

Thomas Den
SPE

6/10/08
Art Unit

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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. : 7,290,509

APPLICATION NO. : 11/194,243

ISSUE DATE : November 6, 2007

INVENTOR(S) : Zheng (. Lou

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

Column 22, line 43, replace "does not overlaps" with –does not overlap—
Column 22, line 51, replace "does not overlaps" with –does not overlap—
Column 25, line 11, replace "does not overlaps" with –does not overlap—
Column 26, line 38, replace "does not overlaps" with –does not overlap—
Column 26, line 46, replace "does not overlaps" with –does not overlap—
Column 26, line 60, replace "undercuts wound" with –undercuts around—
Column 28, line 60, replace "does not overlaps" with –does not overlap—
Column 29, line 2, replace "does not overlaps" with –does not overlap—
Column 2, line 48, replace "inventers" with –inventors—
Column 2, line 54, replace "of the each" with –of each—
Column 3, line 15, replace "despite of the" with –despite the—
Column 5, line 65, replace "does not overlaps" with –does not overlap—
Column 6, line 4, replace "does not overlaps" with –does not overlap—
Column 9, line 53, replace "first part 56 through" with –first part 56.—
Column 11, line 60, replace "pressure happens decreases" with –pressure decreases—
Column 12, line 8, replace "never hits" with –never hit—
Column 14, line 39, replace "from of the flow" with –from the flow—
Column 14, line 58, replace "does not overlaps" with –does not overlap—
Column 16, line 50, replace "enough to time" with –enough time to—
Column 28, line 14, replace "communication the" with –communication with the—
Column 30, line 7, replace "defined an" with –defined as an—
Column 26, line 50, replace "of on the" with –of the—
Column 25, line 22, replace "of on the" with –of the—
Face (76), replace "Felloes" with –Fellows--
Column 26, line 62, replace "undercuts wound" with –undercuts around—

MAILING ADDRESS OF SENDER (Please do not use customer number below):
John G. Posa
GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C.
2701 Troy Center Drive, Suite 330
Post Office Box 7021

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OFFICE OF PETITIONS

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901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

In re Application of	:	
J. Hutton PULITZER	:	
Application No. 11/194,247	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0027 (122926.00035)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn.

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

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.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
4505 CLAIRE CHENNAUT
ADDISON, TX 75001

cc: J. HUTTON PULITZER,
9328 WICHITA TRAIL
TRISCO, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,247	08/01/2005	J. Hutton Pulitzer	PULI-0027(122926.0035)

CONFIRMATION NO. 4679

OC000000024378858

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

Date Mailed: 06/15/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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In re Application of
J. Hutton PULITZER
Application No. 11/194,247
Filed: August 1, 2005
Attorney Docket No. PULI-0027 (122926.00035)

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn.

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

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.

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There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
4505 CLAIRE CHENNAUT
ADDISON, TX 75001

cc: J. HUTTON PULITZER,
9328 WICHITA TRAIL
TRISCO, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,247	08/01/2005	J. Hutton Pulitzer	PULI-0027(122926.0035)

CONFIRMATION NO. 4679

OC000000024378858

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

Date Mailed: 06/15/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

- 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.

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OFFICE OF PETITIONS

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DALLAS, TX 75202-3797

In re Application of
J. Hutton PULITZER
Application No. 11/194,248
Filed: August 1, 2005
Attorney Docket No. PULI-0036 (122926.00044)

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn.

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

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.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
4505 CLAIRE CHENNAUT
ADDISON, TX 75001

cc: J. HUTTON PULITZER,
9328 WICHITA TRAIL
TRISCO, TX 75034

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
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,248	08/01/2005	J. Hutton Pulitzer	PULI-0036(122926.00044)

CONFIRMATION NO. 4700

OC000000024378123

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

Date Mailed: 06/15/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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JUL 22 2008

In re Application of	:	
J. Hutton PULITZER	:	
Application No. 11/194,249	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0013 (122926.0021)	:	FROM RECORD
	:	

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 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 T. Ling Chwang on behalf of all attorneys/agents of record.

All attorneys/agents of record have been withdrawn.

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

The correspondence address has been changed and the new correspondence address is the address below until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
9328 WICHITA TRAIL
FRISCO, TX 75034

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OFFICE OF PETITIONS

JACKSON WALKER LLP
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SUITE 6000
DALLAS TX 75202-3797

In re Application of

Hutton J. Pulitzer
Application No. 11/194,250
Filed: August 1, 2005
Attorney Docket No. PULI-0038 (122926.0046)

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
9328 WICHITA TRAIL
FRISCO, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,250	08/01/2005	J. Hutton Pulitzer	PULI-0038 (122926.0046)

CONFIRMATION NO. 4695

OC000000025738775

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

Date Mailed: 09/10/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

- 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : February 22, 2008

TO SPE OF : ART UNIT 3632

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/194256 Patent No.: 7284736 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.

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

Comments: _____

BRIAN L. BLESSNER
SUPERVISORY PATENT EXAMINER

SPE

2/28/08
Art Unit

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VARIAN SEMICONDUCTOR EQUIPMENT ASSC., INC.
35 DORY RD.
GLOUCESTER MA 01930-2297

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OFFICE OF PETITIONS

In re Application of :
Stephen Krause et al :
Application No. 11/194,260 :
Filed: August 1, 2005 :
Attorney Docket No. 2003-054 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 27, 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 Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 25, 2005, which required the submission of an executed oath or declaration and a $130 surcharge fee for its late filing. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on October 26, 2005. A Notice of Abandonment was mailed on May 1, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of an executed declaration and a $130 late surcharge fee, (2) the petition fee of $1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of August 25, 2005 is accepted as being unintentionally delayed.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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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VARIAN SEMICONDUCTOR EQUIPMENT ASSC., INC.
35 DORY RD.
GLOUCESTER MA 01930-2297

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In re Application	:	
Stephen Krause et al.	:	
Application No. 11/194,260	:	DECISION ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. VSEA 2003-054	:	

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 Restriction Requirement mailed January 9, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 10, 2009. A Notice of Abandonment was mailed on November 30, 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 and election, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly the amendment and election 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 3726 for appropriate action by the Examiner in the normal course of business on the reply received December 3, 2009.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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www.uspto.gov

Jackson Walker LLP
901 Main Street
Suite 6000
Dallas, TX 75202-3797

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AUG 2 9 2008

OFFICE OF PETITIONS

In re Application of	:	
J. Hutton Pulitzer	:	
Application No. 11/194,262	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0031 (122926.0039)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang 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 Joe Smith at the address indicated below.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **J. Hutton Pulitzer**
4505 Claire Chennaut
Addison, TX 75001

cc: **J. Hutton Pulitzer**
9328 Wichita Trail
Frisco, TX 75034

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,262	08/01/2005	J. Hutton Pulitzer	PULI-0031 (122926.0039)

CONFIRMATION NO. 4687

POWER OF ATTORNEY NOTICE

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

OC000000031766336

Date Mailed: 08/26/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

/tswilliams/

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

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901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

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JUL 1 0 2007

OFFICE OF PETITIONS

In re Application of	:	
J. Hutton Pulitzer	:	
Application No. 11/194,266	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0015 (122926.00023)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang 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 since it is that of the sole inventor in this application at the address noted in the request to withdraw.

There are no outstanding office actions at this time.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc: J. Hutton Pulitzer
9328 Wichita Trail
Frisco, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,266	08/01/2005	J. Hutton Pulitzer	PULI-0015 (122926.00023)

CONFIRMATION NO. 4677

OC000000024730569

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

Date Mailed: 07/10/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

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

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HARNESS, DICKEY & PIERCE P.L.C.
5445 CORPORATE DRIVE
SUITE 200
TROY MI 48098

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JUL 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Urabe et al.	:	
Application Number: 11/194278	:	ON PETITION
Filing Date: 08/01/2005	:	
Attorney Docket Number: MP0640	:	

This is a decision in reference to the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE," filed on June 4, 2008.

This application became abandoned on May 1, 2008, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on January 31, 2008, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on May 28, 2008.

Petitioners assert that the Notice of Allowance and Fee(s) Due mailed on January 31, 2008, was never received. In support, petitioner has provided a copy the docket record the subject application, showing where the issue and publication fee would have entered had the Notice of Allowance and Fee(s) Due been received. Petitioner's registered patent practitioner, Michael D. Wiggins, states in the petition that "Applicants further conducted a search of the file jacket and docket records, which also confirms that the document was not received."

A review of the record indicates no irregularity in the mailing of the Office communication mailed on January 31, 2008, and in

the absence of any irregularity in the mailing, there is a strong presumption that the Office communication was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

MPEP 711.03(c) states, in pertinent part:

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
>
> (emphasis added)

Petitioner has provided a copy of the docket record. The docket record supplied appears to be a master docket record and is being construed as such. Petitioner **must** inform the Office if this is an incorrect statement.

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED.**

The application file is being referred to the Technology Center Art Unit 2189 for remailing of the Notice(s) mailed on January 31, 2008, The period for reply will be reset from the mailing date thereof.

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

DIWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

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JUL 1 0 2007

OFFICE OF PETITIONS

In re Application of	:	
J. Hutton Pulitzer	:	
Application No. 11/194,286	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0039 (122926.00047)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang 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 since it is that of the sole inventor in this application at the address noted in the request to withdraw.

There are no outstanding office actions at this time.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc: J. Hutton Pulitzer
9328 Wichita Trail
Frisco, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,286	08/01/2005	J. Hutton Pulitzer	PULI-0039(122926.00047)

CONFIRMATION NO. 1706

OC000000024730768

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

Date Mailed: 07/10/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

Kimberly Grabinet

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

FORMER ATTORNEY/AGENT COPY

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OCT 06 2005
Director's Office
Group 3700

Ajit Singh Gill
4169 Bennion Rd.
Salt Lake City, UT 84119

In re application of Ajit Singh Gill	: :	**DECISION ON PETITION** **TO MAKE SPECIAL**
	:	**UNDER 37 CFR. 1.102(c)**
Serial Number: 11/194306 Filed: July 31, 2005	: :	

For: **POLYVALVE**

This is a decision on the petition filed on July 31, 2005, under 37 CFR. 1.102(c) to make special the above identified application because of the age/health of the applicant. Since the requirements of the M.P.E.P Section 708.02 IV have been met, the petition will be GRANTED.

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

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

Summary: Decision on Petition **GRANTED**.

Richard A. Bertsch
Director
Technology Center 3700
(571) 272-3750

rt: 10/05/05

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Felix M. Cook
2143 Double Bridge-Unionville Road
Halls TN 38040

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SEP 12 2006
OFFICE OF PETITIONS

In re Application of :
Elliott & Cook :
Application No. 11/194,329 : ON PETITION
Filed: August 1, 2005 :
Attorney Docket No. N/A :
For: BLADE SHOE

This is a decision on the petitions under 37 CFR 1.137(a), filed April 27, 2006 (certificate of mailing date April 24, 2006), to revive the above-identified application.

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

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.
The petition is **dismissed** and the merits of the petition will not be addressed because the petition is not signed by a proper party. No additional petition fee will be due when petitioners file a reconsideration petition.

37 CFR 1.33(b) states that any amendments and other papers filed in an application must be signed by (1) an appointed registered attorney or agent; (2) a registered attorney or agent not appointed, but acting in a representative capacity, (3) an assignee under 3.71(b); or (4) all of the named inventors.

The petition is signed by Felix M. Cook. Felix M. Cook has not provided an attorney registration number and a review of Office records does not reveal that a person named Felix M. Cook has been assigned a registration number. Felix M. Cook has not shown that he is an authorized representative of an assignee who has right to take action.

In short, Felix M. Cook has not established that he is permitted to file amendments and other papers in this application on his own. It is noted that he is one of two joint inventors.

In any reconsideration petition, applicants are encouraged to file a reconsideration petition selecting **one** of the following courses of action: Either (a) submit Felix M. Cook's registration number; (b) submit an appropriate 3.73(b) statement on behalf of the assignee (if there is one) establishing ownership of the invention signed by a person authorized to act on behalf of the assignee (the person authorized to act on behalf of the assignee should be Felix M. Cook and in this manner, the signature on instant petition will be ratified); or (c) submit another copy of the petition signed by both inventors.

No additional fee is due if a reconsideration petition is filed within two months of the mail date of this decision.

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 concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Felix M. Cook
2143 Double Bridge-Unionville Road
Halls TN 38040

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NOV 21 2006
OFFICE OF PETITIONS

In re Application of :
Elliott & Cook :
Application No. 11/194,329 : ON PETITION
Filed: August 1, 2005 :
Attorney Docket No. N/A :
For: BLADE SHOE

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

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

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

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed September 30, 2005, which set a three month extendable period for reply. No extensions of time being obtained and no reply being received in the Office, the above-identified application became abandoned on December 31, 2005. A Notice of Abandonment was mailed on April 12, 2006.

Petitioners allege that they did not receive the September 30, 2005 Office action.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof; (2) the petition fee as set forth in § 1.17(l); (3) a showing to the satisfaction of

the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section. This petition does not satisfy requirements (1) and (3).

With respect to (1), petitioners have not submitted a response to the September 30,2 005 non-final Office action. Petitioners allege non-receipt of the correspondence. A copy of the September 30, 2005 non-final Office action is enclosed. This should enable petitioners to submit an appropriate response with any subsequently filed petition.

With respect to (3), the showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to have been "unavoidable". 35 USC § 133. Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term 'unavoidable' "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition to revive an application as unavoidably abandoned cannot be granted where a petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

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

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

A review of the record indicates no irregularity in the mailing of the September 30, 2005 non-final Office action, and in the absence of any irregularity there is a strong presumption that the

communication was properly mailed to the applicants at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

Petitioners have not proved non-receipt because (1) petitioners did not include a statement that a thorough search of the file jacket and docket records was conducted and (2) practitioners did not include a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

In other words, petitioners must state that the Office communication was not received and that they searched the place where they normally would keep such communications and couldn't find it. Petitioners must explain their system for keeping track of patent matters -- where they keep the correspondence (Do petitioners have a file/ some means of organization where they keep correspondence pertaining to this application?); where they write down due dates (This need not be a log. This may be in the form of a calendar or a date book); how they know replies are due; etc. In essence, petitioners must explain how they remind themselves of response due dates and show that the due date for filing a response to the non-final Office action was not entered into that system. The Office would like to see documentary evidence and records as may exist which would substantiate that petitioners exercised due diligence with respect to their most important business.

ALTERNATIVE VENUE

Petitioners should consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b).

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

The cost of filing a petition under 37 CFR 1.137(b) is currently 750.00.

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 concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

enclosure: copy of September 30, 2005 non-final Office action

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Felix M. Cook
2143 Double Bridge-Unionville Road
Halls TN 38040

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OFFICE OF PETITIONS

In re Application of
Elliott & Cook
Application No. 11/194,329
Filed: August 1, 2005
Attorney Docket No. N/A
For: BLADE SHOE

ON PETITION

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

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed September 30, 2005, which set a three month extendable period for reply. No extensions of time being obtained and no reply being received in the Office, the above-identified application became abandoned on December 31, 2005. A Notice of Abandonment was mailed on April 12, 2006.

Applicants have submitted an amendment in reply to the September 30, 2005 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the September 30, 2005 non-final Office action, and the petition fee.

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

After the mailing of this decision the application will be forwarded to Technology Center A.U. 3600 for consideration of the amendment filed on January 16, 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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GAUTHIER & CONNORS, LLP
225 FRANKLIN STREET
SUITE 2300
BOSTON, MA 02110

Mail Date: 04/21/2010

Applicant	: Dong Pan	: DECISION ON REQUEST FOR
Patent Number	: 7606499	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/194,343	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **736** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 21 2007

TECHNOLOGY CENTER 3600

PATENT DEPARTMENT
LARKIN, HOFFMAN, DALY & LINDGREN, LTD.
1500 WELLS FARGO PLAZA
7900 XERXES AVENUE SOUTH
BLOOMINGTON, MN 55431

In re Application of SZYKULSKI, GERALD
Appl. No.: 11/194,348
Filed: August 01, 2005
For: ROTARY UNION FOR A TIRE INFLATION SYSTEM

DECISION ON PETITON FOR SUPERVISORY REVIEW
37 CFR 1.181

This is a decision on the petition filed October 26, 2006 for supervisory review of an examiner's action under 37 CFR 1.181. Petitioner requests the relief of: **A)** A "finding" that Szykulski should have been named as an inventor in Provisional Application No. 60/520,202, **B)** A "finding" that Szykulski was an inventor to at least claims 7-11 of US Patent Application No. 10/794,942 which claims priority to Provisional Application No. 60/520,202, **C)** A "finding" that Szykulski was an inventor to at least claims 28-32 of US Patent Application No. 10/827,040 which is a continuation-in-part of the 10/794,942 Application, **D)** An "order" directing the examiner to accord the instant application with a priority claim to the November 13, 2003 filing date of Provisional Application No. 60/520,202 under 35 U.S.C. § 119(e); and **E)** An "order" directing the examiner to withdraw the § 102(e) and § 102(f) rejections of the pending claims of the instant application on the grounds that Szykulski was an inventor to the '942 Application, and therefore the instant Application is entitled to claim priority under 35 U.S.C. § 120 as a divisional application of the '942 Application.

The petition is **Dismissed**.

Petitioner's petition deals with multiple issues spanning multiple applications other than the instant application in which the petition was filed. 37 CFR 1.4(b) and1.4(c) set forth that:

> b) Since each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical. The filing of duplicate copies of

correspondence in the file of an application, patent, or other proceeding should be avoided, except in situations in which the Office requires the filing of duplicate copies. The Office may dispose of duplicate copies of correspondence in the file of an application, patent, or other proceeding.

c) Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects.

The instant petition is improper under 37 CFR 1.4 as it pertains to issues other than those of the instant application, and spans multiple issues handled by different areas of the United States Patent and Trademark Office. As such, applicant's petition is dismissed and applicant is not entitled to the relief requested.

In particular, petitioner is attempting to correct the inventorship of *provisional* application 60/520,202 via the instant petition, which is improper. If petitioner wishes to correct this inventorship, then a separate petition under 37 CFR 1.182 should be filed in the actual provisional application. The Office of Petitions answers this petition. Similarly, petitioner is attempting to correct the inventorship of *abandoned* application 10/794,942 via the instant petition, which is improper. If petitioner wishes to correct this inventorship, then a separate petition under 37 CFR 1.182 should be filed in the actual abandoned application. The Office of Petitions answers this petition. Finally, petitioner is attempting to correct the inventorship of *pending* application 10/827,040 via the instant petition, which is improper. If petitioner wishes to correct this inventorship, then a separate petition under 37 CFR 1.48 should be filed in the actual pending application. The Primary Examiner answers this petition. For the above given reasons, petitioner is not entitled to the first three items of relief (A, B & C) requested. As far as the additional two items of relief (D & E) requested, while these issues are directed towards matters in the instant application, they are not presented separately as required by 37 CFR 1.4(c), and they depend on favorable grant of the previously dismissed items of relief (A, B & C). Furthermore, the last item of requested relieve (E) is directed towards the propriety of an examiner's rejection. This is a matter that is subject to review by the Board of Appeals and Interferences, and as such, is not petitionable (see MPEP 1201).

For all of the reasons given above, the petition is dismissed and petitioner is not entitled to relief requested.

Petitioner is reminded that a response to the final rejection mailed January 16, 2007 remains outstanding.

Telephone inquiries regarding this decision should be directed to S. Joseph Morano, Supervisory Patent Examiner for Art Unit 3617, at (571) 272-6684. Telephone inquiries regarding the status of the claims and other examination related issues should be directed to the examiner of record, Jason Bellinger, at (571) 272-6680.

Katherine A. Matecki

Katherine A. Matecki, Acting
Director, Technology Center 3600

SJM: 5/15/2007

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& LINDGREN, LTD.
1500 WELLS FARGO PLAZA
7900 XERXES AVENUE SOUTH
BLOOMINGTON, MN 55431

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JUL 22 2008

In re Application of	:	
Gerald SZYKULSKI	:	
Application No. 11/194,348	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. 4196.OUS01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 12, 2008.

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

A review of the file record indicates that the power of attorney to Thomas J. Oppold and Craig Lervick, has been revoked by the applicant of the patent application on June 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 undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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

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TECHNOLOGY CENTER 3600

Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100

In re application of Gerald Szykulski Application No. 11/194,348 Filed: August 1, 2005 For: ROTARY UNION FOR A TIRE INFLATION SYSTEM	: : : : :	**DECISION ON PETITION FOR SECOND SUSPENSION OF ACTION UNDER 37 CFR 1.103 (a)**

This letter is responsive to the petition for a second suspension of action under 37 CFR 1.103(a) received on March 2, 2009.

The petition for suspension of action under 37 CFR 1.103(a) is **GRANTED**.

A grantable petition for suspension of action under 37 CFR 1.103(a) requires:

1) A showing of good and sufficient cause for suspension of action, and
2) The fee set forth in 37 CFR 1.17(g), unless such cause is the fault of the Office.

Concurrent with the filing of a Request for Continued Examination on June 18, 2007, Applicant filed a request under 37 CFR 1.103(c) for a period of 3 months to suspend action by the examiner. Subsequently, on June 12, 2008, in response to a non-final Office action, applicant requested that "the Examiner delay further examination of the present application until a decision has been rendered in the pending petitions" filed in 10/794,942. The request was treated by the examiner as a petition for suspension of action under 37 CFR 1.103(a). A decision granting a six (6) month suspension was mailed on September 2, 2008.

In the latest petition filed March 2, 2009 applicant requests and additional six (6) months suspension as "applicant has yet to resolve the inventorship question with the assignee of application 10/794,942 outside the procedures of the Patent and Trademark Office." Petitioner contends that the petition to correct inventorship in 10/794,942 was denied. The petition was dismissed not denied.

As there is an on going question of inventorship in the '942 application, it is deemed that this constitute a good and sufficient reason why a second suspension should be granted, and thus applicant's request for an additional period of suspension of six (6) months is reasonable and will be **GRANTED**.

At the conclusion of this latest period of suspension, applicant will have had over 12 months to clear up the inventorship issue in the '942 application. Suspension of action can not go on indefinitely.

Action by the Office on this application is suspended under 37 CFR 1.103(a) for a period of six (6) months from the date of this letter. At the end of this period applicant is required to notify the examiner and request commencement of prosecution or a further suspension. See MPEP 709. If applicant wishes to commence prosecution earlier than the expiration of the 6 month period, the examiner should be so notified.

The period for suspension will be six (6) months from the date of this letter.

Any questions surrounding this decision should be directed to Quality Assurance Specialist Teri P. Luu at (571) 272-7045.

Frederick Schmidt, Director
Technology Center 3600
(571) 272-5150

tpl: 03/05/09
TL

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

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SEP 10 2007

OFFICE OF PETITIONS

In re Application of :
Hutton J. Pulitzer :
Application No. 11/194,361 :
Filed: August 1, 2005 :
Attorney Docket No. PULI-0010 (122926.00018) :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
9328 WICHITA TRAIL
FRISCO, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,361	08/01/2005	J. Hutton Pulitzer	PULI-0010(122926.00018)

CONFIRMATION NO. 9541

OC000000025738759

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

Date Mailed: 09/10/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

- 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.

April Mouse

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

FORMER ATTORNEY/AGENT COPY

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/194,363	08/01/2005	Hideyuki Kikuchi	MITPA5.002AUS	9549

20995 7590 04/18/2008
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
CHAU, LINDA N

ART UNIT	PAPER NUMBER
4162	

NOTIFICATION DATE	DELIVERY MODE
04/18/2008	ELECTRONIC

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

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

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

jcartee@kmob.com
eOAPilot@kmob.com

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	11/194,363
Filing Date	08/01/2005
First Named Inventor	Hideyuki KIKUCHI
Art Unit	1754
Examiner Name	Unknown
Attorney Docket Number	MITPA5.002AUS

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

Approved 4-18-08 Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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
- [X] the attorneys/agents associated with Customer Number 20,995

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: The client has requested to transfer this file to the below Customer No. A Revocation and Power of Attorney will be subsequently submitted by the new attorneys.

CORRESPONDENCE ADDRESS

1. [ ] The correspondence address is NOT affected by this withdrawal.
2. [X] Change the correspondence address and direct all future correspondence to:

[X] The address associated with Customer Number: 76,993

OR

[ ] Firm *or* Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Signature	Daniel Altman		
Name	Daniel E. Altman	Registration No.	34,115
Date	March 11, 2008	Telephone No.	949-760-0404

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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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/194368	08/01/2005	Shao, Rei Tsang	Mo735D/35,468D

34947
Lanxess Corporatoin
111 Ridc Park West Drive
Pittsburg, PA 152-1112

DATE MAILED: October 16, 2007

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

This is in response to the petition under 37 CFR 1.138(d) filed on August 01, 2007 requesting for a refund any previously paid search fee and excess claims fee in the above-identified application, and the petition under 37 CFR 1.138(c) filed on April 16, 2007, for express abandonment to avoid publication of the above-identified application.

The petitions are granted.

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

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

571-272-4200

Pre-Grant Publication Division

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Jackson Walker LLP
901 Main Street
Suite 6000
Dallas, TX 75202-3797

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SEP 13 2007

OFFICE OF PETITIONS

In re Application of	:	
J. Hutton Pulitzer	:	
Application No. 11/194,373	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0024 (122926.0032)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang 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 J. Hutton Pulitzer at the address indicated below.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **J. Hutton Pulitzer**
4505 Claire Chennaut
Addison, TX 75001

cc: **J. Hutton Pulitzer**
9328 Wichita Trail
Frisco, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,373	08/01/2005	J. Hutton Pulitzer	PULI-0024 (122926.0032)

CONFIRMATION NO. 9418

OC000000025798331

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

Date Mailed: 09/13/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

- 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.

Jerri Williams

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

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OFFICE OF PETITIONS

In re Application of

PULITZER, J. Hutton
Application No. 11/194,374
Filed: August 1, 2005
Attorney Docket No. **PULL-0041(122926.00049)**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

CC: **J. HUTTON PULITZER**
9328 WICHITA TRAIL
FRISCO, TX 75034

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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE, SUITE 1400
CLEVELAND OH 44114

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OFFICE OF PETITIONS

In re Application of	:	
LERNER, et al.	:	
Application No. 11/194,375	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 02946/04149	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 29, 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 the declaration of inventor Bernard Lerner, 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 3721 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

Mail Date: 04/20/2010

Applicant	: Bernard Lerner	: DECISION ON REQUEST FOR
Patent Number	: 7571584	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/194,375	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/01/2005	: 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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CUMMINS-ALLISON CORP.
C/O NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: John E. Jones	: DECISION ON REQUEST FOR
Patent Number	: 7602956	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/194,380	: OF WYETH
Filed	: 08/01/2005	:
		:

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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P.O. Box 1450
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www.uspto.gov

Jackson Walker LLP
901 Main Street
Suite 6000
Dallas, TX 75202-3797

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SEP 17 2007

OFFICE OF PETITIONS

In re Application of	:	
J. Hutton Pulitzer	:	
Application No. 11/194,383	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0032(122926.00040)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang 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 J. Hutton Pulitzer at the address indicated below.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **J. Hutton Pulitzer**
4505 Claire Chennaut
Addison, TX 75001

cc: **J. Hutton Pulitzer**
9328 Wichita Trail
Frisco, TX 75034

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
11/194,383	08/01/2005	J. Hutton Pulitzer	PULI-0032(122926.00040)

CONFIRMATION NO. 9368

OC000000025827165

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

Date Mailed: 09/14/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

- 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.

J. Williams

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

FORMER ATTORNEY/AGENT COPY

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

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of

PULITZER, J. Hutton
Application No. 11/194,384
Filed: August 1, 2005
Attorney Docket No. **PULI-0037(122926.0045)**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **J. HUTTON PULITZER**
9328 WICHITA TRAIL
FRISCO, TX 75034

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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CHARLES G. NESSLER
P.O. BOX H
CHESTER, CT 06412

MAILED

MAR 25 2010

OFFICE OF PETITIONS

In re Application of :
Donna Ghung :
Application No. 11/194,387 :
Filed: Augut 1, 2005 :
Attorney Docket No. 2532 :

ON PETITION

This is a decision in response to the petition, filed December 11, 2009, 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 Charles G. Nessler appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply,[2] 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)(II)(C) and (D). The instant petition lacks item 1.

It is noted that an amendment was included with the petition filed on December 11, 2009. However, the amendment is considered non-responsive, since it did not place the application in

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] 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.

condition for allowance. See the attached Advisory Action. The proposed reply required for consideration of a petition to revive this application must be a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)), an amendment that *prima facie* places the application in condition for allowance, or the filing of a submission under 37 CFR 114 (RCE) or a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2).

Further correspondence with respect to this matter should be 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[3]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

[3] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 11/194,387	**Applicant(s)** CHUNG, DONNA	
	Examiner James O. Hansen	**Art Unit** 3637	

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

THE REPLY FILED 11 December 2009 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 Continuation Sheet*. (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: _____.

/James O. Hansen/
Primary Examiner, Art Unit 3637

Continuation of 3. NOTE: The proposed amendments to the claims, specifically the amendments to claim 1, do not include the limitations of intervening claim 3 which was factored into the patentability determination of objected to claim 8. Omission of claim 3 limitations effectively changes the scope of the amended independent claim and therefore would require further consideration and search.

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CHARLES G. NESSLER
P.O. BOX H
CHESTER, CT 06412

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JUL 01 2010

OFFICE OF PETITIONS

In re Application of :
Donna Chung :
Application No. 11/194,387 : ON PETITION
Filed: August 1, 2005 :
Attorney Docket No. 2532 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 29, 2009. A Notice of Abandonment was mailed on November 23, 2009. A petition under the provisions of 37 CFR 1.137(b) was filed on December 11, 2009; however, the petition was dismissed in a decision mailed March 24, 2010. In response, on May 24, 1010, 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) under 37 CFR 1.114 and fee of $405; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay[1].

This application is being referred to Technology Center AU 3637 for further processing in the normal course of business of the RCE 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

[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.

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

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JUL 10 2007

OFFICE OF PETITIONS

In re Application of :
J. Hutton Pulitzer :
Application No. 11/194,396 :
Filed: August 1, 2005 :
Attorney Docket No. PULI-0026 (122926.0034) :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang 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 since it is that of the sole inventor in this application at the address noted in the request to withdraw.

There are no outstanding office actions at this time.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc: J. Hutton Pulitzer
9328 Wichita Trail
Frisco, TX 75034

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,396	08/01/2005	J. Hutton Pulitzer	PULI-0026 (122926.0034)

CONFIRMATION NO. 3465

OC000000024730873

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

Date Mailed: 07/10/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

Kimberly Grabinski

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

FORMER ATTORNEY/AGENT COPY

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OFFICE OF PETITIONS

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

In re Application of	:	
J. Hutton PULITZER	:	
Application No. 11/194,397	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0017 (122926.00025)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn.

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

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.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
4505 CLAIRE CHENNAUT
ADDISON, TX 75001

cc: J. HUTTON PULITZER,
9328 WICHITA TRAIL
TRISCO, TX 75034

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,397	08/01/2005	J. Hutton Pulitzer	PULI-0017 (122926.00025)

CONFIRMATION NO. 3475

OC000000024377813

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

Date Mailed: 06/15/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

- 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.

Diane Goodwyn
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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JUN 29 2007

OFFICE OF PETITIONS

In re Application of :
J. Hutton PULITZER :
Application No. 11/194,398 : DECISION ON PETITION
Filed: August 1, 2005 : TO WITHDRAW
Attorney Docket No. PULI-0020 (122926.00028) : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn.

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

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.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
4505 CLAIRE CHENNAUT
ADDISON, TX 75001

cc: J. HUTTON PULITZER,
9328 WICHITA TRAIL
TRISCO, TX 75034

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,398	08/01/2005	J. Hutton Pulitzer	PULI-0020 (122926.00028)

CONFIRMATION NO. 3489

OC000000024377658

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

Date Mailed: 06/15/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

- 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.

Diane Goodlow

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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Dallas, TX 75202-3797

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OFFICE OF PETITIONS

In re Application of	:	
J. Hutton Pulitzer	:	
Application No. 11/194,402	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0043 (122926.00051)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang 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 J. Hutton Pulitzer at the address indicated below.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **J. Hutton Pulitzer**
4505 Claire Chennaut
Addison, TX 75001

cc: **J. Hutton Pulitzer**
9328 Wichita Trail
Frisco, TX 75034

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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
11/194,402	08/01/2005	J. Hutton Pulitzer	PULI-0043 (122926.00051)

CONFIRMATION NO. 3462

OC000000025821594

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

Date Mailed: 09/13/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

- 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.

G. Williams

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

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Jackson Walker LLP
901 Main Street
Suite 6000
Dallas, TX 75202-3797

COPY MAILED

SEP 17 2007

OFFICE OF PETITIONS

In re Application of	:	
J. Hutton Pulitzer	:	
Application No. 11/194,403	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0032(122926.00041)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang 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 J. Hutton Pulitzer at the address indicated below.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **J. Hutton Pulitzer**
4505 Claire Chennaut
Addison, TX 75001

cc: **J. Hutton Pulitzer**
9328 Wichita Trail
Frisco, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,403	08/01/2005	J. Hutton Pulitzer	PULI-0033 (122926.0041)

CONFIRMATION NO. 3481

OC000000025827645

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

Date Mailed: 09/14/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

- 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.

Yerri Williams

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

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7-21-08

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Patent No. :7,394,396
Ser. No. : 11/194,407
Inventor(s) : Koji Seki, et. al.
Issued : July 1, 2008
Title : ELECTRICAL APPARATUS, IMAGE FORMING APPARATUS AND OPERATIO PROGRAM PRODUCT
Docket No. : P1693US

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.

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

Casella & Hespos
274Madison Avenue
New York, NY 10016

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901 MAIN STREET, SUITE 6000
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OFFICE OF PETITIONS

In re Application of
PULITZER, J. Hutton
Application No. 11/194,414
Filed: August 1, 2005
Attorney Docket No. **PULI-0018(122926.00026)**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **J. HUTTON PULITZER**
9328 WICHITA TRAIL
FRISCO, TX 75034

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901 MAIN STREET
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DALLAS, TX 75202-3797

In re Application of	:	
J. Hutton PULITZER	:	
Application No. 11/194,416	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0025 (122926.00033)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn.

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

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.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
4505 CLAIRE CHENNAUT
ADDISON, TX 75001

cc: J. HUTTON PULITZER,
9328 WICHITA TRAIL
TRISCO, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,416	08/01/2005	J. Hutton Pulitzer	PULI-0025 (122926.0033)

CONFIRMATION NO. 4580

OC000000024377300

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

Date Mailed: 06/15/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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JACKSON WALKER LLP
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In re Application of
J. Hutton PULITZER
Application No. 11/194,418
Filed: August 1, 2005
Attorney Docket No. PULI-0048 (122926.00058)

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn.

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

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.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
4505 CLAIRE CHENNAUT
ADDISON, TX 75001

cc: J. HUTTON PULITZER,
9328 WICHITA TRAIL
TRISCO, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,418	08/01/2005	J. Hutton Pulitzer	PULI-0048 (122926.00058)

CONFIRMATION NO. 4568

OC000000025496945

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

Date Mailed: 08/22/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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Jackson Walker, LLP
901 Main Street
Suite 6000
Dallas, TX 75202-3797

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MAY 17 2007

OFFICE OF PETITIONS

In re Application of

J. Hutton Pulitzer
Application No. 11/194,422
Filed: August 1, 2005
Attorney Docket No. PULI-0034 (122926.0042)

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 5, 2007.

The request is **APPROVED**.

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

The request was signed by T. Ling Chwang 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.

Accordingly, all correspondence will be mailed to the sole inventor at the address noted in the request to withdraw.

A final rejection was mailed on November 8, 2006, setting a three month shortened statutory period for reply. Extensions of time are available under the provisions of 37 CFR 1.136(b). If no action was taken to maintain pendency, this application is now abandoned.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc: J. Hutton Pulitzer
9328 Wichita Trail
Frisco, TX 75034

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P.O. Box 1450
Alexandria, VA 22313-1450
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J. Richard Konneker, Esq.
KONNEKER & SMITH, P.C.
660 N. Central Expwy.
Suite 230
Plano TX 75074

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OCT 18 2006

OFFICE OF PETITIONS

In re Application of EGGLESTON Application No. 11/194,426 Filed: August 01, 2005 Attorney Docket No. EGGL-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 July 18, 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 J. Richard Konneker on behalf of all attorneys or agents of record.

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

The correspondence address of record has been changed. All future correspondence will be directed to the first named inventor Philip W. Eggleston at the address indicated below.

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

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

David Bucci
Petitions Examiner
Office of Petitions

cc: Philip W. Eggleston
1813 Sandra Drive
Sherman, TX 75092

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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BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS, TX 75201

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OFFICE OF PETITIONS

In re Application of	:	
Gordon R. Irlam, et al.	:	
Application No. 11/194,431	:	ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. PST-001C	:	

This is a decision in response to the petition under 37 CFR 1.182, filed February 6, 2007, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Scott M. Petry
2. Gordon R. Irlam
3. Brian Maggi

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/194,431	08/01/2005	2617	600	PST-001C	24	2

CONFIRMATION NO. 4589

CORRECTED FILING RECEIPT

OC000000024193129

23562
BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS, TX 75201

Date Mailed: 06/04/2007

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

Applicant(s)

Scott Petry, Palo Alto, CA;
Gordon Raymond Irlam, Redwood City, CA;
Brian Maggi, Mt. Prospect, IL;

Assignment For Published Patent Application

Postini, Inc., Redwood City, CA

Power of Attorney: The patent practitioners associated with Customer Number 23562.

Domestic Priority data as claimed by applicant

This application is a CON of 10/672,688 09/26/2003
which is a CON of 09/675,609 09/29/2000 PAT 6,650,890

Foreign Applications

If Required, Foreign Filing License Granted: 08/23/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/194,431

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Value-added electronic messaging services having web-based user accessible message center

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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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Alexandria, VA 22313-1450
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VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO CA 94105

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JAN 0 4 2007

OFFICE OF PETITIONS

In re Application of :
Jun Wan et al :
Application No. 11/194,439 : ON PETITION
Filed: August 1, 2005 :
Attorney Docket No. SAND-01050USO :

This is a decision on the petition, filed January 3, 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 November 30, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 2824 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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David G. Henry
900 Washington Ave.
P.O. Box 1450
Waco, TX 76703

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JUL 12 2007

OFFICE OF PETITIONS

In re Application of
William E. McCoy, et. al.
Application No. 11/194,491
Filed: August 1, 2005
Attorney Docket No. HOT STAMP CONTINUATION

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 25, 2007, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed August 16, 2005. A Notice of Abandonment was mailed on April 25, 2006.

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.

Further, 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.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an executed Oath/Declaration with the $65 surcharge, $250 search fee, $100 examination fee, $150 utility filing fee; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Initial Patent Examination 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

cc: Jamie Rose
Cox Smith Matthews, Incorporated
112 E. Pecan Street, Suite 1800
San Antonio, TX 78205

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CARRIER BLACKMAN AND ASSOCIATES
24101 NOVI ROAD
SUITE 100
NOVI, MI 48375

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SEP 12 2005
OFFICE OF PETITIONS

In re Application of
Hirotomi Nemoto et al.
Application No. 11/194,502
Filed: August 1, 2005
Attorney Docket No. OCA-218-A

DECISION GRANTING PETITION

This is a decision on the petition filed August 25, 2005, in response to the Notice of Incomplete Nonprovisional Application mailed August 17, 2005, requesting that the above identified application be accorded a filing date of August 1, 2005. The petition is treated under 37 CFR 1.53.

On August 1, 2005, the application was filed.

On August 17, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, on August 25, 2005 the present petition, and four (4) sheets of drawings were filed. Petitioners argue that drawings were filed with the other application papers on August 1, 2005. In support of the petition, a copy of petitioner's postcard receipt which shows an official USPTO date-stamp of August 1, 2005, and the above-identified application number, and acknowledges receipt of, *inter alia*, "drawings", was supplied with the present petition. Petitioner requests that the application, including 4 sheets of drawings, be accorded a filing date of August 1, 2005.

Upon review of the record, no sheets of drawings deposited on August 1, 2005, have been located among the application papers. However, the evidence is convincing that the application papers deposited on August 1, 2005, included drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the four sheets of drawings, was complete on filing and entitled to a filing date of August 1, 2005.

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

The Notice of Incomplete Nonprovisional Application mailed August 17, 2005, is withdrawn. Therefore, the petition fee will be credited back to deposit account no. 50-0744.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of August 1, 2005, using the application papers filed on August 1, 2005 and the four (4) sheets of drawings supplied on August 25, 2005.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Junko Ishikawa	: DECISION ON REQUEST FOR
Patent Number	: 7648714	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/194,520	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **991** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/194,568	08/02/2005	Haruhiko Asao	275644US3DIV	1112

22850 7590 03/26/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
MCGUTHRY BANKS, TIMA MICHELE

ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
03/26/2009	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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

wk

Mailed: 3/26/09

In re application of	:	
Asao et al.	:	DECISION ON
Serial No. 11/194,568	:	PETITION
Filed: August 2, 2005	:	
For: Method For Manufacturing Low-Oxygen Copper	:	

This is a response to the PETITION UNDER RULE 37 C.F.R. 1.181(a) filed February 18, 2009 to compel the Examiner to consider Document (AU) of JP 10-156529 cited in the Information Disclosure Statement filed August 2, 2005.

The Examiner initially did not consider the reference because a copy was not provided.

The Examiner will consider information which has been considered by the Office in a parent application when examining a divisional application filed under 37 CFR 1.53(b). If applicant is resubmitting a listing of the information, applicant should submit a new listing that complies with the format requirements in 37 CFR 1.98(a) (1).

A review of the record indicates that this application is a divisional application of U.S. Patent 6,944,930 and that the JP 10-15629 was considered in the parent case. Further applicant has submitted a new listing that complies with the format requirements in 37 C.F.R. 1.98(a) (1).

DECISION

The Petition is **GRANTED**.

The Examiner will consider document (AU) JP 10-156529 and will make it of record in the current application.

Gregory L. Mills, Acting Director
Technology Center 1700
Chemical and Materials Engineering

Craig R. Feinberg
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

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	: Sung-Jae Yoon	: DECISION ON REQUEST FOR
Patent Number	: 7580721	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/194,604	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **905** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 28 2008

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

In re Application of :
Mikio Ogawa et al :
Application No. 11/194,608 : ON PETITION
Filed: August 2, 2005 :
Attorney Docket No. 276231US2

This is a decision on the petition, filed August 27, 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 1, 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 2827 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

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11 194 608

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 7,486,562
Patented: February 3, 2009

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Mikio Ogawa, Yokohama, Japan ; Norihiro Fujita, Yokohama, Japan ; Hiroshi Nakamura, Fujisawa, Japan

Signed and Sealed this fourtheenth Day of October 2009.

Certificate
OCT 15 2009
of Correction

Thanks,

Amir Zarabian
Supervisory Patent Examiner

Art Unit 2827

Certificate of Correction Branch
(703) 308-9390 ext. 111

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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THADDIUS J. CARVIS
102 NORTH KING STREET
LEESBURG VA 20176

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JUN 2 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Carlson, Bengt A.	:	
Application No. 11/194,636	:	DECISION ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. Belimo P1011 US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 30, 2008, to revive the above-identified application.

The petition is **GRANTED**.

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

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

This matter is being referred to Technology Center 3753 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Antony C. Edwards
P.O. Box 26020
Westbank BC V4T 2G3 CA CANADA

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MAY 1 3 2008

OFFICE OF PETITIONS

In re Application of Steve Chung	:	
Application No. 11/194,666	:	
Filed: August 2, 2005	:	DECISION ON PETITION
Patent No. 7,311,211	:	
Issued: December 25, 2007	:	
Attorney Docket No. ACE-29109	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 6, 2008, to revive in order to accept an outstanding balance of the issue fee in a patented file.

The petition is **GRANTED**.

The issue fee payment filed November 2, 2007 was submitted after a new fee schedule went into effect September 30, 2007. This fee schedule required an issue fee of $720.00 rather than the $700.00 indicated on the Notice of Allowance and Fee(s) Due, PTOL-85. Consequently, the issue fee submitted November 2, 2007 was deficient $20.00. However, pursuant to 35 USC 151, full payment of the issue fee is required.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $20.00 outstanding issue fee balance, (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/28/2010

Applicant	: Katsuaki Sumida	: DECISION ON REQUEST FOR
Patent Number	: 7607327	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/194,670	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

PTO/SB/20 (01-07)
Approved for use through 12/31/2008. OMB 0651-0058
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 PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

Application No.:	11/194,685	First Named Inventor:	Yotsuhashi, Satoshi
Filing Date:		Attorney Docket No.:	071025-0017
Title of the Invention:	Thermoelectric Conversion Device, and Cooling Method and Power Generating Method Using the Device		

THIS REQUEST FOR PARTICIPATION IN THE PPH PILOT PROGRAM MUST BE FAXED TO:
THE OFFICE OF THE COMMISSIONER FOR PATENTS AT 571-273-0126 DIRECTED TO THE ATTENTION OF MAGDALEN GREENLIEF

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT PROGRAM.

The above-identified application validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s).

The JPO application number(s) is/are: JP 2005-518740

The filing date of the JPO application(s) is/are: September 20, 2005

I. List of Required Documents:

a. **A copy of all JPO office actions (excluding "Decision to Grant a Patent"*) in the above-identified JPO application(s).**

☐ Is attached.

☐ Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

b. **A copy of all claims which were determined to be patentable by the JPO in the above-identified JPO application(s).**

☑ Is attached.

☐ Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System.

c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached.**

Information disclosure statement listing the documents cited in the JPO office actions is attached.

Copies of all documents are attached except for U.S. patents or U.S. patent application publications.

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). 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 2 hours 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. FAX COMPLETED FORMS TO: Office of the Commissioner for Patents at 571-273-0126, Attention: Magdalen Greenlief.

PTO/SB/20 (01-07)
Approved for use through 12/31/2008. OMB 0651-0058
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 PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	11/194,685	First Named Inventor:	Yotsuhashi, Satoshi

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in JP Application	Explanation regarding the correspondence
1-24	1-24	Claims are the same.

Charge petition fee to Deposit acct.

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO application.

IV. Payment of Fees:

The Commissioner is hereby authorized to charge the petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) to ☑ Deposit Account No. 500417.

☐ Credit Card. Credit Card Payment Form (PTO-2038) is attached.

Signature		Date	7/16/07
Name (Print/Typed)	Michael E. Fogarty	Registration Number	36,139

Docket No.: 071025-0017 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 53080
Satoshi YOTSUHASHI	:	Confirmation Number: 2710
Application No.: 11/194,685	:	Group Art Unit: 1753
Filed: August 02, 2005	:	Examiner: Not yet assigned

For: THERMOELECTRIC CONVERSION DEVICE, AND COOLING METHOD AND POWER GENERATING METHOD USING THE DEVICE

REQUIRED STATEMENT

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

Sir:

In accordance with Subsection II.B. of the June 13, 2006 Notice concerning the Patent Prosecution Highway, Applicants state that the enclosed translation of the claims of the corresponding Japanese application is accurate.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Michael E. Fogarty
Registration No. 36,139

Please recognize our Customer No. 53080 as our correspondence address.

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF:MWE
Facsimile: 202.756.8087
Date: July 16, 2007

VERIFICATION OF TRANSLATION

U.S. Patent Application No. 11/194,685

Applicant: Satoshi YOTSUHASHI et al.

Filed on August 2, 2005

Title of the Invention:

THERMOELECTRIC CONVERSION DEVICE, AND COOLING METHOD AND POWER GENERATING METHOD USING THE SAME

I, Koichi KAMADA, whose full post office address is c/o Seiran International Patent Firm, 7th Fl., Tomoe Marion Bldg., 4-3-1, Nishitenma, Kita-ku, Osaka-shi, Osaka 530-0047 Japan,

state that the following is a true translation to the best of my knowledge and belief of the claims of JP 2005-518740 (International Filing Date: December 27, 2004).

At Osaka, Japan

Dated this 18/ 06/ 2007 (Day/Month/Year)

Koichi KAMADA

English translation of the patented claims of JP 2005-518740

CLAIMS

1. A thermoelectric conversion device comprising a substrate, a thermoelectric-conversion film arranged on the substrate, and a pair of electrodes; wherein

the thermoelectric-conversion film is a crystalline thin film obtained through epitaxial growth and formed by arranging an electrically conducting layer and an electrically insulating layer alternately;

the electrically conducting layer has an octahedral crystal structure in which a transition metal atom M is positioned at the center and oxygen atoms are positioned at the vertexes;

the electrically insulating layer comprises a metal element or a crystalline metal oxide;

the c axis of the crystalline thin film formed of the electrically conducting layer and the electrically insulating layer is parallel to an in-plane direction of the substrate; and

the pair of electrodes are arranged so that electric current flows along the c axis.

2. The thermoelectric conversion device according to claim 1, wherein the transition metal atom M is at least one element selected from Co and Mn.

3. The thermoelectric conversion device according to claim 2, wherein the electrically conducting layer contains Co as the transition metal atom M and has a CoO_2 octahedral crystal structure in which edges are shared with one another.

4. The thermoelectric conversion device according to claim 1, wherein the electrically insulating layer comprises a metal element.

5. The thermoelectric conversion device according to claim 4, wherein the metal element is at least one element selected from an alkali metal, an alkaline-earth metal, Hg, Tl, Pb, and Bi.

6. The thermoelectric conversion device according to claim 4, wherein the

electrically insulating layer comprises 1 to 3 monolayer(s).

7. The thermoelectric conversion device according to claim 1, wherein the electrically insulating layer comprises a crystalline metal oxide.

8. The thermoelectric conversion device according to claim 7, wherein the electrically insulating layer comprises 1 to 4 monolayer(s).

9. The thermoelectric conversion device according to claim 7, wherein the electrically insulating layer has a rock-salt structure.

10. The thermoelectric conversion device according to claim 7, wherein the electrically insulating layer has a composition represented by the formula $Sr_2(Bi_{2-X4}Pb_{X4})_2O_4$, $Ca_2(Co_{1-X5}Cu_{X5})_2O_4$, $(Ca,Bi)_2CoO_3$, or Sr_2TiO_3, where $0 \leq X4 \leq 1$ and $0 \leq X5 \leq 1$.

11. The thermoelectric conversion device according to claim 1, wherein the thermoelectric-conversion film has a composition represented by the formula $A_{X1}MO_{Y1}$, where A is at least one element selected from an alkali metal, an alkaline-earth metal, Hg, Tl, Pb, and Bi, M is at least one element selected from transition metal elements, X1 is a numerical value of 0.1 to 0.8, and Y1 is a numerical value of 1.5 to 2.5.

12. The thermoelectric conversion device according to claim 11, wherein the M is at least one element selected from Co, Ni, Ti, Mn, Fe, and Rh.

13. The thermoelectric conversion device according to claim 12, wherein the M is at least one element selected from Co and Mn.

14. The thermoelectric conversion device according to claim 1, wherein the thermoelectric-conversion film has a composition represented by the formula $Bi_{2-X2}Pb_{X2}Sr_2Co_2O_{Y2}$, where X2 is a numerical value of 0 to 0.5, and Y2 is a numerical value of 7.5 to 8.5.

15. The thermoelectric conversion device according to claim 1, wherein the thermoelectric-conversion film has a composition represented by the formula $(Ca_{1-X3-Y3}Sr_{X3}Bi_{Y3})_3Co_4O_9$, where X3 is a numerical value of 0 to less than 1 and

Y3 is a numerical value of 0 to 0.3.

16. The thermoelectric conversion device according to claim 1, wherein:

the electrically conducting layer contains at least one element selected from Co and Mn, and has a perovskite structure or a CdI_2 structure; and

the electrically insulating layer contains at least one element selected from an alkali metal, an alkaline-earth metal, Hg, Tl, Pb, and Bi, and has a rock-salt structure.

17. The thermoelectric conversion device according to claim 1, wherein the pair of electrodes is arranged so as to be spaced apart by 1 mm or greater with respect to the c-axis direction.

18. The thermoelectric conversion device according to claim 1, wherein the thickness of the substrate is reduced in a portion of a region sandwiched between the pair of electrodes.

19. The thermoelectric conversion device according to claim 1, further comprising a buffer layer arranged between the substrate and the thermoelectric-conversion film.

20. The thermoelectric conversion device according to claim 19, wherein the buffer layer contains at least one selected from CeO_2, ZrO_2, TiO_2, ZnO, NiO, Fe_2O_3, Cr_2O_3, Al_2O_3, Cr_2O_3, Cr, and Pt.

21. The thermoelectric conversion device according to claim 1, wherein a material for the substrate is resin.

22. A cooling method, using a thermoelectric conversion device comprising a substrate, a thermoelectric-conversion film arranged on the substrate, and a pair of electrodes, the method comprising:

passing electric current between the pair of electrodes to cause a temperature difference between the pair of electrodes, whereby one of the pair of electrodes is made a low temperature part; wherein

the thermoelectric-conversion film is a crystalline thin film obtained through epitaxial growth, and formed by arranging an electrically conducting layer and an electrically insulating layer alternately;

the electrically conducting layer has an octahedral crystal structure in which a transition metal atom M is positioned at its center and oxygen atoms are positioned at vertexes;

the electrically insulating layer comprises a metal element or a crystalline metal oxide;

the c axis of the crystalline thin film composed of the electrically conducting layer and the electrically insulating layer is parallel to an in-plane direction of the substrate; and

the pair of electrodes are arranged so that electric current flows along the c axis.

23. The cooling method according to claim 22, wherein a pulse current is passed through between the pair of electrodes.

24. An electric power generating method, using a thermoelectric conversion device comprising a substrate, a thermoelectric-conversion film arranged on the substrate, and a pair of electrodes, the method comprising:

supplying heat between the pair of electrodes so as to cause a temperature difference therebetween, whereby a potential difference is caused between the pair of electrodes; wherein

the thermoelectric-conversion film is a crystalline thin film obtained through epitaxial growth, and formed by arranging an electrically conducting layer and an electrically insulating layer alternately;

the electrically conducting layer has an octahedral crystal structure in which a transition metal atom M is positioned at its center and oxygen atoms are positioned at vertexes;

the electrically insulating layer comprises a metal element or a crystalline metal oxide;

the c axis of the crystalline thin film composed of the electrically conducting layer and the electrically insulating layer is parallel to an in-plane direction of the substrate; and

the pair of electrodes are arranged so that electric current flows along the c axis.

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(54)【発明の名称】熱電変換デバイス、およびこれを用いた冷却方法および発電方法

(57)【特許請求の範囲】

【請求項１】

基体と、前記基体上に配置された熱電変換膜と、一対の電極とを具備する熱電変換デバイスであって、

前記熱電変換膜は、エピタキシャル成長により得られ、かつ電気伝導層と電気絶縁層とが交互に配置されて形成されている結晶性薄膜であり、

前記電気伝導層は、遷移金属原子Ｍが中心に位置すると共に酸素原子が頂点に位置する八面体結晶構造を有し、

前記電気絶縁層は、金属元素または結晶性金属酸化物からなり、

前記電気伝導層および前記電気絶縁層から形成されている前記結晶性薄膜のｃ軸は、前記基体の面内方向と平行であり、

前記一対の電極は、前記ｃ軸に沿って電流が流れるように配置されている、熱電変換デバイス。

【請求項２】

前記遷移金属原子Ｍが、ＣｏおよびＭｎから選ばれる少なくとも１種である請求項１に記載の熱電変換デバイス。

【請求項３】

前記電気伝導層が、前記遷移金属原子ＭとしてＣｏを含有し、かつ互いに稜を共有するCoO_2八面体結晶構造を有する請求項２に記載の熱電変換デバイス。

【請求項４】

前記電気絶縁層が、金属元素からなる請求項１に記載の熱電変換デバイス。

【請求項５】

前記金属元素が、アルカリ金属、アルカリ土類金属、Ｈｇ、Ｔｌ、ＰｂおよびＢｉから選ばれる少なくとも１種である請求項４に記載の熱電変換デバイス。

【請求項６】

前記電気絶縁層が、１～３モノレイヤーからなる請求項４に記載の熱電変換デバイス。

【請求項７】

前記電気絶縁層が、結晶性金属酸化物からなる請求項１に記載の熱電変換デバイス。

【請求項８】

前記電気絶縁層が、１～４モノレイヤーからなる請求項７に記載の熱電変換デバイス。

【請求項９】

前記電気絶縁層が、岩塩型構造を有する請求項７に記載の熱電変換デバイス。

【請求項１０】

前記電気絶縁層が、$Sr_2(Bi_{2-X4}Pb_{X4})_2O_4$、$Ca_2(Co_{1-X5}Cu_{X5})_2O_4$、$(Ca,Bi)_2CoO_3$、または$Sr_2TiO_3$により示される組成を有する請求項７に記載の熱電変換デバイス。

ただし、$0 \leqq X4 \leqq 1$、$0 \leqq X5 \leqq 1$である。

【請求項１１】

前記熱電変換膜が、式$A_{X1}MO_{Y1}$により示される組成を有する請求項１に記載の熱電変換デバイス。

ただし、Ａは、アルカリ金属、アルカリ土類金属、Ｈｇ、Ｔｌ、ＰｂおよびＢｉから選ばれる少なくとも１種の元素であり、Ｍは、遷移金属元素から選ばれる少なくとも１種であり、Ｘ１は０．１以上０．８以下の数値、Ｙ１は１．５以上２．５以下の数値である。

【請求項１２】

前記Ｍが、Ｃｏ、Ｎｉ、Ｔｉ、Ｍｎ、ＦｅおよびＲｈから選ばれる少なくとも１種である請求項１１に記載の熱電変換デバイス。

【請求項１３】

前記Ｍが、ＣｏおよびＭｎから選ばれる少なくとも１種である請求項１２に記載の熱電変換デバイス。

【請求項１４】

前記熱電変換膜が、式$Bi_{2-X2}Pb_{X2}Sr_2Co_2O_{Y2}$により示される組成を有する請求項１に記載の熱電変換デバイス。

ただし、Ｘ２は０以上０．５以下の数値であり、Ｙ２は７．５以上８．５以下の数値である。

【請求項１５】

前記熱電変換膜が、式$(Ca_{1-X3-Y3}Sr_{X3}Bi_{Y3})_3Co_4O_9$により示される組成を有する請求項１に記載の熱電変換デバイス。

ただし、Ｘ３は０以上１未満の数値であり、Ｙ３は０以上０．３以下の数値である。

【請求項１６】

前記電気伝導層が、ＣｏおよびＭｎから選ばれる少なくとも１種を含み、かつペロブスカイト型構造またはCdI_2型構造を有し、

前記電気絶縁層が、アルカリ金属、アルカリ土類金属、Ｈｇ、Ｔｌ、ＰｂおよびＢｉから選ばれる少なくとも１種の元素を含み、かつ岩塩型構造を有する、請求項１に記載の熱電変換デバイス。

【請求項１７】

前記ｃ軸方向について、前記一対の電極が１ｍｍ以上離間して配置されている請求項１に記載の熱電変換デバイス。

【請求項１８】

前記一対の電極の間に挟持された領域の一部において、基体の厚みが減少している請求項１に記載の熱電変換デバイス。

【請求項１９】

前記基体と前記熱電変換膜との間に配置された緩衝層をさらに含む請求項１に記載の熱電変換デバイス。

【請求項２０】

前記緩衝層が、CeO_2、ZrO_2、TiO_2、ZnO、NiO、Fe_2O_3、Cr_2O_3、AI_2O_3、Cr_2O_3、CrおよびPtから選ばれる少なくとも１種を含む請求項１９に記載の熱電変換デバイス。

【請求項２１】

前記基体の材料が樹脂である請求項１に記載の熱電変換デバイス。

【請求項２２】

基体と、前記基体上に配置された熱電変換膜と、一対の電極とを具備する熱電変換デバイスを用い、

前記一対の電極の間に電流を流すことにより、前記一対の電極の間に温度差を生じさせ、前記一対の電極のいずれか一方を低温部とする冷却方法であって、

前記熱電変換膜は、エピタキシャル成長により得られ、かつ電気伝導層と電気絶縁層とが交互に配置されて形成されている結晶性薄膜であり、

前記電気伝導層は、遷移金属原子Mが中心に位置すると共に酸素原子が頂点に位置する八面体結晶構造を有し、

前記電気絶縁層は、金属元素または結晶性金属酸化物からなり、

前記電気伝導層および前記電気絶縁層からなる結晶性薄膜のｃ軸は、前記基体の面内方向と平行であり、

前記一対の電極は、前記ｃ軸に沿って電流が流れるように配置されている、冷却方法。

【請求項２３】

前記一対の電極の間にパルス電流を流す請求項２２に記載の冷却方法。

【請求項２４】

基体と、前記基体上に配置された熱電変換膜と、一対の電極とを具備する熱電変換デバイスを用い、

前記一対の電極の間に温度差が生じるように熱を与えることにより、前記一対の電極の間に電位差を生じさせる発電方法であって、

前記熱電変換膜は、エピタキシャル成長により得られ、かつ電気伝導層と電気絶縁層とが交互に配置されて形成されている結晶性薄膜であり、

前記電気伝導層は、遷移金属原子Mが中心に位置すると共に酸素原子が頂点に位置する八面体結晶構造を有し、

前記電気絶縁層は、金属元素または結晶性金属酸化物からなり、

前記電気伝導層および前記電気絶縁層からなる結晶性薄膜のｃ軸は、前記基体の面内方向と平行であり、

前記一対の電極は、前記ｃ軸に沿って電流が流れるように配置されている、発電方法。

【発明の詳細な説明】

【技術分野】

【０００１】

本発明は、ペルチェ効果やゼーベック効果により、熱エネルギーと電気エネルギーとを相互に変換する熱電変換デバイスに関する。

【背景技術】

【０００２】

熱電発電は、ゼーベック効果、すなわち物質の両端に温度差を付与するとその温度差に応じて熱起電力が生じる現象、を利用して熱エネルギーを直接電気エネルギーに変換する技術であり、外部に負荷を接続して閉回路を構成することにより電力を取り出すことができる。この技術は僻地用電源、宇宙用電源、軍事用電源等として実用化されている。

【０００３】

熱電冷却は、ペルチェ効果、すなわち電流によって運ばれる電子によって熱が移動する

現象、を利用する技術である。具体的には、例えばｐ型半導体とｎ型半導体といったキャリアの符合の異なる２つの物質を熱的に並列に、かつ電気的に直列に接続して電流を流したときに、キャリアの符号の違いが熱流の向きの違いに反映することを利用して接合部を吸熱する。この技術は、宇宙ステーションにおける電子機器の冷却のような局所冷却、ワインクーラー等として実用化されている。

【０００４】

通常、熱電変換材料の性能は、性能指数Ｚ、またはこれに絶対温度Ｔをかけて無次元化された性能指数ＺＴで評価される。ＺＴは、当該材料のＳ：ゼーベック係数、ρ：電気抵抗率、κ：熱伝導率、を用い、式$ZT = S^2/\rho\kappa$により示される。性能指数ＺＴによる評価において、従来の熱電変換材料は、十分な実用レベルに達しているとはいえない。

【０００５】

これまで、多くの材料が熱電変換材料として検討されてきた。例えば、層状酸化物であるNa_xCoO_2が優れた熱電変換性能を示すことが報告されている（特開平９－３２１３４６号公報、国際公開第０３／０８５７４８号パンフレット参照）。国際公開第０３／０８５７４８号パンフレットでは、熱電変換膜として、サファイア基体のｃ面上に形成された、ｃ軸配向の、すなわちｃ軸が基体の面に垂直に配向した、Na_xCoO_2膜が開示されている。

【０００６】

Na_xCoO_2は、電気伝導層であるCoO_2層と電気絶縁層であるＮａ層とが交互に配置された構造を有する。上記式より明らかなように、性能指数ＺＴを上げるためには低い電気抵抗率が望ましい。このため、Na_xCoO_2に代表される層状酸化物を熱電変換材料とする場合、従来は、専ら、電気伝導層の面内方向についての熱電変換性能を引き出す試みが為されてきた。

【０００７】

層状酸化物については、結晶配向を良好にすることによって面内方向の電気抵抗の低減が図られている。例えば、特開２０００－２６９５６０号公報では、結晶方位の揃った焼結体が開示されている。特開２００３－９５７４１号公報にも、配向性を有する多結晶体が開示されている。

【０００８】

結晶方位の揃った物質の製造方法としては、板状テンプレートを用いて結晶配向した物質を製造する方法（特開２００２－３２１９２２号公報、特開２００２－２６４０７号公報参照）、焼結体を粉砕、成型した後に加熱溶融、冷却して結晶化する方法（特開２００２－１１１０７７号公報）、原料を溶媒に溶かして得たゲルを焼成して板状結晶を成長させる方法（特開２００３－３４５８３号公報）等が提案されている。

【０００９】

これらの技術は、すべて、層状酸化物の配向性を向上することによって面内方向の電気抵抗率を低減させ、その結果として、熱電変換性能を向上させるものである。

【００１０】

しかし、上記従来の方法では、実用の目安とされているＺＴ＞１のレベルを限られた物質において、またある温度範囲でわずかに超えるにとどまっており、さらに広い普及を目指した熱電変換性能指数のレベルＺＴ＞３には遥かに届かないのが現状である。

【００１１】

従来の熱電変換デバイスを開示する公報を、以下にまとめて記載する。

【００１２】

特開平９－３２１３４６号公報
特開２０００－２６９５６０号公報
特開２００３－９５７４１号公報
特開２００２－３２１９２２号公報
特開２００２－２６４０７号公報
特開２００２－１１１０７７号公報

特開２００３－３４５８３号公報
特開２００３－１３３６００号公報
特開２００２－２７０９０７号公報
特開平１１－３３０５６９号公報（段落番号０００２）
国際公開第０３／０８５７４８号パンフレット
特開２００２－３１６８９８号公報
特開２００２－１４１５６２号公報

【発明の開示】

【００１３】

層状物質における電気伝導層の面内方向についての熱電変換性能は、その結晶配向性を改善しても、実用レベルに要求されるレベルには到達できていない。

【００１４】

本発明者らは様々な層状物質の熱電変換特性を電気伝導層の面内方向だけでなく、電気伝導層と電気絶縁層とが交互に配置された方向（層間方向）についても鋭意研究を重ねた結果、印加する外場の大きさによっては層状物質の電気伝導層と電気絶縁層の層間方向が意外にも高い熱電変換性能を示すことを発見し、本発明に到達するに至った。

【００１５】

本発明は、基体と、前記基体上に配置された熱電変換膜と、一対の電極とを具備する熱電変換デバイスであって、前記熱電変換膜は、エピタキシャル成長により得られ、かつ電気伝導層と電気絶縁層とが交互に配置されてなり、前記電気伝導層は、遷移金属原子Ｍが中心に位置すると共に酸素原子が頂点に位置する八面体結晶構造を有し、前記電気絶縁層は、金属元素単体または結晶性金属酸化物からなり、前記電気伝導層および前記電気絶縁層からなる層状物質についてのｃ軸は、前記基体の面内方向と平行であり、前記一対の電極は、前記ｃ軸に沿って電流が流れるように配置されている、熱電変換デバイスを提供する。

【００１６】

また、本発明は、この熱電変換デバイスを用いた冷却方法および発電方法を提供する。本発明の冷却方法は、上記の熱電変換デバイスを用い、一対の電極の間に電流を流すことにより、一対の電極の間に温度差を生じさせ、一対の電極のいずれか一方を低温部とする冷却方法である。本発明の発電方法では、上記の熱電変換デバイスを用い、一対の電極の間に温度差が生じるように熱を与えることにより、一対の電極の間に電位差を生じさせる。

【００１７】

本発明によれば、電気伝導層と電気絶縁層とが交互に配置された層間方向の熱電変換特性を利用することにより、広い温度領域で従来よりも優れた熱電変換性能が得られる。この優位性は層状物質の層間伝導に基づいている。

【発明を実施するための最良の形態】

【００１８】

以下、本発明の実施形態について、図面を参照しながら説明する。

【００１９】

（実施の形態１）

図１に示した熱電変換デバイスは、板状の基体１１と、基体１１上の熱電変換膜１２と、熱電変換膜１２に接して基体１１の左右に配置された一対の電極１３ａ，１３ｂと、を備えている。

【００２０】

図２に、熱電変換膜１２の結晶構造を例示する。熱電変換膜１２は、電気伝導層２２と電気絶縁層２３とが交互に配置された層状構造を有する。すなわち、熱電変換膜１２は、電気伝導層２２と電気絶縁層２３とが交互に配置された結晶性薄膜からなる。

【００２１】

結晶学的には、層間方向、すなわち層面に対して垂直な方向をｃ軸方向１０と呼ぶ。

対の電極１３ａ，１３ｂは、ｃ軸方向１０に沿って電流を流すことができるように配置されている。

【００２２】

熱電変換膜１２は、エピタキシャル薄膜（エピタキシャル成長膜）であり、ｃ軸方向１０が基体１１の面内方向に沿った配向性を有する。換言すれば、熱電変換膜１２は、各層２２，２３が基体１１の表面に対してほぼ垂直に成長した結晶構造を有する。

【００２３】

電極１３ａ，１３ｂは、これら電極の間に電圧を与えたときに電流が熱電変換膜１２内をｃ軸方向１０に沿って流れるようにこの方向について離間して配置されていればよく、図１に示したように熱電変換膜１２の表面に接して設ける必要はない。

【００２４】

基体１１は、熱電変換膜１２のエピタキシャル成長の起点を提供する。好ましい基体１１としては、Al_2O_3、$MgAl_2O_4$、$SrTiO_3$、ＭｇＯ、TiO_2等の単結晶基板を挙げることができる。ただし、単結晶基体の上にエピタキシャル成長させた熱電変換膜を当該基体と分離し、別に準備した基体１１の上に配置してもよい。

【００２５】

熱電変換膜１２は、図２に示すように、電気伝導層２２と電気絶縁層２３とが交互に配置された結晶構造を有する結晶性薄膜である。酸化物層状物質は、空気中でも安定であるために望ましい。熱電変換性能に優れる層状物質としては、電気伝導層２２は、遷移金属原子Ｍが中心に位置すると共に頂点に酸素が位置する八面体（正八面体）結晶構造を有する。遷移金属原子Ｍは、下記に例示する元素、特にＣｏおよびＭｎから選ばれる少なくとも１種が好ましい。電気伝導層２２が遷移金属原子ＭとしてＣｏを含有し、かつ互いに稜を共有するCoO_2八面体結晶構造を有する熱電変換膜１２からは、優れた熱電変換性能が得られる。MO_2八面体が互いに稜を共有しながら連なって層を構成する構造は、CdI_2型構造と呼ばれる。

【００２６】

電気伝導層２２がCdI_2型構造を有する熱電変換膜１２としては、式$A_{X1}MO_{Y1}$により示される組成を有する膜が挙げられる。この膜は、電気絶縁層２３としての層Ａと、電気伝導層２２としての層MO_{Y1}とが交互に配置された層状物質である。

【００２７】

ここで、Ａは、Ｎａ、Ｋ、Ｌｉ等のアルカリ金属、Ｃａ、Ｓｒ、Ｂａ等のアルカリ土類金属、Ｈｇ、Ｔｌ、ＰｂおよびＢｉから選ばれる少なくとも１種の元素である。Ｍは、遷移金属元素、好ましくはＣｏ、Ｎｉ、Ｔｉ、Ｍｎ、ＦｅおよびＲｈから選ばれる少なくとも１種の元素、より好ましくはＣｏおよびＭｎから選ばれる少なくとも１種である。また、$0.1 \leqq X1 \leqq 0.8$、好ましくは$0.2 \leqq X1 \leqq 0.8$であり、$1.5 \leqq Y1 \leqq 2.5$、好ましくは$1.8 \leqq Y1 \leqq 2.2$である。元素ＡおよびＭは、２種以上であってもよく、例えば元素Ａは、アルカリ金属および／またはアルカリ土類金属の一部を、Ｈｇ、Ｔｌ、Ｐｂ、Ｂｉにより置換したものであってもよい。Ｙ１は２が好ましいが、Ｙ１は膜の作製方法、条件等に依存するため、厳密に２とすることは困難である。以下の説明ではＹ１＝２と便宜上表記することがあるが、この表記は厳密に２であることを意味しない。一方、Ｘ１については、ある程度人為的に調整できる。なお、上記式において、Ｏ（酸素）に代えて、Ｓ（イオウ）やＳｅ（セレン）を用いることも考えられる。

【００２８】

金属元素Ａは結晶中の各サイトを（Ｘ１）×１００％の割合でランダムに占有するため、キャリアの散乱が頻繁に起こる。このため、元素Ａとして単体では金属となる元素（金属元素）を用いても、層Ａは電気絶縁的な性質を有する。また、金属元素Ａからなる層は、遷移金属原子Ｍが中心に位置すると共に頂点に酸素が位置する八面体結晶構造を有する電気伝導層２２にキャリア（式$A_{X1}MO_{Y1}$により示される組成を有する膜では電子）を供給する役割を有する。この役割を有する層は絶縁性となる。この限りにおいて、Ｘ１は１．０、すなわち、結晶中の全てのサイトに金属元素Ａが位置していてもよい。

【００２９】

式$A_{x1}MO_{Y1}$により示される組成を有する熱電変換膜１２は、より詳しくは、１層が１ないし３モノレイヤーのMO_2からなる電気伝導層２２と、１層が１ないし４モノレイヤーからなる電気絶縁層２３との交互積層体である。４モノレイヤー以上の厚みの電気伝導層２２、または５モノレイヤー以上の厚みの電気絶縁層２３を有する熱電変換膜１２を作製することは現状の技術では困難であるが、このような膜が本発明から排除されるわけではない。

【００３０】

なお、図２では、電気伝導層２２と電気絶縁層２３とが１モノレイヤーごとに交互に配置された結晶構造が示されている。

【００３１】

電極１３ａ，１３ｂの間に直流電圧を印加すると、熱電変換膜１２のｃ軸方向に沿って電流が流れ、それに付随して熱が運ばれ、その結果、電極１３ａの側で吸熱、電極１３ｂの側で発熱現象が生じる。電流を逆に流せば、発熱と吸熱とが反転する。

【００３２】

キャリアがホールである場合、電極１３ａをプラス極、電極１３ｂをマイナス極とすれば、電極１３ａの側で吸熱、電極１３ｂの側で発熱現象が起こる。元素ＭをＮｉとするとキャリアがＮ電子になる傾向がある。この場合、電極１３ａをマイナス極、電極１３ｂをプラス極とすれば、電極１３ａの側で吸熱、電極１３ｂの側で発熱現象が生じる。このように、図示したデバイスは、熱電冷却デバイスとして用いることができる。なお、電極１３ａと電極１３ｂとを厳密に区別する場合には、前者を「第１電極（参照符号：１３ａ）」、後者を「第２電極（参照符号：１３ｂ）」と記述する。

【００３３】

これまで、層状構造を有する熱電変換膜１２では、そのｃ軸方向１０については、電気抵抗が大きくゼーベック係数が小さいため、熱電変換性能ＺＴは使用に足るものではないと考えられてきた。本発明者等は様々な条件を検討し最適化することにより、基体１１上に、層間方向（ｃ軸方向１０）が面内方向に沿った層状物質の作製に成功した。そして、この層状物質を熱電変換膜１２として外場の方位による熱電変換性能の関係を詳細に調べていく過程で、外場の大きさによっては層間方位において予想外に大きい熱電変換性能が得られることを見出した。

【００３４】

この理由として、一つは熱電子放出的な機構が考えられるが、この層状物質の場合には放出媒体が真空ではなく電気絶縁層２３であるため、トンネル伝導的な効果も入り交じった複雑な機構が関与していると推察される。

【００３５】

同様の構成において、電極１３ａ，１３ｂとの間に温度差を付与することにより、熱電変換膜１２内で熱エネルギーを持ったキャリアがその温度差を打ち消すように電極１３ａ，１３ｂの間を移動することから、結果として電流が流れる。この効果を利用し、電極１３ａ，１３ｂを介して電力を取り出すことができる。このように、図示したデバイスは、熱電発電デバイスとしても使用できる。

【００３６】

本発明によれば、熱電変換膜１２のｃ軸方向１０についての電極１３ａ，１３ｂの間隔は自在に設定することができるため、熱の戻りの少ない高効率のデバイスを実現できる。これにより、高温部と低温部との温度差を大きくすることが可能となる。

【００３７】

基体１１の表面に対して各層２２，２３が垂直に立った構造（図２参照）、換言すればｃ軸方向１０が面内方向となった構造を有する熱電変換膜１２を得るためには、基体１１の材料と薄膜作製時の基体１１の加熱温度が重要である。スパッタ法を用いる場合の基体温度は、元素Ａの種類にもよるが、通常、６５０～７５０℃の範囲が好ましい。

【００３８】

なお、薄膜の組成に関しては、例えば元素AがNaの場合には0．3≦x≦0．6、元素AがSrの場合には0．3≦x≦0．5、元素AがCaの場合0．4≦x≦0．7とすると、結晶性が良好な膜が得られる。

【0039】

熱電変換膜12の作製方法は特に限定されず、スパッタ法、蒸着法、レーザーアブレーション法、化学的気相成長法等の気相成長によるもの、あるいは液相や固相からの成長等、種々の方法を使用できる。

【0040】

基体11の材料としては、基体11と熱電変換膜12との格子整合性が比較的良い、サファイアAl_2O_3、MgO、$SrTiO_3$、$LaAlO_3$、$NdGaO_3$、$YAlO_3$、$LaSrGaO_4$、$LaSrAlO_4$、$MgAl_2O_4$、ZnO、ZrO_2、TiO_2、Fe_2O_3、Cr_2O_3、Si、GaAs等の単結晶材料が好ましい。ただし、基体の結晶面は適切に選択する必要がある。例えば、$Na_{x1}CoO_{y1}$膜をサファイアのC面上に成膜したのでは、c軸方向10を基体の面内方向に配向させることは困難である。この場合は、サファイアのA面またはM面を選択する必要がある。

【0041】

基体11上に、c軸方向10が面内方向に沿った構造を有する膜を予め形成し、その後、液相エピタキシャルプロセス等によりこの膜を厚膜化することにより、熱電変換膜12を得ることも可能である。この方法によれば、層間に流れる電流、または熱流の有効面積を大きくとれるので、より効率の良い熱電変換が達成される。液相プロセスとしては、例えば層が垂直に立ったa軸配向の$Na_{0.5}CoO_2$薄膜の場合には、NaClをフラックスとしてCo_3O_4およびNa_2CO_3の粉体を混ぜて1000℃で溶かした融液中に薄膜を基体ごと浸し、900℃にまで徐々に冷却することにより1mm程度の$Na_{0.5}CoO_2$厚膜を得ることが可能である。

【0042】

本発明による熱電変換デバイスでは、一対の電極13a，13bの間に挟持された領域の一部において、基体11の厚みを減少させてもよい。図3に、くびれ構造31を有する基体11を例示する。

【0043】

基体11の加工は、基体11の裏面（熱電変換膜12を形成した面と反対側の面）から、ダイヤモンド砥石等を用いた機械的な研削、化学的エッチング、イオンビームエッチング等によって行えばよい。こうして形成したくびれ構造31により、基体11の熱伝導による熱電変換膜12で発生する温度差の緩和（熱損失）を抑制できる。熱電変換膜12が厚い場合には、くびれ構造31を熱電変換膜12に食い込ませてもよい（後述する図4（c）も参照）。すなわち、基体11の厚みは局部的に0であってもよい。図3に示したように、c軸方向10と交差するように基体11を横断する領域31において、基体11の厚みを低減させることが好ましい。

【0044】

熱電変換膜12は、エピタキシャル成長により得られるが、エピタキシャル成長の起点を提供する基体（成長基体）をそのままデバイスにおける基体（使用基体）11とする必要はない。すなわち、熱電変換膜12を、成長基体上にエピタキシャル成長させた後に、当該成長基体を除去し、使用基体上に移動させてもよい。成長基体の除去は、成長基体の研削、成長基体からの膜の分離、等により行えばよく、具体的には、レーザー照射、水蒸気暴露、放電加工等により行うことができる。熱伝導率が低い樹脂、ガラス等からなる基体、特に樹脂基板を使用基体11として用いれば、熱損失の少ない熱電変換デバイスを得ることができる。

【0045】

使用基体による熱電変換膜12の支持は、成長基体を除去する前後のいずれに行ってもよい。例えば、使用基体とする樹脂基板により熱電変換膜12を支持しながらこの膜を成長基体から分離してもよく、熱電変換膜12を成長基体から分離してから使用基体とする

樹脂基板上に配置してもよい。

【0046】

本発明による熱電変換デバイスは、基体１１と熱電変換層１２との間に配置された緩衝層をさらに含んでいてもよい。

【0047】

緩衝層を含む熱電変換デバイスの図４Ａ～図４Ｃに例示する。まず、基体１１上に下地緩衝層４１をエピタキシャル成長させ、この下地緩衝層４１をテンプレートとして、ｃ軸方向１０が面内方向に沿った熱電変換膜１２をエピタキシャル成長させる（図４Ａ）。

【0048】

この場合、基体１１は、下地緩衝層４１がエピタキシャル成長する限り制限はなく、上記に例示した基板に加え、Ｓｉ等の半導体基板を用いてもよい。下地緩衝層４１の材料としては、例えば、酸化物、金属、具体的には、CeO_2、ZrO_2、TiO_2、ＺｎＯ、ＮｉＯ、Fe_2O_3、Cr_2O_3、Al_2O_3、Cr_2O_3、ＣｒおよびＰｔから選ばれる少なくとも１種を含む材料が挙げられる。

【0049】

下地緩衝層４１を用いて熱電変換膜１２を成長させると基体１１の除去が容易となり、素子構成についての自由度が高くなる。

【0050】

下地緩衝層４１は、基体１１の一部の厚みを低減する形態に適用することもできる。例えば基体１１をイオンビームエッチング等の方法で研削する場合には、下地緩衝層４１を構成する元素を検出する手段を設置しておくと、精度良く基体１１を研削できる。この研削により、くびれ構造４２の最深部を下地緩衝層４１内にとどめれば、基体１１を分断し（基体１１の厚みを部分的に０とし）、かつ熱電変換膜１２の厚みを維持した熱電変換デバイスを得ることができる（図４Ｂ）。

【0051】

金属膜を下地緩衝層４１とする場合には、くびれ構造４２により下地緩衝層４１を基体１１とともに分断し、高温部と低温部との電気的な短絡を防ぐとよい（図４Ｃ）。

【0052】

下地緩衝層４１は、２以上の層を積層した多層膜としてもよい。

【0053】

以上では、式$A_{X1}MO_{Y1}$により示される組成を有する熱電変換膜を中心に説明したが、本発明における熱電変換膜１２がこれに限られるわけではない。

【0054】

例えば、遷移金属原子Ｍが中心に位置する八面体結晶構造を有する別の電気伝導層２２としては、ペロブスカイト型構造を有する層が挙げられる。

【0055】

電気絶縁層２３は、層Ａのように、単一の金属元素から構成されていてもよい。この場合、金属元素は、アルカリ金属、アルカリ土類金属、Ｂｉ、Ｐｂ、Ｈｇ、およびＴｌから選ばれる少なくとも１種の元素であってもよく、この電気絶縁層は、１～３モノレイヤーから構成されていてもよい。電気絶縁層２３は、結晶性金属酸化物から構成されていてもよい。この場合、この電気絶縁層は、１～４モノレイヤーから構成されていてもよい。

【0056】

電気絶縁層は、岩塩型構造を有していてもよい。岩塩型構造は、金属原子と酸素原子とから構成され、例えば、$Sr_2(Bi_{2-X4}Pb_{X4})_2O_4$、$Ca_2(Co_{1-X5}Cu_{X5})_2O_4$、$(Ca,Bi)_2CoO_3$、および$Sr_2TiO_3$から選ばれる少なくとも１つにより示される組成を有していてもよい。ここで、$0 \leqq X4 \leqq 1$、$0 \leqq X5 \leqq 1$である。

【0057】

熱電変換膜１２の別の例としては、式$Bi_{2-X2}Pb_{X2}Sr_2Co_2O_{Y2}$により示される組成を有する膜が挙げられる。ここで、$0 \leqq X2 \leqq 0.5$であり、$7.5 \leqq Y2 \leqq 8.5$である。この膜は、後述するように、例えば、CoO_2電気伝導層と、４モノレイヤーの岩

塩型構造からなる絶縁層との積層構造を有する。

【0058】

熱電変換膜12のまた別の例としては、式$(Ca_{1-X3-Y3}Sr_{X3}Bi_{Y3})_3Co_4O_9$により示される組成を有する膜が挙げられる。ここで、$0 \leqq X3 < 1$であり、$0 \leqq Y3 \leqq 0.3$である。この膜は、後述するように、例えば、CoO_2電気伝導層と、3モノレイヤーの岩塩型構造からなる絶縁層との積層構造を有する。

【0059】

熱電変換膜12は、電気伝導層22が、コバルトおよびマンガンから選ばれる少なくとも1種を含み、かつペロブスカイト型構造またはCdI_2型構造を有し、電気絶縁層23が、アルカリ金属、アルカリ土類金属、Bi、Pb、Hg、およびTlから選ばれる少なくとも1種の元素を含み、かつ岩塩型構造を有する、膜であってもよい。

【0060】

本発明による熱電変換素子は、層状物質の層間方向の物性を利用するが、その際に電極間の距離は長く、かつ電極の面積は小さいことが望ましい。この理由を以下に示す。実際の熱伝導Kは熱伝導率κ、素子の面積S_0および長さlを用い、$K=\kappa \cdot S_0/l$の関係で示される。熱電変換デバイスでは、ペルチェ効果により生じた温度差の緩和を防ぐため、熱伝導は小さいほうが好ましい。実際の熱伝導を小さくしようとすると、素子は、その長さが長く、面積が小さいほうがよい。このため、素子は細長く加工して使用することが望ましい。薄膜等の小さな素子においては、フォトリソグラフィー技術等による加工でその性能を上げることもできる。

【0061】

本発明の熱電変換デバイスでは、熱電変換膜の膜厚方向にではなく、膜面方向に電流を流すため、素子の長さlを確保することは容易である。c軸が基体面に対して垂直に配向するようにエピタキシャル成長させた膜の場合、素子の長さlは膜の厚みによって制限され、1mm以上とすることは困難である。これに対し、本発明の熱電変換デバイスでは、素子の長さlを1mm以上、好ましくは3mm以上、より好ましくは5mm以上、特に好ましくは9mm以上とすることができる。具体的には、c軸方向10について、一対の電極13a，13bを所定距離以上、例えば1mm以上、離間して配置するとよい。

【0062】

本発明による冷却方法および発電方法は、従来から行われてきた方法を、本発明による熱電変換デバイスに適用して実施すればよい。冷却の際には、一対の電極13a，13bの間に、パルス電流を流すとよい。パルス電流を用いると、発熱量を抑えながら、本発明の熱電変換デバイスによる高い熱電変換性能を活かした冷却を行うことができる。運ばれる熱流は流れた電流の積分値によるため、パルス電流を用いても熱流の量はそれほど低減しないが、パルス電流を用いると電気抵抗から生じるジュール熱の発生を抑えることができる。

【0063】

以下、実施例により、本発明をさらに詳細に説明するが、以下の実施例も上記と同様、本発明の好ましい実施形態の例示に過ぎない。

【0064】

（実施例1）

10mm角、厚さ100μmのサファイアAl_2O_3のA面基板上に、層状酸化物$Na_{0.1}CoO_2$を成膜した。成膜方法は、直径4インチの$Na_{0.5}CoO_2$焼結体ターゲットを用いたRFマグネトロンスパッタリングとした。

【0065】

Arが80%、O_2が20%の雰囲気ガスを5.0Paに保ち、出力60Wで1時間プレスパッタリングをした後、700℃に加熱した基板上にプレスパッタリングの時と同様の条件で5時間堆積を行い、その後加熱された基板上の薄膜を酸素雰囲気中で2時間かけて室温まで冷やした結果、膜厚1000nmの金属光沢を持つ薄膜が得られた。

【0066】

エネルギー分散型蛍光X線分析により、薄膜におけるNaとCoとの組成比がおよそNa：Co＝0．4：1であることを確認した。

【0067】

こうして得られた$Na_{0.4}CoO_2$薄膜のX線回折測定の結果を図5に示す。

【0068】

サファイア基板からの回折ピークの他には、薄膜からの回折による同系列のピークが観測された。これらはそれぞれ（200）、（400）のピークであった。

【0069】

これにより、$Na_{0.4}CoO_2$薄膜は（100）面と基板の表面とが平行となるように結晶配向してエピタキシャル成長したことが確認された。さらに4軸X線回折測定により$Na_{0.4}CoO_2$の結晶のc軸が薄膜面内方向に配向していることが確認された。

【0070】

この$Na_{0.4}CoO_2$薄膜の基板に対する結晶配向は図2と同様である。このような配向性を有する結晶では、c軸方向と、c軸に対して垂直な方向、すなわち各層に平行な方向、との2つの方向についての物性測定が可能である。

【0071】

図6に、各方向について測定した$Na_{0.4}CoO_2$薄膜の電気抵抗率の温度依存性を示す。ここでρ_cはc軸方向、すなわち各層の層間方向についての電気抵抗率である。ρ_{ab}は各層に平行な方向についての電気抵抗率である。

【0072】

図7に、$Na_{0.4}CoO_2$薄膜のゼーベック係数の温度依存性を示す。ここで、S_cは層間方向についてのゼーベック係数であり、S_{ab}は各層に平行な方向についてのゼーベック係数である。

【0073】

これらの結果をそのまま受け入れると、以下の推測が成り立つ。すなわち、各層に平行な方向では電気抵抗率が低く、かつゼーベック係数が大きいために、電気抵抗率が高く、ゼーベック係数が小さい層間方向からよりも、良好な熱電変換特性が得られる、という推測である。

【0074】

この推測の現実の使用における妥当性を検討するために、熱電変換デバイスを作製した。まず、図8Aに示すように、熱電変換膜（$Na_{0.4}CoO_2$薄膜）12の上にエポキシ樹脂をコーティングして凝固させ、支持体81とした。次いで、基板11／熱電変換膜12／支持体81からなる積層体を、水蒸気を含む密閉容器中に30時間放置した。

【0075】

その結果、$Na_{0.4}CoO_2$薄膜12とサファイア基板11との界面に水分子が浸透することにより、薄膜に応力が加わって$Na_{0.4}CoO_2$薄膜12がサファイア基板11から剥離した。

【0076】

さらに、熱電変換膜（$Na_{0.4}CoO_2$薄膜）12の支持体81と反対側の表面に、c軸方向10について9mmの間隔が保たれるように、幅0．5mm、厚さ500nmのPt電極13a，13bをスパッタ法で堆積した。こうして、エポキシ樹脂からなる新たな基体81を有する熱電変換デバイス82を得た。

【0077】

室温において、2つのPt電極13a，13bの間の抵抗値は約100Ωであった。電極間に0．1mAの直流電流を定常的に流したところ、両端に約3℃の温度差がついた。電流の向きを反転させると、高温部と低温部は反転した。

【0078】

図6および図7に示したc軸方向の熱電性能（ρ_c，S_c）、基体による熱損失の効果等を考慮して計算された温度差は1℃以下である。従って、実験値は定常的な熱電性能から予想される変換効率の3倍以上にもなった。

【００７９】

一般的に熱電変換性能指数ＺＴはゼーベック係数の２乗の項を有するため、ゼーベック係数に相当する物理量が３倍以上の場合、ＺＴは１桁程度向上していることになる。

【００８０】

図６および図７による推測値から実測値が大きく乖離した理由については、下記で解析する（実施例４の欄参照）。

【００８１】

（実施例２）

CaO_2、Co_3O_4の粉体の焼結体からなる４インチの原料ターゲットを用い、実施例１と同様のスパッタリング条件で１０ｍｍ角、１００μｍ厚のサファイアＭ面基板に膜厚１０００ｎｍの薄膜を成長させた。

【００８２】

エネルギー分散型蛍光Ｘ線分析により、この薄膜におけるＣａとＣｏとの組成比がおよそＣａ：Ｃｏ＝０．５：１であることが確認された。この$Ca_{0.5}CoO_2$薄膜のＸ線回折測定の結果を図９に示す。サファイア基板からの回折ピークの他には、薄膜からの回折による（０２０）と指数付けされるピークのみが観測された。

【００８３】

これにより、$Ca_{0.5}CoO_2$薄膜は（０１０）面と基板とが平行となるようにエピタキシャル成長したことが確認された。また４軸Ｘ線回折測定により$Ca_{0.5}CoO_2$の結晶のｃ軸は薄膜の面内に配向していることが確認された。

【００８４】

薄膜作成直後の$Ca_{0.5}CoO_2$薄膜は薄い褐色をしていたが、酸素雰囲気中、３００℃で２時間アニールを行うと$Ca_{0.5}CoO_2$薄膜は金属光沢をもつ黒色になった。

【００８５】

図１０に、$Ca_{0.5}CoO_2$薄膜の電気抵抗の温度依存性を示す。ここで、ρ_cはｃ軸方向、即ちＣａ層とＣｏ層とからなる層状物質の層間方向についての電気抵抗率であり、ρ_{ab}は各層に平行な方向の電気抵抗率である。

【００８６】

図１１に、$Ca_{0.5}CoO_2$薄膜のゼーベック係数の温度依存性を示す。ここで、S_cはｃ軸方向についてのゼーベック係数であり、S_{ab}は各層に平行な方向のゼーベック係数である。

【００８７】

さらに、$Ca_{0.5}CoO_2$薄膜のｃ軸方向に９ｍｍの間隔が保たれるように、幅０．５ｍｍ、厚さ４００ｎｍのＡｕ電極を薄膜上にスパッタ法で堆積させた。また、基板を介した熱伝導により、発生した温度差が直ちに解消される効果を軽減するため、図３に示したように、電極間を横断する幅約２ｍｍの領域において、厚さが約１μｍになるように基板をイオンビームエッチングにより薄型化した。

【００８８】

室温において、２つのＡｕ電極間の抵抗値は約４００Ωであった。電極間に０．００３ｍＡの電流を定常的に流したところ、両端に約２℃の温度差がついた。図１０および図１１に示したｃ軸方向の熱電変換性能の値、基体による熱損失の効果等を考慮して計算された温度差は０．１℃であるため、実験値は理論値の２０倍にもなった。実際に得られた温度差を熱電変換性能指数ＺＴに換算すると４００倍となった。

【００８９】

（実施例３）

実施例１から得た熱電変換デバイスを複数用いて、より大きな実効面積を有するデバイスを作製した。具体的には、図１２Ａに示したように、電極１３ａ，１３ｂの間の長さが３０ｍｍ、幅が５ｍｍ、厚さ２ｍｍである１０００本の熱電変換素子８２と、７００ｍｍ角のアルミナからなる吸熱板１２１ａおよび放熱板１２１ｂとを準備した。

【００９０】

吸熱板１２１ａおよび放熱板１２１ｂの材料としてアルミナを用いたのは熱伝導率が高く、温度分布が均一になるからである。

【００９１】

各々の熱電変換素子８２を電気的に接続するために、吸熱板１２１ａおよび放熱板１２１ｂの表面を電気伝導率の高い銅でコーティングした。

【００９２】

銀ペーストを用いて、熱電変換デバイス８２の電極１３ａ，１３ｂと吸熱板１２１ａおよび放熱板１２１ｂの銅でコーティングされた面とをそれぞれ接合して、図１２Ｂに示した熱電変換デバイスを得た。このデバイスでは、本発明により提供された複数の熱電変換デバイスが吸熱板１２１ａと放熱板１２ｂとの間に電気的に並列に接合されている。このデバイスは、１ｍＷの電力に対し、約３℃の冷却能力を有していた。

【００９３】

（実施例４）

本実施例では、$Bi_{2-X2}Pb_{X2}Sr_2Co_2O_{Y2}$（Ｘ２＝０．４等、Ｙ２=７．５～８．５）の組成式で記載される層状酸化物の単結晶およびエピタキシャル成長膜の例を取り上げ、この物質の熱電変換特性について記載する。

【００９４】

$Bi_{2-X2}Pb_{X2}Sr_2Co_2O_Y$（Ｘ２＝０．４等、Ｙ２=７．５～８．５）の単結晶はフローティングゾーン法で作製した。$Co(NO_3)\cdot H_2O$のプレカーサーとPbO_2、ＳｒＯ、ＢｉＯとを組成のとおりに秤量した後に混合し、２００℃まで温度を上げて乾燥させた。得られた粉末をペレット状にした後、１０００℃で２４時間大気中において焼結して再び粉体状にした。得た粉末を装置のロッドのサイズに適合するようにプレスし、１１５０℃で約１５時間焼結した後に３気圧の酸素雰囲気中で結晶成長させると、黒い光沢を有する長さ４～６ｍｍ、５ｍｍ半径の単結晶が得られた。

【００９５】

その結晶構造は図１３に示してある。本実施例では結晶をより安定化させるために図１３の結晶のＢｉのサイトを一部Ｐｂに置換したものも用いた。できた物質の結晶構造はＸ線回折で確認し、その結果を図１５Ａに示した。図１５Ａに示したデータはＸ２＝０．４の単結晶に対応する。解析の結果、Ｐｂ含有率Ｘ（Ｘ２）と結晶のｃ軸長さとの関係を図１５Ｂに示す。さらに、ラウエによる回折像を図１６Ａ，図１６Ｂに示す。

【００９６】

得られた結晶の組成はＩＣＰ（inductively coupled plasma emission spectroscopy）とＥＤＸ（electron dispersive X-ray spectroscopy）を用いて確認した。実際の結晶における酸素の量については、組成式のとおり作製できていればＹ２＝８となるところであるが、実際にはこれよりも多く酸素が入ってしまうことが多い。酸素の量はＩＣＰやＥＤＸでも同定が困難であるため、Ｙ２は７．５以上８．５以下と表示している。

【００９７】

ここまで$Bi_{2-x}Pb_xSr_2Co_2O_{Y2}$（ｘ＝０．４等、Ｙ２=７．５～８．５）の単結晶の作製方法を記したが、$Bi_2Sr_2Co_2O_y$（ｙ=７．５～８．５）をサファイアＡ面基板上にエピタキシャル成長させて得ることもできた（図１４）。具体的には、ＢｉＯ、ＳｒＯ、Co_3O_4の粉体の焼結体からなる４インチの原料ターゲットを用い、Ａｒが８０％、O_2が２０％の雰囲気ガスを５．０Ｐａに保ち、出力６０Ｗで１時間プレスパッタリングした後、７００℃に加熱したサファイアＡ面基板上にプレスパッタリングと同様の条件で５時間かけて堆積を行った。その後、酸素雰囲気中で２時間かけて室温まで冷やすと、膜厚１０００ｎｍの金属光沢を有する薄膜が得られた。得られた薄膜のＸ線回折のデータを図１７に示す。

【００９８】

次に、測定方法および測定結果の記述に移るが、単結晶の場合と、エピタキシャル成長膜の場合とでほぼ同様の結果が得られたので、以下には、単結晶の場合の測定方法および測定結果を述べる。

【００９９】

上記より得た単結晶を壁開面で壁開して表面を平らに仕上げた後に、壁開面の両側に銀ペーストで電極とクロメル－コンスタンタンで作製した熱電対を取り付けた。この状態で、電気伝導層と電気絶縁層との層間方向に電場を印加して温度差を測る構成になっている。このときの素子の大きさは、２．０ｍｍ×２．０ｍｍ×０．２ｍｍであった。次に、電極を取り付けた素子をデュアーの中に移し、約2×10^{-4}torrの真空下に設置した。この際、熱のリークを少しでも防ぐためにサンプルは浮かして設置した。

【０１００】

デュアーの外に電源と温度計をそれぞれつなぎ、素子に電流を流してその壁界面の両側の温度差を測定した。電極間に１０ｍＡの電流を流すと約２Ｋの温度差が素子の両端についた。電流の向きを変えると高温部と低温部が反転した。この現象は室温から５０Ｋまで温度を下げても同じように２Ｋの温度差がついた。

【０１０１】

ところで、孤立系に電流を流した際に、流した電流と温度差の間にはゼーベック係数Ｓと熱伝導Ｋと用い、$STI=K\Delta T$という関係がある。電流によって注入されたエネルギーが熱伝導率を通して温度差となって現れることを示した式で、熱伝導率を測定する際のＨａｒｍａｎ法と呼ばれる測定法の基本となる式でもある。ここで、熱伝導Ｋは、熱伝導率κと素子の面積S_0および長さｌを用い、上記のとおり、$K=\kappa\cdot S_0/l$と表すことができる。

【０１０２】

現在までに得られている$Bi_{1.6}Pb_{0.4}Sr_2Co_2O_{Y2}$（Ｙ２＝７．５～８．５）における各方向の電気抵抗率ρ、ゼーベック係数Ｓ、および熱伝導率κを図１８に示す。ゼーベック係数Ｓと熱伝導率κの値はともに定常法と呼ばれる方法で測定された値であり、熱平衡状態において素子の両側に０．１Ｋほどの温度差をつけて熱起電力と温度差を測定して得られた値である。

【０１０３】

室温の定常法における結果、κ～５ｍＷ／ｃｍＫとＳ～１００μＶ／Ｋとを用いて、$STl=K\Delta T$という関係式から見積もられる温度差はΔT～０．０６Ｋであり本実施例における実測値はこの見積もり値よりも３０倍ほど大きな温度差を示していることがわかる。

【０１０４】

このことは、０．１Ｋほどの温度差をつけて熱起電力と温度差を測定する際には素子には１０μＶほどの電圧がかかるのに対して、１０ｍＡの電流を流した際には約０．５ｍＶもの電圧がかかっていることに起因している。つまり、電流を流した本発明の実施例における測定は通常の定常法における測定よりも遙かに大きな摂動を系に加えて測定していることになる。定常法では超えなかった電気伝導層と絶縁層のポテンシャル障壁を本実施例で与えた電流が超えてしまったために通常の電気伝導の効果を超えたトンネル電流や電子放出の効果による熱電変換効果が観測されたと考えられる。

【０１０５】

本実施例では、Ｓ／Ｋが定常法による測定結果の約３０倍の値が得られたが、熱伝導Ｋが約１／３０に小さくなったと考えるよりもゼーベック係数Ｓが約３０倍大きくなったと考える方が自然である。この結果を性能指数で考えた場合、性能指数$ZT=S^2/\rho\kappa$は定常法による測定に比べて約９００倍も大きくなったことになる。

【０１０６】

このように、電気伝導層と電気絶縁層とが交互に配列した層状物質の層間方向についての熱電変換特性は、通常の熱平衡状態において微小な温度差によって測定される定常法で得られている熱電変換性能よりも性能指数ＺＴで約９００倍もの大きさになる。

【０１０７】

上記の実施例とは対照的に、電気伝導層の面内方向の熱電変換性能では、熱平衡状態に微小な温度差をつけた定常法によるデータと、本実施例のように電流を流して測定するＨ

ａｒｍａｎ法によるデータとは極めてよい一致を示すことがわかった。

【０１０８】

つまり振動の大きさの違いによる熱電変換特性の違いは層間方向に特有の現象であり、トンネル電流や電子放射現象という新しい効果によって理解されるものである。この効果により、電気伝導層と電気絶縁層との層間方向の熱電変換特性は定常法で得られている熱電変換性能よりも性能指数ＺＴで約９００倍もの大きさになり、５０Ｋから８００Ｋの間での広い温度範囲でＺＴ＞１に匹敵する高性能を実現することがわかった。

【０１０９】

（実施例５）

本実施例では、基体上にエピタキシャル成長させた$Ca_3Co_4O_9$の熱電性能について記載する。

【０１１０】

図１９に、本実施例で基体１１上にエピタキシャル成長させた$Ca_3Co_4O_9$薄膜を示す。$Ca_3Co_4O_9$は電気伝導層２２としてCoO_2層を、電気絶縁層２３として式Ca_2CoO_3により示される３層の岩塩構造を有する。この薄膜の結晶のａ軸方向２０は、基体１１の表面に垂直であり（換言すれば結晶はａ軸配向しており）、ｃ軸方向１０は面内方向に沿っている。基体としては、サファイアAl_2O_3のＡ面基板を用いた。

【０１１１】

この薄膜は、Co_3O_4、CaO_2の粉体の焼結体からなる４インチの原料ターゲットを用い、Ａｒが８０％、O_2が２０％の雰囲気ガスを５．０Ｐａに保ち、出力６０Ｗで１時間プレスパッタリングした後、７００℃に加熱した基板上にプレスパッタリングと同様の条件で５時間かけて堆積を行った。その後酸素雰囲気中で２時間かけて室温まで冷やすと、膜厚１０００ｎｍの金属光沢をもつ薄膜が得られた。

【０１１２】

こうして得た$Ca_3Co_4O_9$薄膜のＸ線回折測定の結果を図２０に示す。サファイア基板からの回折ピークの他には、薄膜からの回折による同系列のピークが観測された。これらは、それぞれ（１１０）、（２２０）のピークであった。これにより、$Ca_3Co_4O_9$薄膜は（１１０）面と基板とが平行となるように結晶配向して成長したことが確認された。さらに４軸Ｘ線回折測定により$Ca_3Co_4O_9$の結晶のｃ軸は薄膜面内に配向していることがわかった。

【０１１３】

図１９のような結晶配向をとると、ｃ軸方向と、ｃ軸に対して垂直な方向、すなわちCoO_2層に平行な方向との２つの向きの物性測定が可能である。

【０１１４】

図２１に、各々の向きに測定して得た$Ca_3Co_4O_9$薄膜の電気抵抗率の温度依存性を示す。ここで、ρ_cはｃ軸方向、層間方向についての電気抵抗率であり、ρ_{ab}は、各層に平行な方向についての電気抵抗率である。

【０１１５】

上記から得た素子に、$Ca_{0.5}CoO_2$薄膜のｃ軸方向に９ｍｍの間隔が保たれるように、幅０．５ｍｍ、厚さ４００ｎｍのＡｕ電極をこの薄膜上にスパッタ法で堆積させた。また、基体を介した熱伝導により、発生した温度差が直ちに解消される効果を軽減するために、電極間において幅約２ｍｍの部分の基体を厚さ約１μｍになるようにイオンビームエッチングにより薄型化し、基体部にくびれ構造を設けた。

【０１１６】

室温において、２つのＡｕ電極間の抵抗値は約４００Ωであった。電極間に０．００３ｍＡの電流を定常的に流したところ、両端に約１Ｋの温度差がついた。ｃ軸方向の電気抵抗とゼーベック係数、その他基体による熱損失の効果等を考慮して計算された温度差は０．１Ｋであるので、実験値は理論値の１０倍にもなった。これを熱電変換性能指数ＺＴに換算すると定常法による測定と比べて約１００倍も大きくなったことになる。この場合も５０Ｋから８００Ｋの間での広い温度範囲でＺＴ＞１に匹敵する高性能を実現することが

わかった。

【産業上の利用可能性】

【０１１７】

本発明によれば、通常の電気伝導現象の効果（Thermoelectric効果）を超えたトンネル電流や熱電子放射現象により、従来は想定されていなかった程度に高い熱電変換性能を有する熱電変換デバイスを提供できる。このデバイスの作製には、フォトリソグラフィーに代表される従来の薄膜素子形成のプロセスも適用できる。このデバイスは、電極間の距離を自在に長く確保することが容易であるため、高効率化を図りやすい。このように、本発明は、熱電変換デバイスの分野において、高い工業的利用価値を有する。

【図面の簡単な説明】

【０１１８】

【図１】図１は、本発明による熱電変換デバイスの一形態を示す斜視図である。

【図２】図２は、図１に示した熱電変換デバイスにおける熱電変換膜の結晶構造を示す図である。

【図３】図３は、本発明による熱電変換デバイスの別の一形態を示す斜視図である。

【図４】図４Ａは、緩衝層を有する熱電変換デバイスの一形態を示す斜視図であり、図４Ｂは、緩衝層を有する熱電変換デバイスの別の一形態を示す斜視図であり、図４Ｃは、緩衝層を有する熱電変換デバイスのまた別の一形態を示す斜視図である。

【図５】図５は、実施例１で作製した$Na_{0.4}CoO_2$薄膜のＸ線回折の結果を示す図である。

【図６】図６は、実施例１で作製した$Na_{0.4}CoO_2$薄膜の電気抵抗率の温度依存性を示す図である。

【図７】図７は、実施例１で作製した$Na_{0.4}CoO_2$薄膜のゼーベック係数の温度依存性を示す図である。

【図８】図８Ａは、実施例１において$Na_{0.4}CoO_2$薄膜にエポキシ樹脂をコーティングした状態を示す斜視図であり、図８Ｂは、実施例１で作製した、エポキシ樹脂を基体とする熱電変換デバイスを示す斜視図であり、

【図９】図９は、実施例２で作製した$Ca_{0.5}CoO_2$薄膜のＸ線回折の結果を示す図である。

【図１０】図１０は、実施例２で作製した$Ca_{0.5}CoO_2$薄膜の電気抵抗率の温度依存性を示す図である。

【図１１】図１１は、実施例２で作製した$Ca_{0.5}CoO_2$薄膜のゼーベック係数の温度依存性を示す図である。

【図１２】図１２Ａは、実施例３で作製した熱電変換デバイスの構成を示すために各構成要素を分解して示す斜視図であり、図１２Ｂは、実施例３で作製した熱電変換デバイスを示す斜視図である。

【図１３】図１３は、実施例４で作製した$Bi_{2-X}Pb_XSr_2Co_2O_Y$単結晶の結晶構造を示す図である。

【図１４】図１４は、実施例４で作製した$Bi_{2-X}Pb_XSr_2Co_2O_Y$エピタキシャル成長膜の結晶構造を示す図である。

【図１５】図１５Ａは、実施例４で作製した$Bi_{1.6}Pb_{0.4}Sr_2Co_2O_Y$単結晶のＸ線回折の結果を示す図であり、図１５Ｂは、実施例４で作製した$Bi_{2-X}Pb_XSr_2Co_2O_Y$単結晶のＰｂ含有率Ｘとｃ軸長さとの関係を示す図である。

【図１６】図１６Ａは、実施例４で作製した$Bi_2Sr_2Co_2O_Y$単結晶から得たラウエ回折像であり、図１６Ｂは、実施例４で作製した$Bi_{1.8}Pb_{0.2}Sr_2Co_2O_Y$単結晶からラウエ回折像である。

【図１７】図１７は、実施例４で作製した$Bi_2Sr_2Co_2O_Y$エピタキシャル成長膜のＸ線回折の結果を示す図である。

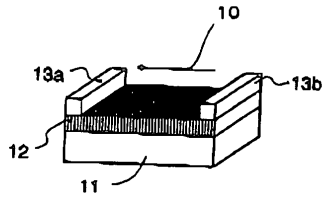
【図１８】図１８は、実施例４で作製した$Bi_{1.6}Pb_{0.4}Sr_2Co_2O_Y$単結晶の電気抵抗率$\rho$、ゼーベック係数Ｓ、および熱伝導率$\kappa$の温度依存性を示す図である。

【図１９】図１９は、実施例５で作製した$Ca_3Co_4O_9$エピタキシャル成長膜の結晶構造を示す図である。

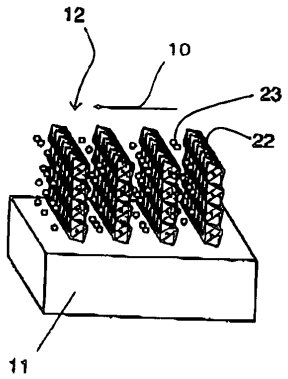
【図２０】図２０は、実施例５で作製した$Ca_3Co_4O_9$エピタキシャル成長膜のＸ線回折の結果を示す図である。

【図２１】図２１は、実施例５で作製した$Ca_3Co_4O_9$エピタキシャル成長膜の電気抵抗率ρの温度依存性を示す図である。

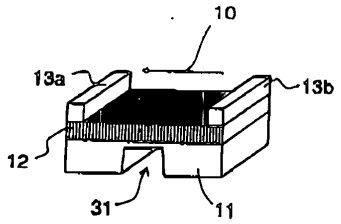
【図１】



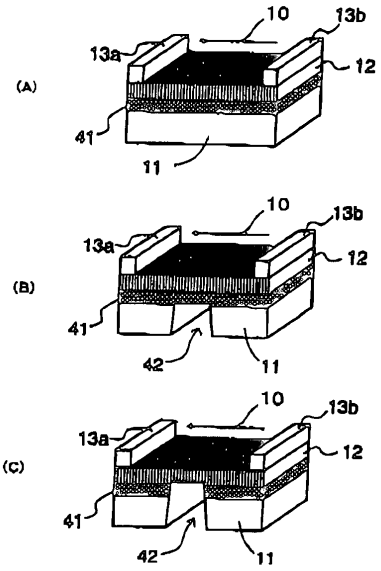
【図２】



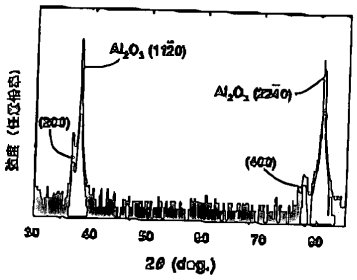
【図３】


10
13a
13b
12
31
11

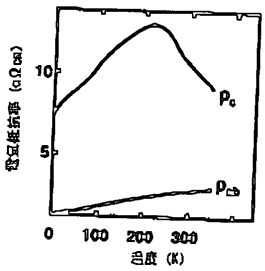
【図４】


(A)
10
13b
13a
12
41
11
(B)
10
13b
13a
12
41
42
11
(C)
10
13b
13a
12
41
42
11

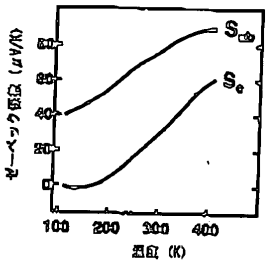
【図５】


Al_2O_3 (11$\bar{2}$0)
Al_2O_3 (22$\bar{4}$0)
(200)
(400)
強度（任意単位）
30
40
50
60
70
80
2θ (deg.)

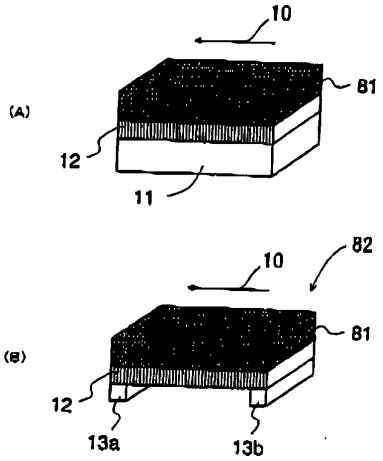
【図６】


電気抵抗率 (mΩcm)
10
5
0
100
200
300
ρ_c
ρ_{ab}
温度 (K)

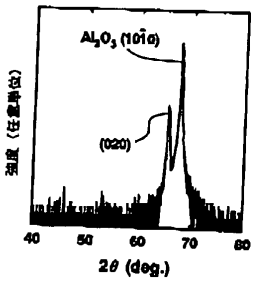
【図７】


ゼーベック電位 (μV/K)
80
60
40
20
0
100
200
300
400
S_{ab}
S_c
温度 (K)

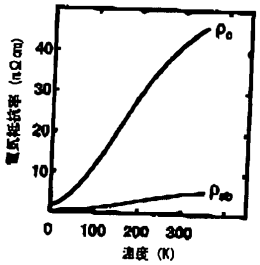
【図８】



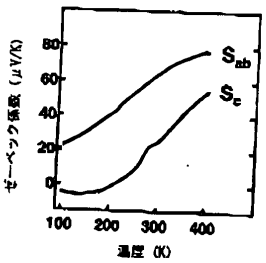
【図９】



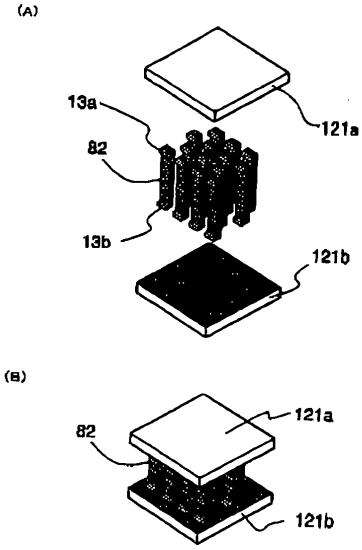
【図１０】



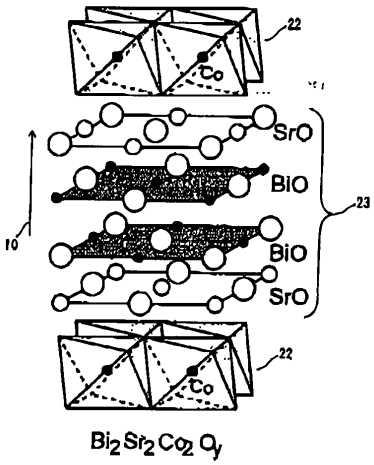
【図１１】



【図１２】



【図１３】



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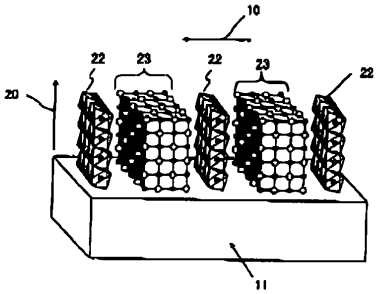

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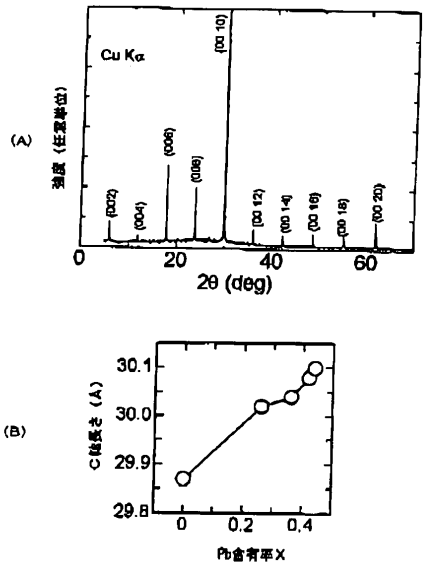

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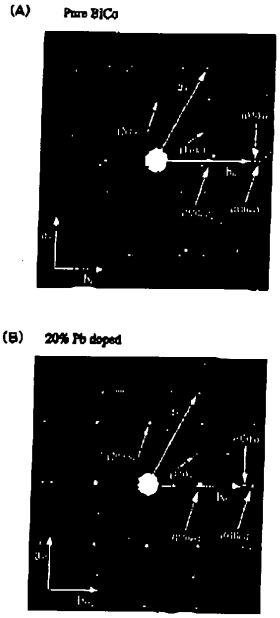

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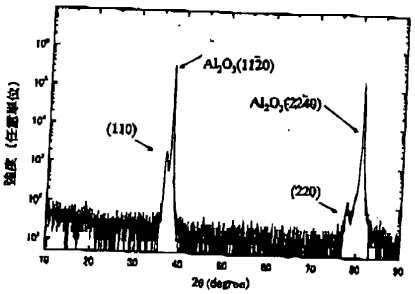

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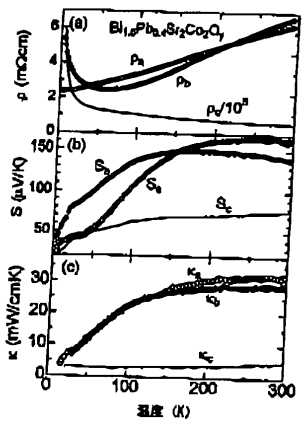

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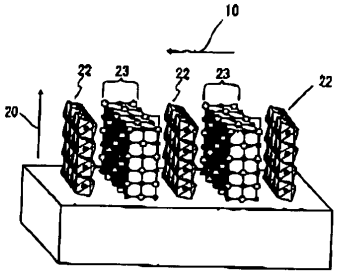

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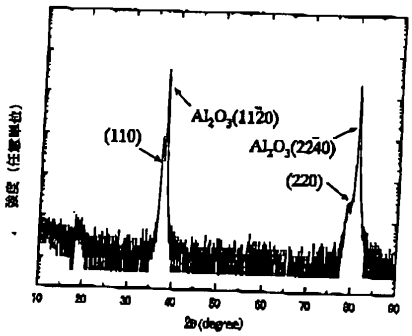

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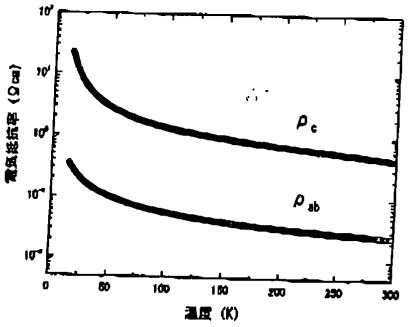
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10^{-2}
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ρ_{ab}
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50
100
150
200
250
300
温度 (K)

フロントページの続き

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審査官 加藤 浩一

(56)参考文献 特開２００３－２１８４１１（ＪＰ，Ａ）
特開２００１－２８４６２２（ＪＰ，Ａ）
特開２００３－１７９２７２（ＪＰ，Ａ）
特開２００３－２８２９６８（ＪＰ，Ａ）

(58)調査した分野(Int.Cl.，ＤＢ名)
H01L 35/22
H01L 35/34

Disclaimer:
This English translation is produced by machine translation and may contain errors. The JPO, the INPIT, and those who drafted this document in the original language are not responsible for the result of the translation.

Notes:
1. Untranslatable words are replaced with asterisks (****).
2. Texts in the figures are not translated and shown as it is.

Translated: 21:04:52 JST 08/01/2007
Dictionary: Last updated 07/20/2007 / Priority:

Decision to Grant a Patent

Application number: Application for patent 2005-518740
Date of Drafting: Heisei 18(2006) October 16
Patent examiner: KATO, Koichi 8617 4M00
Title of invention: A thermoelectrical conversion device, the cooling method using this, and the power generation method
The number of claims: 24
Applicant: MATSUSHITA ELECTRIC INDUSTRIAL CO. LTD.
Representative: KAMADA, Koichi (and 1 others)

This application is to be granted a patent as there is no reason for refusal.

Director General(p.p.) Director(p.p.) Examiner Assistant examiner Manager for Determination of Classification KITAJIMA, Kenji KATO, Koichi KITAJIMA, Kenji 8225 8617 8225

1. Distinction of Patent: Usually
2. Reference documents: **
3. Application of Patent Law, Section 30: Nothing
4. Change of Title of Invention: Nothing
5. International Patent Classification (IPC)

H01L 35/22 , H01L 35/34

6. Deposition of Microorganism

7. Display of Purport that Retroactivity of Filing Date is not Accepted

Decision to Grant a Patent(Memorandum)

Application number: Application for patent 2005-518740

1. Technical Fields to Be Searched (IPC, DB Name)
H01L 35/22 H01L 35/34

2. Reference patent documents
JP,2003-218411,A (JP, A) JP,2001-284622,A (JP, A) JP,2003-179272,A (JP, A) JP,2003-282968,A (JP, A)

3. Reference books and magazines

[Translation done.]

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McDERMOTT WILL & EMERY, LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20006-1021

AUG 16 2007

In re Application of	:	DECISION ON REQUEST TO
Satoshi YOTSUHASHI	:	PARTICIPATE IN PATENT
Application No. 11/194685	:	PROSECUTION HIGHWAY
Filed: August 2, 2005	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 071025-0017	:	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 July 16, 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 Kathryn Gorgos at 571 272-1012.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kathryn Gorgos
TQAS TC 1700

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/194,696	08/02/2005	Jun-il Sohn	Q87619	2509

7590 05/15/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
DASTOURI, MEHRDAD

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
05/15/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Rev'n. ref: 05/19/2009 BPOWELL 000922900
DAM:194880 Name/Number:11194696
FC: 9204 $500.00 CR

Adjustment date: 05/19/2009 BPOWELL
08/03/2005 SFELEKE1 00000055 11194696
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

Repln. Ref: 06/19/2009 BPOWELL 0009221900
DA#:194880 Name/Number:11194696
FC: 9204 $500.00 CR

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600 13TH STREET, N.W.
WASHINGTON, DC 20006-1021

AUG 16 2007

In re Application of	:	DECISION ON REQUEST TO
Hideaki ADACHI	:	PARTICIPATE IN PATENT
Application No. 11/194698	:	PROSECUTION HIGHWAY
Filed: August 2, 2005	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 071025-0018	:	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 July 16, 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 Kathryn Gorgos at 571 272-1012.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kathryn Gorgos
TQAS TC 1700

PTO/SB/20 (01-07)
Approved for use through 12/31/2008. OMB 0651-0058
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 PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

Application No.:	11/194,698	First Named Inventor:	Adachi, Hideaki
Filing Date:	August 2, 2005	Attorney Docket No.:	071025-0018
Title of the Invention:	Thermoelectric Conversion Element and Method of Manufacturing the Same, and Thermoleertric Conversion Device Using the Element		

THIS REQUEST FOR PARTICIPATION IN THE PPH PILOT PROGRAM MUST BE FAXED TO:
THE OFFICE OF THE COMMISSIONER FOR PATENTS AT 571-273-0125 DIRECTED TO THE ATTENTION OF MAGDALEN GREENLIEF

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT PROGRAM.

The above-identified application validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s).

The JPO application number(s) is/are: JP 2005-517098

The filing date of the JPO application(s) is/are: September 20, 2005

I. List of Required Documents:

a. **A copy of all JPO office actions (excluding "Decision to Grant a Patent"*) in the above-identified JPO application(s).**

☐ Is attached.

☐ Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

b. **A copy of all claims which were determined to be patentable by the JPO in the above-identified JPO application(s).**

☑ Is attached.

☐ Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System.

c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached.**

Information disclosure statement listing the documents cited in the JPO office actions is attached.

Copies of all documents are attached except for U.S. patents or U.S. patent application publications.

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). 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 2 hours 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. FAX COMPLETED FORMS TO: Office of the Commissioner for Patents at 571-273-0125, Attention: Magdalen Greenlief.

PTO/SB/20 (01-07)
Approved for use through 12/31/2008. OMB 0651-0058
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 PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	11/194,698	First Named Inventor:	Adachi, Hideaki

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in JP Application	Explanation regarding the correspondence
1-27	1-27	Claims are the same.

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO application.

IV. Payment of Fees:

The Commissioner is hereby authorized to charge the petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) to ☑ Deposit Account No. 500417.

☐ Credit Card. Credit Card Payment Form (PTO-2038) is attached.

Signature		Date	7/16/07
Name (Print/Typed)	Michael E. Fogarty	Registration Number	36,139

Docket No.: 071025-0018 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 53080
Hideaki ADACHI	:	Confirmation Number: 2532
Application No.: 11/194,698	:	Group Art Unit: 1753
Filed: August 02, 2005	:	Examiner: Not yet assigned

For: THERMOELECTRIC CONVERSION ELEMENT AND METHOD OF MANUFACTURING THE SAME, AND THERMOELECTRIC CONVERSION DEVICE USING THE ELEMENT

REQUIRED STATEMENT

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

Sir:

In accordance with Subsection II.B. of the June 13, 2006 Notice concerning the Patent Prosecution Highway, Applicants state that the enclosed translation of the claims of the corresponding Japanese application is accurate.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Michael E. Fogarty
Registration No. 36,139

Please recognize our Customer No. 53080 as our correspondence address.

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF:mjb
Facsimile: 202.756.8087
Date: July 16, 2007

VERIFICATION OF TRANSLATION

U.S. Patent Application No. 11/194,698

Applicant: Hideaki ADACHI et al.

Filed on August 2, 2005

Title of the Invention:

THERMOELECTRIC CONVERSION ELEMENT AND METHOD OF MANUFACTURING THE SAME, AND THERMOELECTRIC CONVERSION DEVICE USING THE ELEMENT

I, Koichi KAMADA, whose full post office address is c/o Seiran International Patent Firm, 7th Fl., Tomoe Marion Bldg., 4-3-1, Nishitenma, Kita-ku, Osaka-shi, Osaka 530-0047 Japan,

state that the following is a true translation to the best of my knowledge and belief of the claims of JP 2005-517098 (International Filing Date: January 18, 2005).

At Osaka, Japan

Dated this 18/ 06/ 2007 (Day/Month/Year)

Koichi KAMADA

English translation of the patented claims of JP 2005-517098

CLAIMS

1. A thermoelectric conversion element comprising: an insulating layer, striped p-type thermoelectric conversion parts arranged on a first surface of the insulating layer, and striped n-type thermoelectric conversion parts arranged on a second surface of the insulating layer;

the thermoelectric conversion element having overlapping portions at which the striped p-type thermoelectric conversion parts and the striped n-type thermoelectric conversion parts intersect when viewed along a thickness direction of the insulating layer;

wherein, at one or more of the overlapping portions,

a) a first p-type thermoelectric conversion part of the striped p-type thermoelectric conversion parts and a first n-type thermoelectric conversion part of the striped n-type thermoelectric conversion parts are electrically connected via a first conducting portion arranged within the insulating layer;

b) a second p-type thermoelectric conversion part of the striped p-type thermoelectric conversion parts and a second n-type thermoelectric conversion part of the striped n-type thermoelectric conversion parts are electrically connected via a second conducting portion arranged within the insulating layer;

c) the first p-type thermoelectric conversion part and the second p-type thermoelectric conversion part are adjacent to each other with the overlapping portion interposed therebetween and are cut apart from each other in the overlapping portion;

d) the first n-type thermoelectric conversion part and the second n-type thermoelectric conversion part are adjacent to each other with the overlapping portion interposed therebetween and are cut apart from each other in the overlapping portion; and

e) the first conducting portion and the second conducting portion are electrically isolated.

2. The thermoelectric conversion element according to claim 1, wherein the same conditions as a) through e) are satisfied at two or more of the overlapping portions.

3. The thermoelectric conversion element according to claim 1, wherein:

the first conducting portion is an electrode, or a contact between the first p-type thermoelectric conversion part and the first n-type thermoelectric conversion part within the insulating layer; and

the second conducting portion is an electrode, or a contact between the second p-type thermoelectric conversion part and the second n-type thermoelectric conversion part within the insulating layer.

4. The thermoelectric conversion element according to claim 3, wherein the first conducting portion and the second conducting portion are electrodes.

5. The thermoelectric conversion element according to claim 1, wherein the striped p-type thermoelectric conversion parts and the striped n-type thermoelectric conversion parts form rectilinear stripes.

6. The thermoelectric conversion element according to claim 1, wherein at least one selected from the striped p-type thermoelectric conversion parts and the striped n-type thermoelectric conversion parts forms curved stripes.

7. The thermoelectric conversion element according to claim 2, wherein the two or more overlapping portions include heat-generating overlapping portions and heat-absorbing overlapping portions when a dc current is passed through the striped p-type thermoelectric conversion parts and the striped n-type thermoelectric conversion parts, and the heat-generating overlapping portions and the heat-absorbing overlapping portions are arranged in respective straight lines.

8. The thermoelectric conversion element according to claim 2, wherein the two or more overlapping portions include heat-generating overlapping portions and heat-absorbing overlapping portions when a dc current is passed through the striped p-type thermoelectric conversion parts and the striped n-type thermoelectric conversion parts, and the heat-generating overlapping portions and the heat-absorbing overlapping portions are arranged so that the distance between the heat-generating overlapping portions and the distance between the heat-absorbing overlapping portions are set to be less than the distance between the heat-generating overlapping portions and the heat-absorbing overlapping portions.

9. The thermoelectric conversion element according to claim 1, wherein the insulating layer has flexibility.

10. The thermoelectric conversion element according to claim 1, wherein the insulating layer is made of resin.

11. A thermoelectric conversion device comprising a thermoelectric conversion element according to claim 1 and a heat conducting member being in contact with a portion of the overlapping portions in the first surface or in the second surface.

12. The thermoelectric conversion device according to claim 11, wherein the heat conducting member comprises a first heat conducting member being in contact with the first surface and a second heat conducting member being in contact with the second surface.

13. A method of manufacturing a thermoelectric conversion element, comprising:

producing a layered material in which p-type stripes composed of a p-type thermoelectric conversion material, an insulating layer, and n-type stripes composed of an n-type thermoelectric conversion material are arranged in that order when viewed along a thickness direction of the insulating layer; the p-type stripes and the n-type stripes intersect with each other to form overlapping portions; and the p-type stripes and the n-type stripes are electrically connected at the overlapping portions via conducting portions provided within the insulating layer; and

forming p-type thermoelectric conversion parts and n-type thermoelectric conversion parts by cutting apart the p-type stripes and the n-type stripes;

wherein the p-type stripes and the n-type stripes are cut apart at one or more of the overlapped portions in such a manner that:

f) a first p-type thermoelectric conversion part and a second p-type thermoelectric conversion part that are cut apart from each other are formed from the p-type stripes;

g) a first n-type thermoelectric conversion parts and a second n-type thermoelectric conversion parts that are cut apart from each other are formed

from the n-type stripes;

h) the first p-type thermoelectric conversion part and the first n-type thermoelectric conversion part are electrically connected via a first conducting portion that is arranged within the insulating layer as one of the conducting portions; and

i) the second p-type thermoelectric conversion part and the second n-type thermoelectric conversion part are electrically connected via a second conducting portion that is arranged within the insulating layer as one of the conducting portions and is electrically isolated from the first conducting portion.

14. The method of manufacturing a thermoelectric conversion element according to claim 13, wherein the conducting portions as well as the p-type stripes and the n-type stripes are cut apart so that the first conducting portion and the second conducting portion are formed from the conducting portions.

15. The method of manufacturing a thermoelectric conversion element according to claim 13, wherein the first conducting portion and the second conducting portion are arranged within the insulating layer in advance.

16. The method of manufacturing a thermoelectric conversion element according to claim 13, wherein the conducting portions are electrodes, or contacts between the p-type stripes and the n-type stripes within the insulating layer.

17. The method of manufacturing a thermoelectric conversion element according to claim 13, wherein the conducting portions are electrodes.

18. The method of manufacturing a thermoelectric conversion element according to claim 13, wherein the step of producing a layered material comprises:

(a) producing a layered material in which the p-type thermoelectric conversion material film, the insulating layer, and the n-type thermoelectric conversion material film are arranged in that order with respect to the thickness direction, and the p-type thermoelectric conversion material film and the n-type thermoelectric conversion material film are electrically connected via conducting portions arranged within the insulating layer;

(b) dividing the p-type thermoelectric conversion material film so as to shape a striped pattern, to form p-type stripes; and

(c) dividing the n-type thermoelectric conversion material film so as to shape a striped pattern, to form n-type stripes.

19. The method of manufacturing a thermoelectric conversion element according to claim 18, wherein the step (a) comprises transferring the p-type thermoelectric conversion material film or the n-type thermoelectric conversion material film that has been grown on a substrate from the top of the substrate to the top of the insulating layer.

20. The method of manufacturing a thermoelectric conversion element according to claim 19, the step (a) further comprising: forming an undercoating film that is an oxide layer containing an alkali element on the substrate, growing the p-type thermoelectric conversion material film or the n-type thermoelectric conversion material film on the undercoating film, and separating the p-type thermoelectric conversion material film or the n-type thermoelectric conversion material film from the substrate by supplying water vapor to the undercoating film.

21. The method of manufacturing a thermoelectric conversion element according to claim 19, wherein the substrate is a crystallized material of an inorganic substance.

22. The method of manufacturing a thermoelectric conversion element according to claim 19, wherein the insulating layer is made of resin.

23. The method of manufacturing a thermoelectric conversion element according to claim 13, further comprising a step of obtaining at least one selected from the p-type stripes and the n-type stripes, by transferring the p-type thermoelectric conversion material film or the n-type thermoelectric conversion material film that has been grown on a substrate from the top of the substrate to the top of the insulating layer and dividing the p-type thermoelectric conversion material film or the n-type thermoelectric conversion material film.

24. The method of manufacturing a thermoelectric conversion element

according to claim 13, wherein the p-type stripes and the n-type stripes are formed into rectilinear stripes.

25. The method of manufacturing a thermoelectric conversion element according to claim 13, wherein at least one selected from the p-type stripes and the n-type stripes is formed into curved stripes.

26. The method of manufacturing a thermoelectric conversion element according to claim 13, wherein the insulating layer has flexibility.

27. The method of manufacturing a thermoelectric conversion element according to claim 13, wherein the insulating layer is made of resin.

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(54)【発明の名称】熱電変換素子とその製造方法、およびこの素子を用いた熱電変換装置

(57)【特許請求の範囲】

【請求項1】

絶縁層と、前記絶縁層の第1面上に配置されたストライプ状のp型熱電変換部と、前記絶縁層の第2面上に配置されたストライプ状のn型熱電変換部と、を具備し、

前記絶縁層の厚み方向に沿って見たときに、前記ストライプ状のp型熱電変換部と前記ストライプ状のn型熱電変換部とが交差する重複部を有し、

前記ストライプ状のp型熱電変換部が第1p型熱電変換部および第2p型熱電変換部を含み、

前記ストライプ状のn型熱電変換部が第1n型熱電変換部および第2n型熱電変換部を含み、

前記重複部において、

a)前記第1p型熱電変換部と前記第1n型熱電変換部とが、前記絶縁層内に配置された第1導通部を介して電気的に接続され、

b)前記第2p型熱電変換部と前記第2n型熱電変換部とが、前記絶縁層内に配置された第2導通部を介して電気的に接続され、

c)前記第1p型熱電変換部と前記第2p型熱電変換部とが、当該重複部を介して隣接し、かつ当該重複部において互いに分断され、

d)前記第1n型熱電変換部と前記第2n型熱電変換部とが、当該重複部を介して隣接し、かつ当該重複部において互いに分断され、

e)前記第1導通部と前記第2導通部とが電気的に分離された、

熱電変換素子。

【請求項２】

前記ストライプ状のｐ型熱電変換部および前記ストライプ状のｎ型熱電変換部が２以上の重複部を有し、前記２以上の重複部のそれぞれにおいて、前記ａ）～ｅ）が成立する請求項１に記載の熱電変換素子。

【請求項３】

前記第１導通部が、電極、または前記絶縁層内における第１ｐ型熱電変換部と第１ｎ型熱電変換部との接触であり、

前記第２導通部が、電極、または前記絶縁層内における第２ｐ型熱電変換部と第２ｎ型熱電変換部との接触である請求項１に記載の熱電変換素子。

【請求項４】

前記第１導通部および前記第２導通部が、電極である請求項３に記載の熱電変換素子。

【請求項５】

前記ストライプ状のｐ型熱電変換部および前記ストライプ状のｎ型熱電変換部が、直線状のストライプである請求項１に記載の熱電変換素子。

【請求項６】

前記ストライプ状のｐ型熱電変換部および前記ストライプ状のｎ型熱電変換部から選ばれる少なくとも一方が、屈曲したストライプである請求項１に記載の熱電変換素子。

【請求項７】

前記２以上の重複部が、前記ストライプ状のｐ型熱電変換部および前記ストライプ状のｎ型熱電変換部に直流電流を流したときに発熱部となる重複部と吸熱部となる重複部とを含み、前記発熱部となる重複部および前記吸熱部となる重複部が、それぞれ、直線上に配置されている請求項２に記載の熱電変換素子。

【請求項８】

前記２以上の重複部が、前記ストライプ状のｐ型熱電変換部および前記ストライプ状のｎ型熱電変換部に直流電流を流したときに発熱部となる重複部と吸熱部となる重複部とを含み、前記発熱部となる重複部および前記吸熱部となる重複部が、前記発熱部となる重複部の間の距離および前記吸熱部となる重複部の間の距離が、前記発熱部となる重複部と前記吸熱部となる重複部との間の距離よりも小さくなるように配置されている請求項２に記載の熱電変換素子。

【請求項９】

前記絶縁層が可撓性を有する請求項１に記載の熱電変換素子。

【請求項１０】

前記絶縁層が樹脂からなる請求項１に記載の熱電変換素子。

【請求項１１】

請求項１に記載の熱電変換素子と、前記第１面または前記第２面において前記重複部の一部に接触する熱伝導部材と、を具備する熱電変換装置。

【請求項１２】

前記熱伝導部材として、前記第１面に接触する第１熱伝導部材と、前記第２面に接触する第２熱伝導部材と、を具備する請求項１１に記載の熱電変換装置。

【請求項１３】

ｐ型熱電変換材料からなるｐ型ストライプ、絶縁層およびｎ型熱電変換材料からなるｎ型ストライプが厚み方向にこの順に配置され、前記絶縁層の厚み方向に沿って見たときに、前記ｐ型ストライプと前記ｎ型ストライプとが交差して重複部を形成し、前記重複部において、前記絶縁層内に配置された導通部を介して前記ｐ型ストライプと前記ｎ型ストライプとが電気的に接続した積層体を作製する第１工程と、

前記ｐ型ストライプと前記ｎ型ストライプとを分断してｐ型熱電変換部およびｎ型熱電変換部を形成する第２工程と、を含み、

前記第２工程が、前記重複部において、前記ｐ型ストライプと前記ｎ型ストライプとを

f）前記ｐ型ストライプから、互いに分断された第１ｐ型熱電変換部と第２ｐ型熱電変換部とが形成され、

g）前記ｎ型ストライプから、互いに分断された第１ｎ型熱電変換部と第２ｎ型熱電変換部とが形成され、

h）前記絶縁層内に配置された第１導通部を介して、前記第１ｐ型熱電変換部と前記第１ｎ型熱電変換部とが電気的に接続され、

i）前記絶縁層内に配置され、前記第１導通部と電気的に分離された第２導通部を介して前記第２ｐ型熱電変換部と前記第２ｎ型熱電変換部とが電気的に接続される、

ように切断する工程である、熱電変換素子の製造方法。

【請求項１４】

前記導通部から前記第１導通部および前記第２導通部が形成されるように、前記ｐ型ストライプおよび前記ｎ型ストライプとともに前記導通部を分断する請求項１３に記載の熱電変換素子の製造方法。

【請求項１５】

前記導通部として、前記第１導通部および前記第２導通部を予め前記絶縁層内に配置しておく請求項１３に記載の熱電変換素子の製造方法。

【請求項１６】

前記導通部が、電極、または前記絶縁層内におけるｐ型ストライプとｎ型ストライプとの接触である請求項１３に記載の熱電変換素子の製造方法。

【請求項１７】

前記導通部が電極である請求項１３に記載の熱電変換素子の製造方法。

【請求項１８】

前記積層体を作製する工程が、

ｐ型熱電変換材料膜、絶縁層およびｎ型熱電変換材料膜が厚み方向にこの順に配置され、前記絶縁層内に配置された導通部を介して前記ｐ型熱電変換材料膜と前記ｎ型熱電変換材料膜とが電気的に接続した積層体を作製する工程ａと、

ストライプ模様を描くように前記ｐ型熱電変換材料膜を分割してｐ型ストライプを形成する工程ｂと、

ストライプ模様を描くように前記ｎ型熱電変換材料膜を分割してｎ型ストライプを形成する工程ｃと、

を含む請求項１３に記載の熱電変換素子の製造方法。

【請求項１９】

前記工程ａが、基体上に成長させた前記ｐ型熱電変換材料膜または前記ｎ型熱電変換材料膜を前記基体上から前記絶縁層上へと移動させる工程を含む請求項１８に記載の熱電変換素子の製造方法。

【請求項２０】

前記基体上にアルカリ元素を含む酸化物層である下地膜を形成し、前記下地膜上に前記ｐ型熱電変換材料膜または前記ｎ型熱電変換材料膜を成長させ、前記下地膜に水蒸気を供給することにより前記基体と前記ｐ型熱電変換材料膜またはｎ型熱電変換材料膜とを分離する請求項１９に記載の熱電変換素子の製造方法。

【請求項２１】

前記基体が無機物の結晶体である請求項１９に記載の熱電変換素子の製造方法。

【請求項２２】

前記絶縁層が樹脂からなる請求項１９に記載の熱電変換素子の製造方法。

【請求項２３】

前記ｐ型ストライプおよび前記ｎ型ストライプから選ばれる少なくとも一方を、基体上に成長させた前記ｐ型熱電変換材料膜または前記ｎ型熱電変換材料膜を前記基体上から前記絶縁層上へと移動させ、当該ｐ型熱電変換材料膜またはｎ型熱電変換材料膜を分割して得る工程をさらに含む請求項１３に記載の熱電変換素子の製造方法。

【請求項２４】

前記ｐ型ストライプおよび前記ｎ型ストライプを、直線状のストライプとして形成する請求項１３に記載の熱電変換素子の製造方法。

【請求項２５】

前記ｐ型ストライプおよび前記ｎ型ストライプから選ばれる少なくとも一方を、屈曲したストライプとして形成する請求項１３に記載の熱電変換素子の製造方法。

【請求項２６】

前記絶縁層が可撓性を有する請求項１３に記載の熱電変換素子の製造方法。

【請求項２７】

前記絶縁層が樹脂からなる請求項１３に記載の熱電変換素子の製造方法。

【発明の詳細な説明】

【技術分野】

【０００１】

本発明は、ペルチェ効果やゼーベック効果により熱エネルギーと電気エネルギーとを相互に変換する熱電変換素子に関し、さらにこれを用いた熱電変換装置に関する。

【背景技術】

【０００２】

熱電変換素子は、電荷担体が正のｐ型熱電変換材料および負のｎ型熱電変換材料を交互に接続した複数の接合部を含み、電流により生じる接合部間の温度差により冷却を行い、あるいは接合部間の温度差により起電力を発生させる。熱電変換素子では、高温接合部と低温接合部とを空間的に離間して配置する必要がある。

【０００３】

従来、熱電変換素子は、図１７に示すように、半導体または酸化物材料の焼結体、溶融固化体、単結晶等からなるｐ型熱電体１１およびｎ型熱電体１２を、内部電極１５を介して交互に接続して形成されている。内部電極１５は、１つおきに高温接合部および低温接合部となり、高温接合部は高温側熱浴部１３に、低温接合部は低温側熱浴部１４にそれぞれ接するように配置される。しかし、熱電体として焼結体等の成形固体を用いている限り、素子の薄型化は困難であり、可撓性を有する素子を得ることもできない。

【０００４】

特開平６－２９５８１号公報には、薄膜材料を用いた熱電変換素子が提案されている。この素子では、図１８に示すように、絶縁層（基体）６の一方の面に形成されたｐ型熱電変換部１と、他方の面（図示裏面）に形成されたｎ型熱電変換部２とが絶縁層に埋め込まれた内部電極５を介して接続されている。この素子では、薄型化に伴い、高温接合部と低温接合部とが膜厚方向にではなく面内方向に離間して配置されている。

【０００５】

同様の接続形態を有する熱電変換素子は、特開２００２－３３５０２１号公報の図５にも開示されている。また、特開平８－１９５５０９号公報は、熱損失を低減するための熱電変換装置の構造上の改善を開示する。

【発明の開示】

【０００６】

図１８に示した熱電変換素子では、高温接合部と低温接合部とを素子の面内方向に離間して配置する必要があるために、単位面積あたりに配置できる接合の数に制限があり、高効率化が困難であった。また、製造に際しては、ｐ型熱電変換材料膜およびｎ型熱電変換材料膜を、それぞれ細切れにパターン化して成膜する必要がある。このため、製造プロセスも複雑であった。

【０００７】

図１８に示した熱電変換素子は、従来型の設計（図１７）をそのまま薄膜型素子に適用し、（－ｐ型熱電変換部－内部電極－ｎ型熱電変換部－内部電極－）の単位接合を、１つのストライプを描くように配置したものである。これに対し、本発明では、ｐ型熱電変換部とｎ型熱電変換部とを、互いに交差するストライプを描くように配置する薄膜型素子に適した新たな設計を採用することとした。

【0008】

本発明の熱電変換素子は、絶縁層と、前記絶縁層の第１面上に配置されたストライプ状のｐ型熱電変換部と、前記絶縁層の第２面上に配置されたストライプ状のｎ型熱電変換部と、を具備し、前記絶縁層の厚み方向に沿って見たときに、前記ストライプ状のｐ型熱電変換部と前記ストライプ状のｎ型熱電変換部とが交差する重複部を有する。前記ストライプ状のｐ型熱電変換部は、第１ｐ型熱電変換部および第２ｐ型熱電変換部を含み、前記ストライプ状のｎ型熱電変換部は、第１ｎ型熱電変換部および第２ｎ型熱電変換部を含む。

【0009】

本発明の熱電変換素子では、前記重複部において、以下の条件ａ）～ｅ）を満たす。

【0010】

ａ）前記第１ｐ型熱電変換部と前記第１ｎ型熱電変換部とが、前記絶縁層内に配置された第１導通部を介して電気的に接続されている。

【0011】

ｂ）前記第２ｐ型熱電変換部と前記第２ｎ型熱電変換部とが、前記絶縁層内に配置された第２導通部を介して電気的に接続されている。

【0012】

ｃ）前記第１ｐ型熱電変換部と前記第２ｐ型熱電変換部とが、当該重複部を介して隣接し、かつ当該重複部において互いに分断されている。

【0013】

ｄ）前記第１ｎ型熱電変換部と前記第２ｎ型熱電変換部とが、当該重複部を介して隣接し、かつ当該重複部において互いに分断されている。

【0014】

ｅ）前記第１導通部と前記第２導通部とが電気的に分離されている。

【0015】

また、本発明は、上記熱電変換素子と、前記第１面または前記第２面において前記重複部の一部に熱的に接触する熱伝導部材と、を具備する熱電変換装置、を提供する。

【0016】

本発明の熱電変換素子の製造方法は、ｐ型熱電変換材料からなるｐ型ストライプ、絶縁層およびｎ型熱電変換材料からなるｎ型ストライプが厚み方向にこの順に配置され、前記絶縁層の厚み方向に沿って見たときに、前記ｐ型ストライプと前記ｎ型ストライプとが交差して重複部を形成し、前記重複部において、前記絶縁層内に配置された導通部を介して前記ｐ型ストライプと前記ｎ型ストライプとが電気的に接続した積層体を作製する第１工程と、前記ｐ型ストライプと前記ｎ型ストライプとを分断してｐ型熱電変換部およびｎ型熱電変換部を形成する第２工程と、を含んでいる。

【0017】

前記第２工程は、前記ｐ型ストライプと前記ｎ型ストライプとを、前記重複部において、以下の条件ｆ）～ｉ）を満たすように分断する工程である。

【0018】

ｆ）前記ｐ型ストライプから、互いに分断された第１ｐ型熱電変換部と第２ｐ型熱電変換部とが形成される。

【0019】

ｇ）前記ｎ型ストライプから、互いに分断された第１ｎ型熱電変換部と第２ｎ型熱電変換部とが形成される。

【0020】

ｈ）前記絶縁層内に配置された前記第１導通部を介して、前記第１ｐ型熱電変換部と前記第１ｎ型熱電変換部とが電気的に接続される。

【0021】

ｉ）前記絶縁層内に配置され、前記第１導通部と電気的に分離された前記第２導通部を介して前記第２ｐ型熱電変換部と前記第２ｎ型熱電変換部とが電気的に接続される。

【0022】

本発明では、ｐ型熱電変換部とｎ型熱電変換部とを互いに交差するストライプ模様を描くように配置し、ストライプが交差する重複部に、互いに電気的に分離した２つの接合を形成することとした。これにより、従来よりも単位面積あたりに配置できる接合の数が増し、熱電変換素子の効率が高くなる。また、本発明の製造方法によれば、複雑なパターニングを要することなく、効率が高い熱電変換素子を得ることができる。

【発明を実施するための最良の形態】

【００２３】

以下、本発明の実施形態を、図面を参照しながら説明する。

【００２４】

図１に本発明の熱電変換素子の一形態を示す。この熱電変換素子３０では、絶縁層（基体）２０の表面（第１面）にストライプ模様を描くようにｐ型熱電変換部３１，３２・・・が配置され、絶縁層２０の裏面（第２面）にストライプ模様を描くようにｎ型熱電変換部４１，４２・・・が配置されている。ｐ型熱電変換部３１，３２・・・からなるストライプ（ストライプ状のｐ型熱電変換部）２１と、ｎ型熱電変換部４１，４２・・・からなるストライプ（ストライプ状のｐ型熱電変換部）２２とは、互いに交差して重複部２５を形成している。この重複部２５には、絶縁層内の導通部となる電極（内部電極）２３が配置されている。この形態では、ｐ型熱電変換部３１，３２・・・からなるストライプ２１と、ｎ型熱電変換部４１，４２・・・からなるストライプ２２とが、ともに直線を描くストライプ、換言すれば直線状のストライプ、として配置されている。

【００２５】

内部電極２３は、分断線２４により２つに分断されている。分断線２４は、ｐ型（ｎ型）熱電変換部からなるストライプ２１（２２）も分断している。このように、ｐ型（ｎ型）熱電変換部からなるストライプ模様は、連続したストライプではなく、重複部２５において分断されたストライプ２１（２２）により構成されている。

【００２６】

図２に示すように、重複部２５では、１つの分断線２４により、内部電極２３が第１内部電極（第１導通部）５１と第２内部電極（第２導通部）５２とに分断され、ストライプ状のｐ型熱電変換部２１が第１ｐ型熱電変換部３１と第２ｐ型熱電変換部３２とに分断され、ストライプ状のｎ型熱電変換部２２が第１ｎ型熱電変換部４１と第２ｎ型熱電変換部４２とに分断されている。

【００２７】

第１内部電極（第１導通部）５１は第１ｐ型熱電変換部３１と第１ｎ型熱電変換部４１とを電気的に接続し、第２内部電極（第２導通部）５２は第２ｐ型熱電変換部３２と第２ｎ型熱電変換部４２とを電気的に接続し、２つの内部電極５１，５２は互いに電気的に分離されている。こうして、熱電変換素子３０の重複部２５には、２つの電気的接合が形成されている。

【００２８】

なお、ここでは、導通部として内部電極２３を示したが、導通部は、絶縁層２０内におけるｐ型熱電変換部３１，３２とｎ型熱電変換部４１，４２との接触であってもよい。導通部の形成のために、絶縁層２０は、その内部に、内部電極２３または貫通孔、好ましくは内部電極２３を有する。分断線２４は、通常は、後述するレーザー加工により設けられた空孔であるが、この空孔には絶縁材料が充填されていてもよい。

【００２９】

図３に、熱電変換素子３０の使用形態の一例を示す。熱電変換素子３０には、１つの重複部に存在する２つの電気的接合において、ともにｐ型熱電変換部からｎ型熱電変換部に電流が流れるか、あるいはともにその逆に電流が流れるように、図示を省略する外部電源から直流電流４０が供給される。これにより、１つの重複部に存在する２つの電気的接合は、ともに発熱部または吸熱部となる。

【００３０】

この結果、図４に示すように、熱電変換素子３０には、発熱部（Ｈ）２６および吸熱部

（C）２７が縦横に１つおきに現れる。電流４０の向きを反転させれば、発熱部２６と吸熱部２７とが入れ替わる。発熱部２６および吸熱部２７では、１つあたり２つのｐｎ接合からの発熱または吸熱が行われていることになる。このため、従来の薄膜型素子（図１８参照）の２倍の効率を得ることが可能となる。本発明によれば、素子動作に寄与しない領域を従来よりも減少させることができる。

【００３１】

外部からの吸熱および外部への放熱を効率的に行うためには、発熱部２６と接触する第１熱伝導部材（放熱部材）を一方の表面に配置し、吸熱部２７と接触する第２熱伝導部材（吸熱部材）を他方の表面に配置すればよい。熱伝導部材は、発熱部２６および吸熱部２７のいずれか一方と接し、かつ他方と接しないように、配置するべきである。例えば、放熱部材と熱電変換素子３０との接触はライン２８に沿って、吸熱部材と熱電変換素子３０との接触はライン２９に沿ってそれぞれ行うとよい。

【００３２】

図１～図４に示した熱電変換素子３０では、２以上の重複部２５が、ストライプ状のｐ型熱電変換部２１およびストライプ状のｎ型熱電変換部２２に直流電流４０を流したときに発熱部となる重複部２６と吸熱部となる重複部２７とを含み、発熱部となる重複部２６および吸熱部となる重複部２７が、それぞれ、絶縁層２０の面内方向において直線２８，２９上に配置されている。このため、同種の熱特性を有する重複部と熱伝導部材との接触が容易である。

【００３３】

図５および図６に、熱伝導部材（熱浴フィン）を配置した熱電変換装置の一形態を示す。この熱電変換装置５０では、放熱部材３３の突起がライン２８に沿って配置されて発熱部２６のみと接し、吸熱部材３４の突起がライン２９に沿って配置されて吸熱部２７のみと接している。なお、図５では、２つの熱伝導部材３３，３４から突出している板状の突起が互いに平行に配置されているが、これに限らず、これら突起は互いに直交するように配置してもよい。

【００３４】

熱電変換装置５０に通電すると、吸熱部材３４から吸熱することができる。熱は、放熱部材３３から放出される。熱電変換装置５０は、２つの熱伝導部材３３，３４の間に温度差を与えると、熱発電装置として用いることができる。

【００３５】

このように、本発明の熱電変換装置は、熱伝導部材として第１面に接触する第１熱伝導部材３３と、第２面に接触する第２熱伝導部材３４とを具備するとよく、具体的には熱電変換素子３０の第１面において重複部２５から選ばれる一部（発熱部２６）に熱的に接触する第１熱伝導部材３３と、第２面において重複部２５の前記一部（発熱部２６）以外から選ばれる少なくとも一部（吸熱部２７）に熱的に接触する第２熱伝導部材３４と、を具備する装置、とするとよい。ここで、「熱的に接触する」とは、伝熱が可能な接触形態を指し、物理的に直接接触している形態に限らない。

【００３６】

熱伝導部材３３，３４には、熱伝導性に優れた材料、例えばサファイア、アルミナ、窒化アルミ、ダイヤモンド、窒化ボロン、炭化珪素等の電気絶縁材料が適しているが、熱電変換素子との接合部分における電気的絶縁性を確保できる限り、その一部に、金属材料、炭素材料等の導電材料を含んでいてもよい。

【００３７】

以下、本発明の製造方法の一形態を、図面を参照しながら説明する。

【００３８】

まず、図７に示すように、導通部として内部電極２３を予め埋め込んだ絶縁層（基体）２０を準備する。内部電極２３は、絶縁層２０を貫通し、この層２０の両面の導通を確保する。この形態では、内部電極２３は、絶縁層２０の縦横に所定間隔を保つように離間して配置されているが、配置の形態はこれに限らない。内部電極２３に代えて貫通孔を絶縁

層内の導通部として形成しても構わない。貫通孔にはｐ型（ｎ型）熱電変換材料膜が入り込み、貫通孔内でｐｎ接合が形成される。導通部は、内部電極２３、または絶縁層２０内におけるｐ型熱電変換部とｎ型熱電変換部との接触、好ましくは内部電極２３である。

【００３９】

絶縁層２０は、電気的に絶縁性を有することを要するが、熱的絶縁性にも優れていることが好ましい。具体的には、樹脂、セラミクス、合板、紙質板等を用いればよい。絶縁層２０は可撓性を有することが好ましく、この観点からは樹脂からなる絶縁層が優れている。可撓性の絶縁層を用いるとフレキシブルな熱電変換素子を得ることができる。可撓性の熱伝導部材を併用するとフレキシブルな熱電変換装置を得ることができる。フレキシブルな熱電変換装置は、例えば、着衣による体温発電を可能とする。

【００４０】

次いで、図８に示すように、絶縁層２０の一方の面にｐ型熱電変換材料膜４３を、他方の面にｎ型熱電変換材料膜４４をそれぞれ成膜する。熱電変換材料の好ましい例には、Ｂｉ－Ｔｅ、Ｐｂ－Ｔｅ、Ｓｉ－Ｇｅ等の半導体材料、$NaCoO_2$等の酸化物材料が含まれる。成膜法にも特に制限はなく、メッキ法、塗布分解法、ゾルゲル法、蒸着法、スパッタ法等を材料の種類等に応じて適宜選択すればよい。

【００４１】

さらに、図９に示すように、ストライプ模様を描くようにｐ型熱電変換材料膜４３を分割してｐ型熱電変換部からなる連続したストライプ（ｐ型ストライプ）４５を形成する。同様に、ストライプ模様を描くようにｎ型熱電変換材料膜４４を分割してｎ型熱電変換部からなる連続したストライプ（ｎ型ストライプ）４６を形成する。これら熱電変換材料膜４３，４４は、内部電極２３が配置された領域においてｐ型ストライプ４５およびｎ型ストライプ４６が交差して重複部２５を形成するように分割される。膜の分割は、例えば、機械的切削加工、エッチング加工、レーザー加工により行えばよい。この形態では、ｐ型、ｎ型ストライプ４５，４６がともに直線状のストライプであるため、膜の分割は極めて簡単に行うことができる。

【００４２】

引き続き、ストライプが交差している重複部２５において、内部電極２３、ｐ型ストライプ４５およびｎ型ストライプ４６を分断すれば、図１に示した熱電変換素子が得られる。上記で説明したように、この分断は、当該重複部に互いに電気的に分離された２つの電気的接合が形成されるように行われる。この分断により、熱電変換素子における電流路が確定し、ｐ型ストライプ４５およびｎ型ストライプ４６はそれぞれ途中で分断されたストライプ２１，２２となる。この工程で行う分断は、レーザー光を用いれば簡単に行うことができる。

【００４３】

図９で示した素子から図１で示した素子を得るためには、導通部（内部電極）２３から第１導通部（第１内部電極）５１および第２導通部（第２内部電極）５２が形成されるように、ｐ型ストライプ４５およびｎ型ストライプ４６とともに導通部２３を分断する必要がある。これに対し、後述する実施例のように、導通部として、第１導通部および第２導通部を絶縁層内に予め配置しておけば、すなわち予め分断された２つの導通部を配置しておけば、導通部をｐ型およびｎ型ストライプとともに分断する必要はない。

【００４４】

上記では、ｐ型熱電変換材料膜４３およびｎ型熱電変換材料膜４４を形成してからこれらの膜を分割する方法を示した。この方法は、ｐ型熱電変換材料膜４３、絶縁層２０およびｎ型熱電変換材料膜４４が厚み方向にこの順に配置され、絶縁層２０内に配置された導通部２３を介してｐ型熱電変換材料膜４３とｎ型熱電変換材料膜４４とが電気的に接続した積層体を作製する工程ａと、ストライプ模様を描くようにｐ型熱電変換材料膜４３を分割してｐ型ストライプ４５を形成する工程ｂと、ストライプ模様を描くようにｎ型熱電変換材料膜４４を分割してｎ型ストライプ４６を形成する工程ｃと、を含んでいる。

【００４５】

しかし、本発明の製造方法は、これら工程ａ～ｃを必須とするわけではなく、例えば、図１０に示すように、図８に示した絶縁層２０上に、一方の膜（例えばｐ型熱電変換材料膜４３）を形成し、他方の膜（ｎ型熱電変換材料膜４４）を形成する前に、この膜を分割して一方のストライプ（ｐ型ストライプ４５）を形成してもよい。

【００４６】

また、膜を分割するのではなく、マスクを用いた成膜によりｐ型ストライプ４５およびｎ型ストライプ４６を直接形成してもよい。膜４３，４４およびストライプ４５，４６の形成方法も、各種気相成膜法に限らず、溶融した材料または溶剤に溶かした材料を塗布して固化または乾燥させてもよく、固体材料を接着しても構わない。

【００４７】

ｐ型熱電変換材料膜４３およびｎ型熱電変換材料膜４４を形成してからこれらの膜４３，４４を分割するにしても、ｐ型ストライプ４５およびｎ型ストライプ４６を直接成膜するにしても、本発明では、複雑な膜の分割や複雑なマスキングを伴う成膜は必要ない。

【００４８】

熱電変換素子では、使用に際して好ましい絶縁層が必ずしも結晶性の良好な膜の成長に適した基体とは限らない。特に、可撓性があり、熱絶縁性に優れた基体、例えば樹脂層は、通常、耐熱性に劣るため、結晶性に優れた熱電変換材料膜の形成には適していない。絶縁層の種類を問わず結晶性に優れた熱電変換材料膜を得るには、別に準備した成長基体上に成膜した熱電変換材料を、素子の絶縁層とする使用基体上へと転写するとよい。

【００４９】

この方法を用いた場合、本発明の製造方法は、ｐ型ストライプおよびｎ型ストライプから選ばれる少なくとも一方を、基体（成長基体）上に成長させたｐ型熱電変換材料膜またはｎ型熱電変換材料膜を成長基体上から絶縁層（使用基体）上へと移動させ、当該ｐ型熱電変換材料膜またはｎ型熱電変換材料膜を分割して得る工程をさらに含むことになる。この製造方法は、上記工程ａ～ｃを含み、工程ａが、成長基体上に成長させたｐ型熱電変換材料膜またはｎ型熱電変換材料膜を成長基体上から絶縁層（使用基体）上へと移動させる工程である方法、として実施することが好ましい。

【００５０】

以下、成長基体を用いる製造方法の一例を、図面を参照して説明する。

【００５１】

まず、図１１に示すように、成長基体８７上に下地膜８５を形成し、さらにｐ型熱電変換材料膜８３を形成したｐ型ユニット９３と、成長基体８８上に下地膜８６を形成し、さらにｎ型熱電変換材料膜８４を形成したｎ型ユニット９４とを作製する。そして、ｐ型ユニット９３とｎ型ユニット９４とにより、予め内部電極８２を埋め込んだ絶縁層（使用基体）８０を熱電変換材料膜８３，８４が絶縁層８０に接するように挟持する。成長基体８７，８８の材料は、膜を結晶性よく成長させることができるものあれば特に制限はないが、サファイア、ガーネット、酸化マグネシウム等の無機物の結晶体が好ましい。

【００５２】

次いで、絶縁層８０および熱電変換材料膜８３，８４と、成長基体８７，８８とを分離する。この分離のためには、下地膜８５，８６の内部、または下地膜８５，８６と成長基体８７，８８または熱電変換材料膜８３，８４との界面において、膜を剥離させるとよい。また、適当な溶剤を用いて下地膜８５，８６を溶かしてもよい。

【００５３】

成長基体８７，８８は、分離ではなく除去してもよい。成長基体８７，８８の除去は、例えばレーザー光を成長基体の裏面から照射することにより、また例えば成長基体８７，８８を溶かしうる溶剤を用いて成長基体８７，８８を溶かすことにより行うことができる。

【００５４】

膜を簡単に剥がすには、図１２に示すように、ｐ型ユニット９３とｎ型ユニット９４とにより絶縁層８０を挟持した状態で、アルカリ金属元素を含む酸化物からなる下地膜８５

，８６を水蒸気に曝して水分子８９を下地膜８５，８６に侵入させるとよい。このように、成長基体上に、アルカリ元素を含む酸化物層である下地膜を形成し、下地膜上にｐ型熱電変換材料膜またはｎ型熱電変換材料膜を成長させ、下地膜に水蒸気を供給することにより成長基体とｐ型熱電変換材料膜またはｎ型熱電変換材料膜とを分離すると、損傷が少なく、良質の熱電変換材料膜８３，８４を得ることができる（図１３参照）。この方法では、密閉したチャンバー内に配置した下地膜を含むユニットに、水蒸気供給源、例えばチャンバー内の水、から下地膜へと水蒸気を供給するとよい。

【００５５】

アルカリ金属元素を含む酸化物としては、特に、A_xCoO_2で示される組成を有する層状構造酸化物が好ましい。ここで、Ａは少なくとも１種のアルカリ金属元素、ＭはＣｏ，Ｆｅ，Ｎｉ，Ｍｎ，Ｔｉ，Ｃｒ，Ｖ，ＮｂおよびＭｏから選ばれる少なくとも１種の元素、ｘは０＜ｘ＜１の範囲の数値である。以下、実施例の欄で示す化合物においても、ｘの範囲は同様である。

【００５６】

成長基体８７，８８の使用は、本発明の製造方法に必須ではなく、素子の基体に、直接、熱電変換材料膜を形成してもよい。この場合は、熱電変換材料として、ビスマス、アンチモン、鉛、錫、テルル等の蒸着しやすい金属や合金を用いることが好ましい。

【００５７】

以下、実施例により、本発明をさらに詳細に説明する。

【００５８】

以下の実施例では、図１～４に示した形態とは異なり、ｐ型熱電変換部からなるストライプおよびｎ型熱電変換部からなるストライプを屈曲させることとした。この形態は、発熱部と吸熱部との間の距離を確保しながら、発熱部および吸熱部を熱的に結合するのに有利である。図２および図４を参照すると明らかであるが、所定の重複部が発熱部２６（または吸熱部２７）となる場合、当該重複部２５が、ｐ型熱電変換部３１，３２、ｎ型熱電変換部４１，４２を介して隣接する重複部は、その逆の熱特性を有する吸熱部２７（または発熱部２６）となる。すなわち、所定の重複部に最も近い重複部は逆の熱特性を有する重複部（逆特性重複部）となる。これに対し、ｐ型、ｎ型ストライプの形状および配置を工夫すると、所定の重複部が、逆特性重複部よりも近い位置に同じ熱特性を有する重複部を有しうる。同じ熱特性を有する重複部が近接して配置されている形態は、熱損失を小さくする上で有利である。

【００５９】

このように、本発明では、ｐ型ストライプおよびｎ型ストライプから選ばれる少なくとも一方を屈曲したストライプとして形成してもよく、ｐ型熱電変換部からなるストライプおよびｎ型熱電変換部からなるストライプから選ばれる少なくとも一方を屈曲したストライプとしてもよい。ここで、「屈曲したストライプ」には、その一部においてのみ屈曲しているストライプも含む。また、上記の理由から、熱損失を考慮すると、所定の重複部２５が、第１ｐ型熱電変換部３１，第２ｐ型熱電変換部３２，第１ｎ型熱電変換部４１または第２ｎ型熱電変換部４２を介して隣接する重複部よりも、近い位置に配置された重複部を有することが好ましい。

【００６０】

具体的には、図１４（ｅ）に示したように、２以上の重複部が、ストライプ状のｐ型熱電変換部およびストライプ状のｎ型熱電変換部に直流電流を流したときに発熱部となる重複部と吸熱部となる重複部とを含み、発熱部となる重複部および吸熱部となる重複部が、発熱部となる重複部の間の距離および吸熱部となる重複部の間の距離が発熱部となる重複部と吸熱部となる重複部との間の距離よりも小さくなるように、配置されている熱電変換素子とするとよい。

【００６１】

（実施例１）

本実施例では、結晶性のｐ型熱電変換材料Ca_xCoO_2およびｎ型熱電変換材料ＬａＮ

IO_3を用いた。まず、サファイアc面基板上に、層状ブロンズ構造のNa_xCoO_2下地膜を厚さが50nmとなるように形成し、この下地膜上にCa_xCoO_2膜または$LaNiO_3$膜を500nmの厚さに堆積させた。各膜は、スパッタリング法により、それぞれの焼結ターゲットを用い、700℃の成長温度で形成した。成長雰囲気は、10%酸素混合アルゴンガスを1Paに調整し、スパッタ放電電力は80Wとした。この成長条件の下では、各酸化物膜が結晶方位を揃えてエピタキシャル成長することがX線回折により確認されている。この条件では、サファイアc面上に、下地膜Na_xCoO_2のc軸が垂直に配向した後、Ca_xCoO_2膜は引き続いてc軸が垂直に配向して成長し、$LaNiO_3$膜は(111)面が下地膜の上に成長する。

【0062】

次いで、互いに離間した位置に金属内部電極を埋め込んだ1mm厚の樹脂基体の両面に、Ca_xCoO_2膜および$LaNiO_3$膜を接触させた状態で、水蒸気を含む容器(温度45℃、相対湿度100%)中に30時間密閉した。Na_xCoO_2膜に水分子が浸透することにより歪みがかかり、Ca_xCoO_2膜および$LaNiO_3$膜がそれぞれサファイア基板から分離した。こうして、樹脂基体の両面にp型およびn型熱電変換材料膜が形成された素子を得た。

【0063】

なお、熱電変換材料としてNa_xCoO_2膜自体を用いることもできる。この場合は、下地膜を介在させる必要はない。また、サファイア以外であっても、Na_xCoO_2等のアルカリ金属元素を含む酸化物が結晶性よく配向して成長できる材料の基体を用いれば、上記と同様の作製方法を実施できる。また、熱電変換材料膜を剥離させた後、樹脂基体等に接着させても同様の結果が得られる。

【0064】

図14(a)は、金属電極61を埋め込んだ樹脂基体62の平面図である。本実施例では、予め2つに分割された金属電極61を埋め込んだ。このように、金属電極61は、熱電変換材料からなるストライプとともに分割するのではなく、予め分割しておいてもよい。

【0065】

上記のように、樹脂基体62の両面にp型およびn型熱電変換材料膜を形成した後、レーザー加工により、これらの膜を分割してp型ストライプ71およびn型ストライプ72を得た。これらストライプのパターンを図14(b)(c)にそれぞれ示す。ストライプ71,72の幅は5mm、間隔は0.5mmとした。p型、n型ストライプ71,72は内部電極が埋め込まれた領域で互いに交差するように形成した。

【0066】

引き続き、レーザー加工により、p型ストライプ71とn型ストライプ72とが交差する重複部でこれらストライプを分断した。レーザー加工は、複数の重複部を横断するように設定した分割線73に沿って照射した(図14(d))。

【0067】

こうして得た熱電変換素子に、外部直流電源を接続し、1mAの電流を供給したところ、高温接合部と低温接合部との間に20℃の温度差が生じた(図14(e))。

【0068】

この熱電変換素子では、同種の接合部を熱的に接続することが容易となるように、高温接合部および低温接合部がそれぞれ一列に並んでいる。また、熱損失が小さくなるように、互いに隣接する同種の接合部の間隔が、互いに隣接する異種の接合部の間隔よりも短くなるように設計されている。

【0069】

(実施例2)

本実施例では、比較的大きい面積の熱電変換素子を作製するため、溶液塗布分解法による熱電変換材料膜を用いることとした。

【0070】

１０ｃｍ角のサファイアｃ面基体上に、酢酸ナトリウムおよび酢酸コバルトを溶解させたクエン酸溶液中にエチレングリコールを混合させた原料溶液を４５０℃でスプレーし、さらに７００℃で酸素中熱処理を行い、厚み２００ｎｍのNa_xCoO_2下地膜を形成した。同様に、酢酸塩を溶解させた溶液を用いて、ｐ型熱電変換材料膜として$Ca_3Co_4O_9$膜を、ｎ型熱電変換材料膜としてアルミニウム添加ＺｎＯ膜を、塗布および乾燥を繰り返すことにより厚み５０００ｎｍにまで成長させた。引き続き、$Ca_3Co_4O_9$膜を８５０℃で、ＺｎＯ膜を６５０℃でそれぞれ熱処理した。その結果、各膜のｃ軸が揃った結晶性の良好な厚膜を形成できた。ここでは、酢酸塩を原料として用いたが、原料はこれに限るわけではない。これ以降は実施例１と同様にして熱電変換素子を作製した。

【００７１】

本実施例においても、図１５（ａ）に示すように予め分割された内部電極６２が配置された樹脂基体６１を用い、図１５（ｂ）（ｃ）に示すようにｐ型ストライプ７１およびｎ型ストライプ７２を形成し、図１５（ｄ）に示すような分断線７３に沿ってｐ型、ｎ型ストライプ７１，７２を分断して熱電変換素子８１を得た。このパターンによると、基体６１の両面においてｐ型ストライプ７１とｎ型ストライプ７２との伸長方向が揃っているため、パターンを定めるのが容易である。

【００７２】

熱電変換素子８１を用い、図１６に示す熱電変換装置を作製した。この熱電変換装置では、熱電変換素子８１の一方の接合部列にヒートパイプ９１を熱的に接触するように配置した。ヒートパイプに矢印で示した方向に燃焼排ガスを供給して約２００℃に保持し、他方の接合部列はファンで空冷し、接合部列の間の温度差として１５０℃を保持した。この装置を１０枚用い、有効素子面積１０００cm^2としたところ、５Ｖの起電力が得られた。

【産業上の利用可能性】

【００７３】

本発明によれば、薄型化しても効率が高い熱電変換素子を提供できる。本発明は、従来になく薄型でフレキシブルな高性能電子冷却機、例えば体温を利用したウェアラブル電源供給を可能とする熱発電装置を供給するものとして極めて有用である。本発明によれば、薄型の熱電変換素子を効率よく製造することも可能となる。

【図面の簡単な説明】

【００７４】

【図１】本発明の熱電変換素子の一形態を示す平面図である。

【図２】図１の部分拡大図である。

【図３】図１に示した熱電変換素子の使用形態の一例を示す平面図である。

【図４】図３の使用形態により生じる発熱部Ｈ（hot spot）および吸熱部Ｃ（cold spot）を例示する図である。

【図５】本発明の熱電変換装置の一形態を示す分解斜視図である。

【図６】図５の熱電変換装置の断面図である。

【図７】本発明の製造方法に用いる絶縁層の一例を示す平面図である。

【図８】図７に示した絶縁層を用いた熱電変換素子の製造工程を例示するための断面図である。

【図９】図８に示した工程に引き続き行われる工程を例示するための平面図である。

【図１０】本発明の製造方法の別の一工程を例示するための平面図である。

【図１１】成長基体を用いる製造方法の一工程を例示するための断面図である。

【図１２】図１１に示した工程に引き続き行われる工程を例示するための断面図である。

【図１３】図１２に示した工程により得られる膜付き絶縁層を示す断面図である。

【図１４】実施例１で作製した熱電変換素子を示す図であり、（ａ）は絶縁層の平面図であり、（ｂ）はｐ型ストライプのパターンを示す平面図であり、（ｃ）はｎ型ストライプのパターンを示す平面図であり、（ｄ）はレーザー光による分断線を示すための平面図であり、（ｅ）は得られた熱電変換素子の使用形態を示す平面図である。

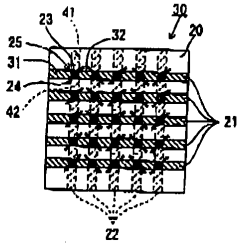
【図１５】実施例２で作製した熱電変換素子を示す図であり、（ａ）は絶縁層の平面図であり、（ｂ）はｐ型ストライプのパターンを示す平面図であり、（ｃ）はｎ型ストライプのパターンを示す平面図であり、（ｄ）はレーザー光による分断線を示すための平面図である。

【図１６】実施例２で作製した熱電変換装置を示す斜視図である。

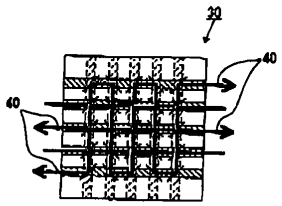
【図１７】従来の熱電変換素子を示す断面図である。

【図１８】従来の薄膜型熱電変換素子を示す平面図である。

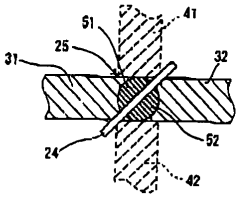
【図１】



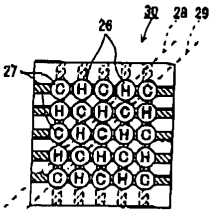
【図３】



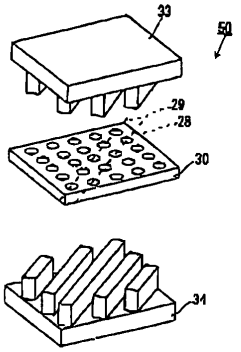
【図２】



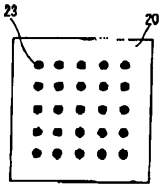
【図４】



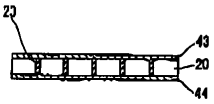
【図５】



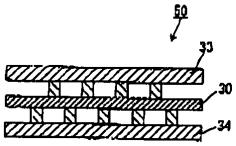
【図７】



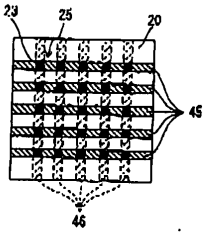
【図８】



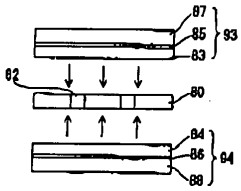
【図６】



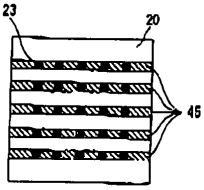
【図９】



【図１１】



【図１０】



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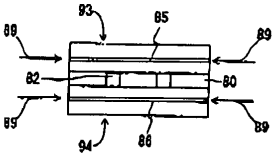

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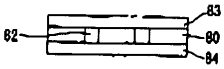

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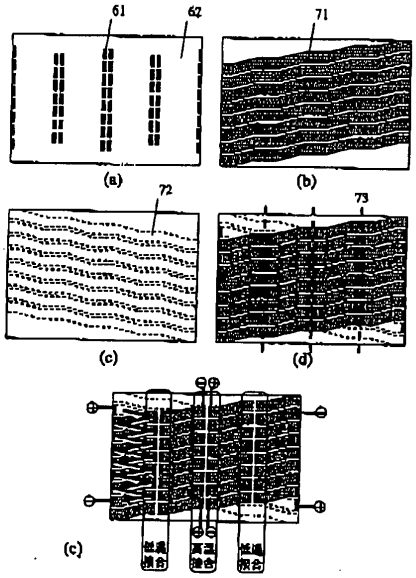

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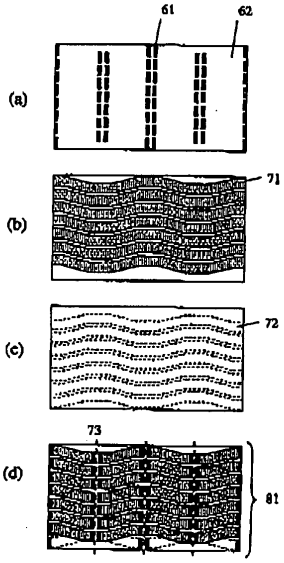

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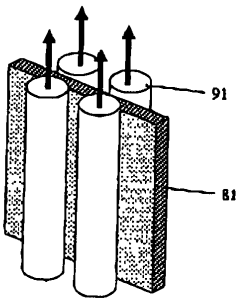

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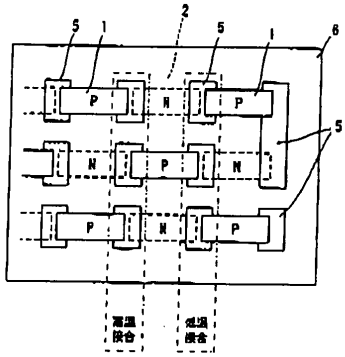
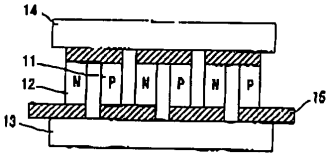


【図１７】



フロントページの続き

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大阪府門真市大字門真１００６番地 松下電器産業株式会社内
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大阪府門真市大字門真１００６番地 松下電器産業株式会社内

審査官 加藤 浩一

(56)参考文献 特開平０８－０９４４５１（ＪＰ，Ａ）
特開２００１－１８５７６８（ＪＰ，Ａ）

(58)調査した分野(Int.Cl.，ＤＢ名)
H01L 35/32

Disclaimer:
This English translation is produced by machine translation and may contain errors. The JPO, the INPIT, and those who drafted this document in the original language are not responsible for the result of the translation.

Notes:
1. Untranslatable words are replaced with asterisks (****).
2. Texts in the figures are not translated and shown as it is.

Translated: 00:03:16 JST 08/03/2007
Dictionary: Last updated 07/20/2007 / Priority:

Decision to Grant a Patent

Application number: Application for patent 2005-517098
Date of Drafting: Heisei 18(2006) June 27
Patent examiner: KATO, Koichi 8617 4M00
Title of invention: Thermoelectric conversion elements, its manufacture method, and thermoelectrical conversion equipment using this element
The number of claims: 27
Applicant: MATSUSHITA ELECTRIC INDUSTRIAL CO. LTD.
Representative: KAMADA, Koichi (and 1 others)

This application is to be granted a patent as there is no reason for refusal.

Director General(p.p.) Director(p.p.) Examiner Assistant examiner Manager for Determination of Classification KITAJIMA, Kenji KATO, Koichi KITAJIMA, Kenji 8225 8617 8225

1. Distinction of Patent: Usually
2. Reference documents: **
3. Application of Patent Law, Section 30: Nothing
4. Change of Title of Invention: Nothing
5. International Patent Classification (IPC)

H01L 35/32 A

6. Deposition of Microorganism

7. Display of Purport that Retroactivity of Filing Date is not Accepted

Decision to Grant a Patent(Memorandum)

Application number: Application for patent 2005-517098

1. Technical Fields to Be Searched (IPC, DB Name)
H01L 35/32

2. Reference patent documents
JP,08-094451,A (JP, A) JP,2001-185768,A (JP, A)

3. Reference books and magazines

[Translation done.]

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EDELL, SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD
SUITE 400
ROCKVILLE MD 20850

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AUG 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Cunningham et al.	:	
Application No. 11/194741	:	DECISION ON REQUEST FOR
Filed: 08/02/2005	:	RECONSIDERATION OF
Attorney Docket Number:	:	PATENT TERM ADJUSTMENT
2800.0299C	:	

This is a decision on the "Application for Patent Term Adjustment Under 37 CFR 1.705(b)," filed June 24, 2009.

The request for Reconsideration of patent term adjustment ("PTA") under 37 CFR 1.705(d) is hereby **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 591 days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On May 4, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is zero (0) days.

On June 24, 2009, applicant timely submitted the present application for patent term adjustment[1]. Applicant requests that the Determination of Patent Term Adjustment be corrected from zero (0) days, as indicated on the Determination of PTA mailed May 4, 2009, to an adjustment of 591 days. Applicant asserts that the reduction of 878 days for applicant delay for filing the Information Disclosure Statement ("IDS") on May 9, 2008, should not result in a reduction of the patent term.

The application history has been reviewed and it has been determined that the initial reduction of the patent term for Applicant delay of 878 days is incorrect. Applicant filed the IDS on May 9, 2008. Thereafter the Office mailed a non-final Office action, which noted the IDS filed May 9,

[1] PALM records show that the Issue Fee payment was received in the Office on June 24, 2009.

2008. The reduction of 878 days of Applicant delay for filing the IDS on May 9, 2008, was entered in error.

In view thereof, at the time of allowance, the application is entitled to an adjustment of 591 days, as argued by applicants.

Receipt is hereby acknowledged of the required patent term adjustment application fee of $200.00. See 37 CFR 1.18(e).

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

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

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

Enclosure: Copy of Adjustment PAIR Calculations

Day : Monday
Date: 8/10/2009

PALM INTRANET

Time: 18:28:34

PTA Calculations for Application: 11/194741			
Application Filing Date:	08/02/2005	PTO Delay (PTO):	591
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	878
Post-Issue Petitions:	0	Total PTA (days):	591
PTO Delay Adjustment:	878		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
60	08/10/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	878		
50	05/04/2009	MAIL NOTICE OF ALLOWANCE			
49	04/29/2009	ISSUE REVISION COMPLETED			
48	04/29/2009	DOCUMENT VERIFICATION			
47	04/29/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
46	04/29/2009	CASE DOCKETED TO EXAMINER IN GAU			
45	04/27/2009	NOTICE OF ALLOWABILITY			
44	02/20/2009	DATE FORWARDED TO EXAMINER			
43	01/19/2009	RESPONSE AFTER NON-FINAL ACTION			
42	11/04/2008	ELECTRONIC REVIEW			
41	11/04/2008	EMAIL NOTIFICATION			
40	11/03/2008	MAIL NON-FINAL REJECTION			
39	10/27/2008	NON-FINAL REJECTION			
38	08/22/2008	DATE FORWARDED TO EXAMINER			
37	07/28/2008	RESPONSE AFTER NON-FINAL ACTION			
36	05/09/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT		878	16
35	05/15/2008	MAIL NON-FINAL REJECTION	591		-1
34	05/14/2008	NON-FINAL REJECTION			
30	05/09/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	05/09/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	04/10/2008	CASE DOCKETED TO EXAMINER IN GAU			
27	10/17/2007	WITHDRAW FLAGGED FOR 5/25			
26	10/15/2007	FLAGGED FOR 5/25			

25	09/18/2007	CASE DOCKETED TO EXAMINER IN GAU			
24	02/08/2007	PG-PUB ISSUE NOTIFICATION			
23	10/25/2006	RECEIPT OF ALL ACKNOWLEDGEMENT LETTERS			
22	10/25/2006	RECEIPT OF ACKNOWLEDGMENT LETTER			
21	07/31/2006	RESCIND NONPUBLICATION REQUEST FOR PRE GRANT PUBLICATION			
20	04/21/2006	RECEIPT OF ACKNOWLEDGMENT LETTER			
19	03/22/2006	CASE DOCKETED TO EXAMINER IN GAU			
18	01/20/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
17	01/20/2006	CASE DOCKETED TO EXAMINER IN GAU			
16	12/13/2005	APPLICANT RESPONSE RECEIVED			
15	11/15/2005	REQUEST FOR APPLICANT STATEMENT REGARDING POTENTIAL NASA INTEREST (45-DAY LETTER) MAILED			
14	11/10/2005	APPLICATION DISPATCHED FROM OIPE			
13	11/10/2005	APPLICATION IS NOW COMPLETE			
12	11/03/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
11	11/03/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
10	09/29/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
9	08/02/2005	PGPUBS NONPUB REQUEST			
8	08/29/2005	AGENCY REFERRAL LETTER MAILED			
7	08/29/2005	AGENCY REFERRAL LETTER MAILED			
6	08/26/2005	REFERRED FOR NASA PROPERTY RIGHTS REVIEW BY L&R LARS			
5	08/26/2005	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
4	08/26/2005	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
3	08/12/2005	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	08/09/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/02/2005	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/05/10

TO SPE OF : ART UNIT 2475

SUBJECT : Request for Certificate of Correction for Appl. No.: 11194748 Patent No.: 7660315

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

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

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

Comments: _____

Tom Dang Ton — **SPE**

2475 — **Art Unit**

PAGE 2/4 * RCVD AT 5/10/2010 2:03:48 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/6 * DNIS:2709990 * CSID:7033057724 * DURATION (mm-ss):01-52

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE, SUITE 101
RESTON, VA 20191

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NOV 02 2005

OFFICE OF PETITIONS

In re Application of
Miller and Macias
Application No.: 11/194,755
Filed: August 2, 2005
Attorney Docket No 10X-422/XSI.121
For: SYSTEM AND METHOD FOR ADJUSTING ACQUISITION PHASE

: DECISION ACCORDING
: RULE 47(a) STATUS

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

The petition is **GRANTED**.

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

The above-cited application was filed on August 2, 2005, without a properly executed declaration. On August 19, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application requiring a properly executed oath or declaration, surcharge for the late filing of the same, and the payment of the filing fee. On October 19, 2005, the instant petition was filed.

Petitioner has shown that inventor Macias has refused to join the prosecution of the above-identified application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Susan M. Donahue
Rockwell Automation, 704-P
1201 South Second Street
Milwaukee, WI 53204

Mail Date: 04/21/2010

Applicant	: Dallas J. Bergh	: DECISION ON REQUEST FOR
Patent Number	: 7642884	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/194,785	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1192** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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www.uspto.gov

Lerner, David, Littenberg, Krumholz & Mentlik
600 South Avenue West
Westfield, NJ 07090

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MAY 08 2008

OFFICE OF PETITIONS

In re Application of	:	
Bret A. Ferree, et. al.	:	
Application No. 11/194,786	:	DECISION ON PETITION
Filed: August 1, 2005	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. SPINE 3.0-464 CONT III	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed April 2, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

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

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

Intermediate nonprovisional application No. 10/413,028 filed on April 14, 2003, was filed within twelve months of provisional Application No. 60/372,520, which was filed on April 12, 2002, for which priority is claimed. A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application

after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Further, the specification filed on April 2, 2007 does not clearly set forth which application claims the benefit of provisional application No. 60/449,642 filed on February 24, 2003. Therefore, petitioner must correct the specification or supply an application data sheet that clearly depicts the benefit claim of provisional application No. 60/449,642.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement and one that clearly sets forth the benefit claim, is required.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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Lerner, David, Littenberg, Krumholz & Mentlik
600 South Avenue West
Westfield, NJ 07090

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OCT 28 2008

OFFICE OF PETITIONS

In re Application of	:
Bret A. Ferree, et. al.	:
Application No. 11/194,786	: DECISION ON PETITION
Filed: August 1, 2005	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. SPINE 3.0-464 CONT III	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed July 18, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **GRANTED.**

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

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

Intermediate nonprovisional application No. 10/413,028 filed on April 14, 2003, was filed within twelve months of provisional Application No. 60/372,520, which was filed on April 12, 2002, for which priority is claimed. A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title.

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

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

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

The application is being forwarded to Technology Center Art Unit 3774, for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

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

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/194,786	08/01/2005	3774	1000	SPINE 3.0-464 CONT III	18	1

CONFIRMATION NO. 3121

CORRECTED FILING RECEIPT

530
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

OC000000032823634

Date Mailed: 10/28/2008

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)

Bret A. Ferree, Cincinnati, OH;
David Tompkins, Milford, OH;

Assignment For Published Patent Application

SpineCore, Inc., Summit, NJ

Power of Attorney: The patent practitioners associated with Customer Number 000530

Domestic Priority data as claimed by applicant

This application is a CON of 10/413,028 04/14/2003
which claims benefit of 60/372,520 04/12/2002
and claims benefit of 60/449,642 02/24/2003

Foreign Applications

If Required, Foreign Filing License Granted: 08/24/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/194,786**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Spacerless artificial disc replacements

Preliminary Class

623

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dr. BANGER SHIA
102 Lindencrest Ct.
Sugar Land TX 77479-5201

COPY MAILED
SEP 09 2008

In re Application of	:	
Chen Lin Tsai-Lian	:	
Application No. 11/194,792	:	DECISION ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. CFP-2730 (C-300)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before October 11, 2007, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed July 11, 2007. Accordingly, the date of abandonment of this application is October 12, 2007. The Notice of Abandonment was mailed November 6, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) corrected formal drawings , (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

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

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

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOLEY & LARDNER, LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

MAILED

APR 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard L. Robertson, et al.	:	
Application No. 11/194,793	:	DECISION ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. 047141-0408 (04-CR-00442)	:	

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

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. 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.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 6, 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 7, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 this application should be directed to the Technology Center.

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 March 11, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

cc: ROCKWELL COLLINS, INC.
INTELLECTUAL PROPERTY DEPARTMENT
400 COLLINS ROAD NE
M/S 124-323
CEDAR RAPIDS, IA 52498

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

Jay S. Kaufman
24 Scotland Rd.
Kingston NH 03848

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MAR 1 8 2008

OFFICE OF PETITIONS

In re Application of :
Kaufman :
Application No. 11/194,822 :
Filed: August 1, 2005 :
For: BUILDING ENERGY CAPTURE AND :
RESERVE SYSTEM :

ON PETITION

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed September 10, 2007.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On March 22, 2006, the Office mailed a Notice of Non-Compliant Amendment, which set a one month shortened statutory period to reply (making a reply due on or before April 22, 2006). The application became abandoned on April 25, 2006, for failure to submit a proper reply within three months of the mail date of the non-final Office action mailed January 24, 2006. This decision precedes Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to non-receipt of the Notice of Non-Compliant Amendment.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice of Non-Compliant Amendment, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters -- where petitioner keeps the

correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the Notice of Non-Compliant Amendment of March 22, 2006, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after March 22, 2006, to demonstrate non-receipt of the Notice of Non-Complaint Amendment. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Office action had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available.

In the present petition, petitioner did not submit any documentary evidence or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the Notice of Non-Compliant Amendment. Therefore, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the Non-Complaint Amendment accompanies this decision for petitioner's convenience.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$750.00 for a small entity**;
>
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $770.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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

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

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

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosures

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.
11/194,822	08/01/2005	Jay Stephen Kaufman		1804

7590 03/22/2006

Jay S. Kaufman
24 Scotland Rd.
Kingston, NH 03848

EXAMINER
NGUYEN, HOANG M

ART UNIT	PAPER NUMBER
3748	

DATE MAILED: 03/22/2006

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

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. 11/194822	Applicant(s)	
	Examiner Hoang Nguyen	Art Unit 3748	

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

The amendment document filed on 2/22/06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other _____.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
  - ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: _____.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf .

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will [illegible]

Abandonment of the [illegible] nt amendment is a non-final amendment or an amendment filed in response [illegible]

Non-entry of the [illegible] mendment is a preliminary amendment or supplemental amendment.

[illegible] 571.272-4331

Legal [illegible] Telephone No.

PTO/SB/64 (01-08)
Approved for use through 03/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other:_____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Jay S. Kaufman
24 Scotland Rd.
Kingston NH 03848

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JUN 20 2008

In re Application of :
Kaufman :
Application No. 11/194,822 : ON PETITION
Filed: August 1, 2005 :
For: BUILDING ENERGY CAPTURE AND :
RESERVE SYSTEM :

This is in response to the petition renewed under 37 CFR 1.137(b) that was filed May 1, 2008.

On March 22, 2006, the Office mailed a Notice of Non-Compliant Amendment, which set a one month shortened statutory period to reply (making a reply due on or before April 22, 2006). The application became abandoned on April 23, 2006 for failure to timely reply. This decision precedes Notice of Abandonment.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee 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 instant petition has been carefully reviewed and found to meet the above set forth requirements for a grantable petition under 37 CFR 1.137(b).

Accordingly, the petition is hereby **GRANTED**.

This application is being forwarded to Technology Center 3700 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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OFFICE OF COUNSEL, CODE 004
NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION
9500 MACARTHUR BLVD.
WEST BETHESDA MD 20817

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AUG 2 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Samuel P.S. Doughty	:	
Application No. 11/194,831	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. 83,991	:	FROM RECORD
	:	

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 R. Boalick on behalf of himself.

Scott R. Boalick has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

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KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

Mail Date: 04/21/2010

Applicant	: Dean Russel Harken	: DECISION ON REQUEST FOR
Patent Number	: 7590425	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/194,837	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **599** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Thomas P. Liniak
Valeo Climate Control Corp.
Intellectual Property Dept.
4100 North Atlantic Boulevard
Auburn Hills, MI 48326

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JUL 3 1 2006
OFFICE OF PETITIONS

In re Application of	:	
Pierre-Arnaud Geroux et al.	:	
Application No. 11/194,838	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. TFR0345	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2006.

The request is **APPROVED**.

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

The request was signed by Thomas P. Liniak.

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

The correspondence address of record remains unchanged.

There is no outstanding Office action at this time.

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

David Bucci
Petitions Examiner
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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2 3 JUL 2008

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

In re Application of KOTSUBO et al	:	
U.S. Application No.: 11/194,848	:	
PCT Application No.: PCT/JP2004/000987	:	
Int. Filing Date: 02 February 2004	:	
Priority Date Claimed: 03 February 2003	:	
Attorney Docket No.: Q89476	:	DECISION
For: TRANSPARENT ELECTRICALLY CONDUCTIVE FILM, TRANSPARENT ELECTRICALLY CONDUCTIVE SHEET, AND TOUCH PANEL	:	

This is in response to applicant's "Petition to Have PTO Correct Its Records Regarding Type of Application to §371 Application and Have Certified Copy of Priority Document Obtained from International Bureau" filed 03 July 2008, which is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 02 February 2004, applicant filed international application PCT/JP2004/000987, which claimed priority of an earlier Japan application filed 03 February 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 19 August 2004. The thirty-month period for paying the basic national fee in the United States expired on 03 August 2005.

On 02 August 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 03 July 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that the present application was properly identified as a U.S. national phase application under 35 U.S.C. 371. However, the application was inadvertently processed as an application filed under 35 U.S.C. 111(a).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for processing of the application as a U.S. national phase application filed under 35 U.S.C. 371, including preparation and mailing of a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which should indicate that the declaration filed 02 August 2005 is not accompanied by a statement that the English translations are accurate as required by 37 CFR 1.69(b).[1]

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

[1] Alternatively, applicant may submit a declaration using official Form PTO/SB/106.

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OFFICE OF PETITIONS

In re Application of

Hutton J. Pulitzer
Application No. 11/194,851
Filed: August 1, 2005
Attorney Docket No. PULI-0047

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
9328 WICHITA TRAIL
FRISCO, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,851	08/01/2005	J. Hutton Pulitzer	PULI-0047(122926.00056)

CONFIRMATION NO. 1948

OC000000025738751

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

Date Mailed: 09/10/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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In re Application of J. Hutton PULITZER Application No. 11/194,858 Filed: August 1, 2005 Attorney Docket No. PULI-0035 (122926.0043)	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys/agents of record.

All attorneys/agents of record have been withdrawn.

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

The correspondence address has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
9328 WICHITA TRAIL
FRISCO, TX 75034

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

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JUN 06 2007

OFFICE OF PETITIONS

In re Application of :
Ellen C. Cod et al. :
Application No. 11/194,875 : DECISION GRANTING PETITION
Filed: February 24, 2005 :
Attorney Docket No. ORT1469USCNT1 :

This is a decision on the petition filed January 30, 2007 to correct the filing date to February 24, 2005, rather than the presently accorded filing date of March 20, 2006. The petition is being treated under 37 CFR 1.10(c).

The instant application was filed February 24, 2005 and a filing date was accorded. However, according to the Notice to File Missing Parts mailed February 21, 2006, the application was submitted without an oath or declaration. The Notice set a two (2) month period for response. In response thereof, an executed oath or declaration was executed and returned to the USPTO on March 30, 2006, with the surcharge in the amount of $130.00. It appears that the filing date was inadvertently changed to March 30, 2006, the date the response to the Notice to File Missing Parts was filed.

As the Notice to File Missing Parts did not require anything more than an executed oath and surcharge for late filing, and as the response was timely filed, the filing date should not have been changed and the petition is **GRANTED**.

This matter is being forwarded to the Office of Initial Patent Examination (OIPE) to correct the filing date to February 24, 2005, the date the application was originally filed and for issuance of a corrected filing receipt.

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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OFFICE OF PETITIONS

In re Application of

PULITZER, J. Hutton
Application No. 11/194,894
Filed: August 1, 2005
Attorney Docket No. **PULL-0029(122926.0037)**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **J. HUTTON PULITZER**
9328 WICHITA TRAIL
FRISCO, TX 75034

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In re Application of	:	
J. Hutton PULITZER	:	
Application No. 11/194,898	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0030 (122926.0038)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys/agents of record.

All attorneys/agents of record have been withdrawn.

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

The correspondence address has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
9328 WICHITA TRAIL
FRISCO, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,898	08/01/2005	J. Hutton Pulitzer	PULI-0030(122926.0038)

CONFIRMATION NO. 2821

OC000000025311826

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

Date Mailed: 08/10/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

- 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.

Diane Goodlyn

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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JUL 22 2008

In re Application of	:	
J. Hutton PULITZER	:	
Application No. 11/194,899	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-006 (122926.0024)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 25, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 T. Ling Chwang on behalf of all attorneys/agents of record.

All attorneys/agents of record have been withdrawn.

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

The correspondence address has been changed and the new correspondence address is the address below until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
9328 WICHITA TRAIL
FRISCO, TX 75034

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JUL 07 2008

In re Application of	:	
J. Hutton Pulitzer	:	
Application No. 11/194,900	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. PULI-0044 (122926.00052)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed May 29, 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: J HUTTON PULITZER
9328 WICHITA TRAIL
FRISCO, TX 75034

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,900	08/01/2005	J. Hutton Pulitzer	PULI-0044(122926.00052)

CONFIRMATION NO. 2791

POWER OF ATTORNEY NOTICE

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

OC000000030677191

Date Mailed: 06/26/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

/amwise/

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

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SEP 10 2007

OFFICE OF PETITIONS

In re Application of

Hutton J. Pulitzer
Application No. 11/194,901
Filed: August 1, 2005
Attorney Docket No. PULI-0045

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed May 7, 2007.

The request is **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 T. Ling Chwang on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: J. HUTTON PULITZER
9328 WICHITA TRAIL
FRISCO, TX 75034

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,901	08/01/2005	J. Hutton Pulitzer	PULI-0045 (122926.00053)

CONFIRMATION NO. 2796

OC000000025738679

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

Date Mailed: 09/10/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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MAR 17 2009
OFFICE OF PETITIONS

In re Application of Richter et al. Application No. 11/194,914 Filed: August 1, 2005 Attorney Docket No. 232229-1	: : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of June 23, 2008. The non-final Office Action set a three (3) month shortened statutory period for reply. No extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on September 24, 2008. A Notice of Abandonment was mailed on January 30, 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 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 2421 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Neustel Law Offices, LTD.
2534 South University Drive
Suite 4
Fargo, ND 58103

COPY MAILED

NOV 2 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Raymond C. Wheeler	:	
Application No. 11/194,922	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. WHEE-003	:	FROM RECORD
	:	

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 2, 2007.

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

A review of the file record indicates that the power of attorney to Neustel Law Offices, LTD. has been revoked by the assignee of the patent application on August 24, 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: **Patent Department**
Larkin, Hoffman, Daly & Lindgren, LTD.
1500 Wells Fargo Plaza
7900 Xerxes Avenue South
Bloomington, MN 55431

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: 05/07/2010

Applicant	: Eghart Fischer	: DECISION ON REQUEST FOR
Patent Number	: 7657047	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/194,933	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1219** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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PRICE HENEVELD COOPER
DEWITT & LITTON, LLP
695 KENMOOR, S.E.
PO BOX 2567
GRAND RAPIDS, MI 49501

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JUN 16 2008

In re Application of	:	
Michael Z. SEYMORE et al	:	
Application No. 11/194,937	:	DECISION ON PETITION
Filed: August 2, 2005	:	TO WITHDRAW
Attorney Docket No. OTB01 P301	:	FROM RECORD
	:	

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 3, 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 H. W. Reick on behalf of all attorneys/agents associated with Customer No. 00277.

All attorneys/agents associated with Customer No. 00277 have been withdrawn.

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

The correspondence address or record has been changed and the new correspondence address is address copied 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: MR. MICHAEL Z. SEYMORE
240 GREENWICH ROAD N.E.
GRAND RAPIDS, MI 49506

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3-3-09

TO SPE OF : ART UNIT 3711

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/194958 Patent No.: 7338388

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

Discrependency for 1st req.

E. James
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

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

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

Comments: _____

SPE

3711
Art Unit

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HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-7195

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MAY 20 2008

OFFICE OF PETITIONS

In re Application of :

HERZENBERG, et al. :
Application No. 11/194,964 :
Filed: August 2, 2005 :
Attorney Docket No. **12665.0020.CNUS01** :

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 17, 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 J. Wendy Davis on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **LEONARD A. HERZENBERG**
876 CEDRO WAY
STANFORD, CA 94305

cc: **BEVERLY W. LUBIT, PH.D.**
WOLF BLOCK SCHOOR & SOLIS-COHEN, LLP
250 PARK AVENUE
NEW YORK, NY 10177-0030

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

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OCT 0 3 2005

OFFICE OF PETITIONS

In re Application of
Ronald H. Roesler and Dick Crill
Application No. 11/194,971
Filed: August 2, 2005
For: METHOD OF CREATING AND SUSTAINING EARTHEN HARD PAN FORMATIONS

DECISION GRANTING PETITION UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed September 19, 2005. The petition was erroneously submitted under application 11/194,972, however this office was able to match the petition was the correct file by the attorney docket number, title and inventor names.

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 the Office of Initial Patent Examination for further processing.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DICK CRILL
2707 34TH STREET
SNYDER, TX 79549

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OCT 0 3 2005

OFFICE OF PETITIONS

In re Application of
Ronald H. Roesler and Dick Crill
Application No. 11/194,971
Filed: August 2, 2005
For: METHOD OF CREATING AND SUSTAINING EARTHEN HARD PAN FORMATIONS

Dear DICK CRILL:

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

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAY 12 2008

In re Application of	:	
Gan-Xin Yan	:	
Application No. 11/194,983	:	DECISION ON PETITION
Filed: August 2, 2005	:	TO WITHDRAW
Attorney Docket No. MLHH-0002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 9, 2008.

The request is **APPROVED**.

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

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

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

There is an outstanding Notice of Allowance and Fee(s) Due mailed April 10, 2008 that requires a reply from the applicant.

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

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Gan-Xin Yan**
537 Chandler Lane
Villanova, PA 19085

cc: **Ratnerprestia**
P.O. Box 980
Valley Forge, PA 19482-0980

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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
11/194,983	08/02/2005	Gan-Xin Yan	MLHH-0002

CONFIRMATION NO. 3126

POWER OF ATTORNEY NOTICE

23377
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

OC000000029879050

Date Mailed: 05/12/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/09/2008.

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

/tswilliams/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/194,984	08/02/2005	David Rosenbush	67,010-187; H2832-SS	3132

26096 7590 10/28/2009
CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

EXAMINER
DWIVEDI, MAHESH H

ART UNIT	PAPER NUMBER
2168	

MAIL DATE	DELIVERY MODE
10/28/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Timothy C. Bradley
CARLSON, GASKEY & OLDS, P.C.
400 West Maple Road
Suite 350
Birmingham, Michigan 48009

In re Application of:
David ROSEENBUSH
Application No. 11/194,984
Filed: August 2, 2005
For: LOW BANDWIDTH REMOTE CONTROL OF AND ELECTRONIC DEVICE

DECISION ON PETITION UNDER 37 C.F.R. § 1.181

This is a decision on the petition, filed 26 January 2009, under 37 CFR § 1.181 requesting entry and consideration of the 1.131 declaration submitted on 17 June 2008.

The petition is **DISMISSED**.

In the petition, the petitioner states that the Examiner has repeatedly denied entry of the 1.131 declaration and failed to consider the 1.131 declaration in its entirety.

MPEP § 1201 states, in part:

> The line of demarcation between appealable matters for the Board of Patent Appeals and Interferences (Board) and petitionable matters for the Director of the U.S. Patent and Trademark Office (Director) should be carefully observed. The Board will not ordinarily hear a question that should be decided by the Director on petition, and the Director will not ordinarily entertain a petition where the question presented is a matter appealable to the Board ...

A review of the 1.131 declaration, the Final Office Action mailed on 03 September 2008 and the Advisory Action mailed on 17 November 2008 indicates that the 1.131 declaration has been entered but was held to be inadequate and/or insufficient to overcome the rejection of claims over the Olson reference. The reasons for such inadequacy and/or insufficiency have been provided in the Final Office Action of 03 September 2008 and the Advisory Action of 17 November 2008. It is pointed out that the question of adequacy and/or sufficiency of the 1.131 declaration is appealable, not petitionable.

Pursuant to MPEP § 1201, the petition is **DISMISSED.**

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

Jeffrey Gaffin, Acting Director
Technology Center 2100
Computer Architecture and Software

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OFFICE OF PETITIONS

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

In re Application of	:	
ROSENTHAL, Arnon et al.	:	
Application No. 11/194,989	:	DECISION ON PETITION
Filed: August 01, 2005	:	TO WITHDRAW
Attorney Docket No. **514712002300**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 08, 2007 and resubmitted June 07, 2007.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on March 28, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Michelle R. Eason
Petitions Examiner
Office of Petitions

cc: **PFIZER INC**
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK, NY 10017-5612

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,989	08/01/2005	Arnon Rosenthal	514712002300

CONFIRMATION NO. 3149

OC000000024203605

23913
PFIZER INC
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK, NY 10017-5612

Date Mailed: 06/04/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/28/2007.

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

Michelle R. Eason

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

ATTORNEY/APPLICANT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/194,989	08/01/2005	Arnon Rosenthal	514712002300

CONFIRMATION NO. 3149

OC000000024203604

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

Date Mailed: 06/04/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/28/2007.

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

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

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MAR 2 8 2007
PATENT & TRADEMARK OFFICE

PTO/SB/82 (01-06)
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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.

REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	11/194,989
Filing Date	09/01/2005
First Named Inventor	Amon Rosenthal et al.,
Art Unit	1649
Examiner Name	Kimberly A. Ballard
Attorney Docket Number	PC19496A

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☑ I hereby appoint the practitioners associated with the Customer Number: 23913

☑ Please change the correspondence address for the above-identified application to:

☑ The address associated with Customer Number: 23913

OR

☐ Firm *or* Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the:

☐ Applicant/Inventor.

☑ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature	Grover F. Fuller Jr.		
Name	Grover F. Fuller, Jr. - Attorney-in-Fact		
Date	03/28/07	Telephone	212-573-1390

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. 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 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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CENTRAL FAX CENTER
MAR 0 8 2007

PTO/SB/42 (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	11/194,989
	Filing Date	August 1, 2005
	First Named Inventor	Amon ROSENTHAL
	Art Unit	1649
	Examiner Name	K. Ballard
	Attorney Docket Number	514712002300

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

[x] all the attorneys/agents of record.

[ ] the attorneys/agents (with registration numbers) listed on the attached paper(s), or

[ ] the attorneys/agents associated with Customer Number [ ]

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are:

Client requested transfer

CORRESPONDENCE ADDRESS

1. [ ] The correspondence address is NOT affected by this withdrawal.
2. [x] Change the correspondence address and direct all future correspondence to:

[ ] The address associated with Customer Number: [ ]

OR

[ ] Firm or Individual Name	Pam Salkeld Senior Corporate Counsel – IP		Legal Division Pfizer Inc.		
Address	150 East 42 Street 150-5-49				
City	New York	State	NY	Zip	10017
Country	U.S.A.				
Telephone	(212) 733-2122	Email	pamela.g.salkeld@ Pfizer.com		
Signature	Catherine M. Polizzi				
Name	Catherine M. Polizzi		Registration No.	40,130	
Date	March 8, 2007		Telephone No.	(650) 813-5651	

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.

I hereby certify that this correspondence is being transmitted via facsimile (fax no.571-273-8300) to the USPTO Commissioner for Patents at P.O. Box 1450 Alexandria, VA 22313-1450

Dated: March 8, 2007 Signature: Lindsay D. Seydel (Lindsay Seydel)

pa-1136643

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PFIZER INC
MARY J HOSLEY
150 EAST 42ND STREET
MS: 150/02/E112
NEW YORK NY 10017-5612

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JUN 16 2009

OFFICE OF PETITIONS

In re Application of
Arnon Rosenthal et al.
Application No. 11/194,989
Filed: August 1, 2005
Attorney Docket No.: **PC 19496A**

ON PETITION

This is a decision on the petition filed May 8, 2009 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed March 14, 2008. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned June 17, 2008. Accordingly, a Notice of Abandonment was mailed October 14, 2008.

This matter is being referred to Technology Center 1649 for appropriate action on the amendment filed May 8, 2009.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

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

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

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

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Chiron Corporation
Intellectual Property - R440
P.O. Box 8097
Emeryville, CA 94662-8097

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NOV 2 1 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Coit et al. :
Application No. 11/195,009 :
Filed: August 2, 2005 :
Attorney Docket No. PP001617.0009 :

This is a decision on the petition filed September 1, 2005, requesting entry of several drawing figures submitted on September 1, 2005.

The petition is **dismissed**.

The petition does not state that the drawings submitted on September 1, 2005, were present at the time the original application was submitted. Instead, petitioner simply seeks to amend the application to include the missing drawing figures based on the fact that the drawings are not new matter based on an incorporation by reference of matter in another application. A petition is unnecessary to amend the application. New drawings may be entered by an examiner without petition so long as the new drawings contain no new matter. See MPEP 608.02(a). Accordingly, the petition is inappropriate and is subject to dismissal.

The drawings filed with the petition are withdrawn and will not be entered or used during the prosecution of this application. However, petitioner may resubmit the drawings as part of a preliminary amendment and such an amendment will be considered by the examiner for entry of new matter not described in the application as filed.

The original application papers will include only those application papers present on the date of deposit.

The Office of Initial Patent Examination will process the application using the application papers filed on August 2, 2005, but not using the drawings filed on September 1, 2005.

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

Mail Date: 04/21/2010

Applicant	: Michael Morawiec	: DECISION ON REQUEST FOR
Patent Number	: 7640834	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/195,045	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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OFFICE OF PETITIONS

JOHN W. HARBST
1180 LITCHFIELD LANE
BARTLETT, IL 60103

In re Application of	:	
John H. Kargenian	:	
Application No. 11/195,054	:	ON PETITION
Filed: August 2, 2005	:	
Attorney Docket No. 19004.00.001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 25, 2010, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed July 8, 2009, which set a shortened statutory period for reply of three (3) months. Two month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on December 9, 2009.

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

This matter is being referred to Technology Center AU 1794 for further processing.

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

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FEB 05 2007

OFFICE OF PETITIONS

In re Application of	:	
Robert B. Staszewski et al	:	
Application No. 11/195,060	:	DECISION GRANTING PETITION
Filed: August 2, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. TI-32151A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 6, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 8, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 9, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply, (2) the $1,500 petition fee, and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of December 8, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2816 for appropriate action in the normal course of business on the reply received July 6, 2006.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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Kunzler & McKenzie
8 EAST BROADWAY
SUITE 600
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OFFICE OF PETITIONS

In re Application of
Jasmeer Kuppavilakom ABDULVAHID et al.
Application No. 11/195,072
Filed: August 2, 2005
Attorney Docket No.
SJO920040102US1

DECISION ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 2, 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 October 3, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1540, and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Karin Reichle at (571) 272-6051.

This application is being referred to Technology Center AU 2187 for appropriate action by the Examiner in the normal course of business on the reply received.

David Bucci
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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AUG 10 2007

HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR, SUITE 200
FALLS CHURCH VA 22042-2924

In re Application of	:
Gilchrest et al.	:
Serial No.: 11/195,088	: PETITION DECISION
Filed: August 1, 2005	:
Attorney Docket No.: 06225.0003.CNUS05	:

This is in response to the petition under 37 CFR § 1.181, filed March 29, 2007, requesting that the finality of the Office action of March 12, 2007 be withdrawn. The delay in acting upon this petition is regretted.

BACKGROUND

The examiner mailed a non-final Office action on June 13, 2006, setting a three month shortened statutory period for reply. In this action, claims 1-6 were rejected under 35 U.S.C. 112, second paragraph as being indefinite and also rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Claims 1-6 were rejected under 35 U.S.C. 102 (b) as being anticipated by Jayasena et al. or Scaggiante et al. Claims 1-5 were also rejected under 35 U.S.C. 102 (b) as being anticipated by Iversen et al. or Hanecak et al. Claims 3 and 6 were further objected to as the claims recited non-elected subject matter. Claims 7-40 were withdrawn as being drawn to a non-elected invention.

In response to the non-final Office action of June 13, 2006, applicants amended claims 1, 3 and 6 on December 13, 2006. Applicants also argued the rejections set forth in the action and canceled claim 2.

The examiner mailed a final Office action on March 12, 2007, setting a three month shortened statutory period for reply. In this Office action, claims 1, 4, and 5 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting. Claims 1 and 3-5 were rejected under 35 U.S.C. 112, second paragraph as being indefinite and also rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Claims 1and 3-5 were again rejected under 35 U.S.C. 102 (b) as being anticipated by Scaggiante et al. Claims 1 and 3-5 were again rejected under 35 U.S.C. 102 (b) as being anticipated by Iversen et al. or Hanecak et al. Claims 1and 3-5 were newly rejected under 35 U.S.C. 102 (b) as being

anticipated by Gilchrest et al. Claims 1 and 3-6 were also newly rejected under 35 U.S.C. 103 (a) as being unpatentable over Jayasena et al.

In response thereto, applicants filed this petition on March 29, 2007, requesting that the finality of the Office action of March 12, 2007 be withdrawn.

DISCUSSION

Applicants argue the final Office action of March 12, 2007 was issued prematurely. Specifically, applicants point out that the examiner cites a new reference against applicants' claims and issued a new ground for rejecting applicants' claims which was not necessitated by applicants' amendments. Applicants also point out that claims 3 and 4 were not even amended with the response and that 706.07 (a) of the MPEP provides that an Office action will not be made final if a ground is cited against at least one claim that was not amended with applicant' response.

Applicants' arguments are not persuasive. Claim 1 has been amended to introduce significant new limitations, and claims 3 and 4 depend upon claim 1. Also, since the amendment to claim 1 could not have been anticipated, and since applicants should be aware that a dependent claim is rewritten to include all limitations of the base claim which has been amended, that claims 3 and 4 have, in fact, been amended. Therefore, the Office action of January 5, 2007 was properly made final.

DECISION

The petition is **DENIED**. Any new or renewed petition must be filed within TWO MONTHS of the mail date of this decision.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Christopher Low
Acting Director, Technology Center 1600

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WOLF GREENFIELD (Microsoft Corporation)
C/O WOLF, GREENFIELD & SACK, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Rafael S. Lisitsa et al :
Application No. 11/195,092 :
Filed: August 2, 2005 :
Attorney Docket No. :
MS115395.05/MSFTP1073USD

This is a decision on the petition under 37 CFR 1.137(b), filed September 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Office action mailed November 26, 2008, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). Accordingly, the above-identified application became abandoned on December 27, 2008.

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

This matter is being referred to Technology Center AU 2457 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/195,092	08/02/2005	Rafael S. Lisitsa	MS115395.05/ MSFTP1073USD

CONFIRMATION NO. 7169

POWER OF ATTORNEY NOTICE

27195
TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND, OH 44114

OC000000038635050

Date Mailed: 11/09/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/02/2009.

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

/idingle/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/195,092	08/02/2005	Rafael S. Lisitsa	MS115395.05/ MSFTP1073USD

CONFIRMATION NO. 7169

POA ACCEPTANCE LETTER

45840
WOLF GREENFIELD (Microsoft Corporation)
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

OC000000038635079

Date Mailed: 11/09/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/02/2009.

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

/idingle/

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

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MINNEAPOLIS, MN 55415-1002

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OCT 14 2009

OFFICE OF PETITIONS

In re Application of :
David A. Betts et al :
Application No. 11/195,107 : ON PETITION
Filed: August 2, 2005 :
Attorney Docket No. J285.12-0002

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 27, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 3662 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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QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE, SUITE 2040
MILWAUKEE, WI 53202-4497

Mail Date: 04/23/2010

Applicant	: William S. Reznikoff	: DECISION ON REQUEST FOR
Patent Number	: 7608434	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/195,113	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **680** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Dennis M. Flaherty
Ostrager Chong Flaherty & Broitman P.C.
Suite 825
250 Park Avenue
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APR 16 2008

OFFICE OF PETITIONS

In re Patent No. 7185475
Issue Date: 03/06/2007
Application No. 11/195116
Filed: 08/02/2005
Attorney Docket No. ITW-14694

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3) AND
: REQUEST FOR CERTIFICATE OF
: CORRECTION
:

This is a decision on the petition, filed January 24, 2008, 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. 10/747,849, filed December 29, 2003, 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 2, 2005. 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 surcharge fee, as well as the $100 certificate of correction fee, will be charged to petitioner's Deposit Account No. 50-3195.

Any inquiries concerning this decision may be directed to Derek Woods at (571) 272-3232.

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).

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/195,116	08/02/2005	3721	1500	ITW-14694	24	3

CONFIRMATION NO. 2503

CORRECTED FILING RECEIPT

OC000000029386504

Dennis M. Flaherty
Ostrager Chong Flaherty & Broitman P.C.
Suite 825
250 Park Avenue
New York, NY 10177-0899

Date Mailed: 04/14/2008

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)

Steven Ausnit, New York, NY;

Power of Attorney:

Benjamin Hauptman--29310
Glenn Ostrager--29963
Donald Breh--30159
Mark Croll--31098
Dennis Flaherty--31159
John Pilarski--33028
Joshua Broitman--38006
Paul Donovan--39962
Lisa Soltis--40623

Domestic Priority data as claimed by applicant

This application is a CIP of 10/747,849 12/29/2003 PAT 6,941,726

Foreign Applications

If Required, Foreign Filing License Granted: 08/24/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/195,116**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD OF MANUFACTURING RECLOSABLE PACKAGING HAVING TAMPER-EVIDENT FEATURE

Preliminary Class

053

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRIAN ROFFE, ESQ
11 SUNRISE PLAZA, SUITE 303
VALLEY STREAM, NY 11580-6111

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AUG 0 7 2008

OFFICE OF PETITIONS

In re Application of	:	
David S. Breed	:	
Application No. 11/925,130	:	DECISION ON PETITION
Filed: October 26, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ATI-330	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 2, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of applicant David S. Breed's passport. 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 3616 for action on the merits commensurate with this decision.

April M. Wise

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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IRVINE CA 92614

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NOV 01 2005

OFFICE OF PETITIONS

In re Application of	:	
Gundersen et al.	:	
Application No. 11/195,135	:	DECISION ON PETITION
Filed: August 2, 2005	:	
Attorney Docket No. USC017.003DV1	:	

This is a decision on the petition filed October 26, 2005 (certificate of mailing dated October 24, 2005), requesting that the above-identified application be accorded a filing date of August 2, 2005, with Figures 8A-B, 19, 24, 27A-B[1] and 30 described in the specification as part of the original disclosure.

On August 2, 2005, applicants filed the above-identified application. On August 22, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application (Notice of Omitted Items), stating that the application had been accorded a filing date of August 2, 2005, but that Figures 8A-B, 19, 24, 27 and 30 appeared to have been omitted. On October 26, 2005 (certificate of mailing dated October 24, 2005), applicants submitted the present petition, the $400.00 petition fee, and a copy of the 40 sheets of drawings (including Figures 8A-B, 19, 24, 27A-B and 30) allegedly deposited on August 2, 2005. Additionally, applicants submitted a copy their returned, date-stamped postcard receipt, acknowledging receipt of 40 sheets of drawings in the USPTO on August 2, 2005.

Upon review of the record, Figures 8A-B, 19, 24, 27A-B and 30, deposited on August 2, 2005, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on August 2, 2005, included Figures 8A-B, 19, 24, 27A-B and 30, which were subsequently misplaced in the USPTO. Therefore, the application, including Figures 8A-B, 19, 24, 27A-B and 30, was complete on filing and will be granted a filing date of August 2, 2005.

Accordingly, the petition is granted.

[1] The Notice of Omitted Items indicated that Figures 8A-B, 19, 24, 27 and 30 appeared to have been omitted. The Office notes that a review of the Brief Description of the Drawings, submitted on August 2, 2005, described Figures 27A-B.

The Office mailed the Notice of Omitted Items in error. Therefore, the $400.00 petition fee will be refunded to applicants' Deposit Account.

The Office of Initial Patent Examination is instructed **to accord the application a filing date of August 2, 2005,** using the 35 drawing sheets submitted on that date, and Figures 8A-B, 19, 24, 27A-B and 30 submitted on October 26, 2005.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/4/09 Paper No.: _____

TO SPE OF : ART UNIT 3617

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/95149 Patent No.: 7464997

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Valerie Jackson
Certificates of Correction Branch
703-308-9390 ext. 114

Thank You For Your Assistance

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

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

Comments: CONSIDERATION OF THE NEW SUBJECT MATTER REQUESTED TO BE INSERTED IN COL. 11, LINE 30 HAS BEEN DENIED BECAUSE IT WAS NOT PRESENTED DURING PROSECUTION. ALSO, THE LAST PAGE OF THE REQUEST HAS BEEN DENIED ENTRY BECAUSE IT DUPLICATES REQUESTS ALREADY SUBMITTED ON THE SECOND-TO-LAST PAGE.

SP
SPE

3617
Art Unit

DALY, CROWLEY, MOFFORD & DURKEE, LLP

354A Turnpike Street - Suite 301A
CANTON, MASSACHUSETTS 02021-2714
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STEVEN M. COHEN

OF COUNSEL
MARIANNE M. DOWNING
CATHY L. PETERSON

February 18, 2009

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

RE: U.S. Patent of Jonathan T. Longley

U.S. Pat. No.:	7,464,997
Issued on:	December 16, 2008
Entitled:	LOAD BEARING CRAWLER ASSEMBLY
U.S. Appl. No.:	11/195,149
Our Ref. No.:	RTN-214PUS

Dear Sirs:

Enclosed is a completed copy of Form PTO/SB/44. It is requested that a Certificate of Correction be issued to correct the listed mistakes in the above-identified patent.

Enclosed is electronic payment of the $100.00 fee to cover the cost of the Certificate of Correction in accordance with 37 C.F.R. §1.20(a). If there are any additional fees, please charge Deposit Account 50-0845 referencing Attorney Docket No. RTN-214PUS.

Very truly yours,

Marianne M. Downing
mmd@dc-m.com

MMD/dms
Enclosures
108381

Atty. Dckt. No. RTN-214PUS

PTO/SB/44 (02-01)
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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,464,997
DATED : December 16, 2008
INVENTOR(S) : Jonathan T. Longley

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

ENTER

Col. 1, line 52, delete "Hillman" and replace with -- Hilman --.
Col. 2, line 32, delete ", etc., traverses over a bump, etc.)." and replace with -- , etc.).
Col. 3, line 12, delete "denting, scuffing, denting," and replace with -- scuffing --.
Col. 3, line 22, delete "made" and replace with -- made.--.
Col. 3, line 30, delete "rubber nitrile" and replace with -- rubber; nitrile --.
Col. 5, line 17, delete "isometric of" and replace with -- isometric view of--.
Col. 5, line 48, delete "cross sectional" and replace with -- cross-sectional--
Col. 5, line 53, delete "cross sectional" and replace with -- cross-sectional--
Col. 6, line 6, delete "isometric of" and replace with -- isometric view of--
Col. 6, line 42, delete "roller 16" and replace with -- rollers 16a, 16e --.
Col. 6, line 58, delete "by Society of Automotive Engineers (SAL)" and replace with -- by the Society of Automotive Engineers (SAE),--.
Col. 7, line 53, delete "rubber nitrile" and replace with -- rubber; nitrile --.
Col. 8, line 44, delete "FIGS. 4A-4B the" and replace with -- FIGS. 4A-4B, the--.
Col. 9, line 13, delete "roller" and replace with -- rollers. --.
Col. 9, line 14, delete "roller" and replace with -- rollers. --.
Col. 9, line 14, delete "is made" and replace with -- are made --.
Col. 9, line 51, delete "pressures" and replace with -- pressure--.
Col. 10, line 56, delete "cross sectional" and replace with -- cross-sectional--.

MAILING ADDRESS OF SENDER:
DALY, CROWLEY, MOFFORD & DURKEE, LLP
354A Turnpike Street, Suite 301A
Canton, MA 02021-2714

PATENT NO. 7,464,997

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,464,997
DATED : December 16, 2008
INVENTOR(S) : Jonathan T. Longley

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

ENTER

Col. 10, line 64, delete "cross sectional" and replace with -- cross-sectional--.

DO NOT ENTER

Col. 11, line 30, insert "Another condition that can cause the idler roller 54 to contact the belt 28 is when the crawler apparatus experiences motion or shock substantially normal to a surface on which the crawler apparatus 10 is disposed, is moving, or is being moved, or when the crawler apparatus is being transported by a conveyance that experiences motion or shock substantially normal to a surface on which the crawler apparatus is disposed, is moving, or is being moved. These situations can occur, for example, when an airplane or helicopter lands or experiences turbulence, when a vessel experiences motion from the water, if a vehicle or pallet experiences a seismic activity such as an earthquake, etc. Those of skill in the art will appreciate that many different types of conditions can produce motion or shock normal to the surface on which a crawler apparatus 10 is disposed. The motion, shock, and/or movement may "temporarily" increase the weight seen at the belt 28 enough to deform the belt 28. Thus, the idler roller 54 can provide adaptive load support and/or shock absorption, to help protect both the load and the surface.

Although FIGS. 11A-11B illustrate use of only a single idler roller 54, and FIGS. 12A-12B show only two idler rollers 54, the invention is not so limited. Consider FIG. 13, which is a diagram illustrating roller configuration for a third embodiment of the invention, and FIG. 14A, which is an isometric view of a third embodiment of the invention. In these embodiments, the crawler apparatus 10 includes a plurality of idler rollers 54a-54g, a plurality of intermediate rollers 16a-16f, as well as a first end roller 12 and a second end roller 14. Note also that, in FIG. 14A, the end rollers 12, 14 are the same diameter as the intermediate rollers 16. Those of skill in the art will recognize that many different configurations of rollers 12, 14, 16, 54, are possible, including but not limited to:

End rollers 12, 14, a plurality of idler rollers 54, and no intermediate rollers 16.

MAILING ADDRESS OF SENDER:
DALY, CROWLEY, MOFFORD & DURKEE, LLP
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Canton, MA 02021-2714

PATENT NO. 7,464,997

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,464,997
DATED : December 16, 2008
INVENTOR(S) : Jonathan T. Longley

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

DO NOT ENTER

End roller 12, 14, a plurality of intermediate rollers 16, and a single idler roller 54 positioned between any two intermediate rollers 16.

End rollers 12, 14 and a plurality of intermediate rollers of varying sizes.

End rollers 12, 14 and a plurality of idler rollers of varying sizes, with or without one or more intermediate rollers.

Etc.

One or more crawler apparatuses 10 can be combined as part of larger assembly, as well. For example, FIG. 14B is an illustrative example of a fourth embodiment of the invention, showing two crawler apparatuses 10 coupled to a pallet carrying frame. As those of skill in the art will appreciate, the crawler apparatus 10 can be coupled into a larger assembly in many different ways, can be made retractable, etc., and the example of FIG. 14B is illustrative and not limiting. The number of crawler apparatuses coupled to an assembly can depend on a number of considerations, including loading requirements, the interfaces (e.g., truck to plane, truck to ship, etc.) that the larger assembly must traverse, etc."

ENTER

Col. 11, line 32, delete "brands names" and replace with -- brands, names --.

Col. 12, line 31, delete ", Wherein" and replace with -- , wherein --.

Col. 12, line 55, delete " roller" and replace with -- roller;--.

Col. 13, line 5, delete "the size" and replace with -- a size --.

Col. 13, line 8, delete "the spacing" and replace with -- a spacing --.

MAILING ADDRESS OF SENDER:
DALY, CROWLEY, MOFFORD & DURKEE, LLP
354A Turnpike Street, Suite 301A
Canton, MA 02021-2714

PATENT NO. 7,464,997

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,464,997
DATED : December 16, 2008
INVENTOR(S) : Jonathan T. Longley

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

ENTER

Col. 13, line 10, delete "the thickness" and replace with -- a thickness--.
Col. 13, line 11, delete "the flexibility" and replace with -- a flexibility--.
Col. 13, line 34, delete "rubber nitrile" and replace with -- rubber; nitrile--.
Col. 13, line 57, delete "crawler," and replace with -- crawler--.
Col. 14, line 39, delete "at least," and replace with -- at least --.
Col. 15, line 8, delete "along, a" and replace with -- along a --.
Col. 17, line 4, delete "roller sin" and replace with -- rollers in--.
Col. 17, line 37, delete "material:" and replace with -- material;--.
Col. 17, line 51, delete "respective a second" and replace with -- respective second--.
Col. 17, line 55, delete "of" and replace with -- of: --.
Col. 18, line 17, delete "are is" and replace with -- are --.

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Canton, MA 02021-2714

PATENT NO. 7,464,997

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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO : 7,464,997

DATED : December 16, 2008

INVENTOR(S) : Jonathan T. Longley

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

DO NOT ENTER

Col. 14, line 39, delete "at least," and replace with -- at least --.

Col. 15, line 8, delete "along, a" and replace with -- along a --.

Col. 17, line 4, delete "roller sin" and replace with -- rollers in--.

Col. 17, line 37, delete "material:" and replace with -- material;--.

Col. 17, line 51, delete "respective a second" and replace with -- respective second--.

Col. 17, line 55, delete "of" and replace with -- of: --.

Col. 18, line 17, delete "are is" and replace with -- are --.

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HUNTON & WILLIAMS LLP
Riverfront Plaza, East Tower
951 E. Byrd Street
Richmond, VA 23219-4074

Mail Date: 04/21/2010

Applicant	: Chester H. Sharps	: DECISION ON REQUEST FOR
Patent Number	: 7641595	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/195,153	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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ROPES & GRAY LLP
PATENT DOCKETING 39/361
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NEW YORK, NY 10036-8704

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MAY 20 2008

OFFICE OF PETITIONS

In re Application of
LUTNICK, Howard W. et al.
Application No. 11/195,155
Filed: August 01, 2005
Attorney Docket No. **05-1116**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 2008.

The request is **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 ROPES & GRAY LLP has been revoked by the assignee of the patent application on April 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **DEAN P. ALDERUCCI**
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK NY 10022

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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APR 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Howard W. LUTNICK, et al	:	
Application No. 11/195,156	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. 04-1099	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 2008.

The request is **APPROVED**.

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

The request was signed by Laurence S. Rogers on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn.

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

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

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

There are no outstanding Office actions pending at the present time.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: HOWARD W. LUTNICK
180 EAST 64TH STREET
NEW YORK, NY 10021

DEAN P. ALDERUCCI
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK, NY 10022

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/195,156	08/01/2005	Howard W. Lutnick	04-1099

CONFIRMATION NO. 4443

POWER OF ATTORNEY NOTICE

64558
ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

OC000000029226037

Date Mailed: 04/03/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/19/2008.

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

/dcgoodwyn/

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

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PVF -- ORACLE INTERNATIONAL CORPORATION
c/o PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Daniel ManHung Wong	: DECISION ON REQUEST FOR
Patent Number	: 7617213	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/195,168	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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PVF -- ORACLE INTERNATIONAL CORPORATION
c/o PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 05/18/2010

Applicant : Daniel ManHung Wong
Patent Number : 7617213
Issue Date : 11/10/2009
Application No : 11/195,168
Filed : 08/01/2005

: 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 **1115** 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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LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE WA 99201

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JAN 2 0 2006

OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	
Application No. 11/195,175	:	ON PETITION
Filed: 2 August, 2005	:	
Attorney Docket No. MS1-1163USC1	:	

This is a decision on the petition, styled under 37 CFR 1.182, filed on 26 October, 2005, which is treated as a petition to withdraw the Notice mailed on 26 August, 2005.

The petition is **GRANTED**.

On 2 August, 2005, the application was filed. The application as filed included drawings which contain non-English text.

On 26 August, 2005, a Notice to File Corrected Application Papers was filed, stating that replacement drawings were necessary because the drawing figures do no comply with 37 CFR 1.84 and 1.121(d) in that the contain text that is not in English.

37 CFR 1.84(p)(2) states that the English alphabet must be used for letters, except where another alphabet is customarily used, such as the Greek alphabet to indicate angles, wavelengths, and mathematical formulas.

Petitioners assert that since the subject of the invention involves addressing differences of structural complexity between various character sets, including East Asian character sets, it is customary to use an East Asian character set to show the complex structure of an East Asian character. Additionally, petitioners assert that the East Asian characters are presented

to illustrate that their presentation characteristics can be improved.

On review, petitioners' point is well taken: It is clear that in this application, non-English characters have been presented because their use is customary.

As such, the petition is granted. As the petition was due to Office error, no petition fee is due.

Of course, the examiner may require replacement drawings if deemed necessary during examination.

The Notice mailed on 26 August, 2005, is vacated, and the requirement for replacement drawings is withdrawn.

The petition is granted. No petition fee is due.

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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King & Spalding LLP
P.O. Box 889
Belmont, CA 94002-0889

Mail Date: 06/11/2010

Applicant	: Richard S. Stack	: DECISION ON REQUEST FOR
Patent Number	: 7628821	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/195,204	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **204** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

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

In re Application of	:	
ROSENTHAL, Arnon et al.	:	
Application No. 11/195,207	:	DECISION ON PETITION
Filed: August 01, 2005	:	TO WITHDRAW
Attorney Docket No. **514712002301**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 08, 2007.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on March 28, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **PFIZER INC**
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK, NY 10017-5612

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/195,207	08/01/2005	Arnon Rosenthal	514712002301

CONFIRMATION NO. 1727

OC000000024213228

23913
PFIZER INC
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK, NY 10017-5612

Date Mailed: 06/04/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/28/2007.

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

Michelle R. Eason

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

ATTORNEY/APPLICANT COPY

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/195,207	08/01/2005	Arnon Rosenthal	514712002301

CONFIRMATION NO. 1727

OC000000024213214

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

Date Mailed: 06/04/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/28/2007.

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

Michelle R. Eason

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

FORMER ATTORNEY/AGENT COPY

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PFIZER INC
MARY J. HOSLEY
150 EAST 42ND STREET
MS: 150/02/E112
NEW YORK NY 10017-5612

MAILED
JUL 06 2009
OFFICE OF PETITIONS

In re Application of	:	
Rosenthal et al.	:	
Application No. 11/195,207	:	DECISION ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. PC19496B	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 15, 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 September 17, 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 18, 2008. A Notice of Abandonment was mailed April 10, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

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

This application is being referred to Technology Center AU 1649 for appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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APR 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Arnon Rosenthal, et al.	:	
Application No. 11/195,207	:	DECISION GRANTING PETITION
Filed: August 1, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **PC19496B**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, April 21, 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 1649 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

---

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

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JUL 14 2010

OFFICE OF PETITIONS

Applicant: ARNON ROSENTHAL	:	DECISION ON REQUEST FOR
Patent Number:Not Yet Available	:	RECALCULATION of PATENT
Issue Date: Not Yet Available	:	TERM ADJUSTMENT IN VIEW
Application No. 11/195, 207	:	OF WYETH
Filed: August 1, 2005	:	

The Applicant's Request for Recalculation is **DISMISSED AS PREMATURE**. Applicant has filed the request based upon the USPTO determination that is provided to applicant in the notice of allowance.

The USPTO does not calculate and inform the applicant of the patent term adjustment based upon the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) or the overlapping provision in 35 USC § 154(b)(2)(A) in the notice of allowance because the USPTO must know the date the patent will issue to be able to calculate the patent term adjustment based upon these provisions. Accordingly, the USPTO does not determine the amount of "B" delay or the amount of overlap as required by Wyeth until the USPTO establishes a grant date.

Thus, reconsideration of the patent term adjustment indicated in the patent as it relates to the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) and any overlap pursuant to 35 USC § 154(b)(2)(A) are not considered matters that could have been raised in an application for patent term adjustment under 37 CFR 1.705(b)(provides for reconsideration of the patent term adjustment indicated in the notice of allowance). Therefore, a request for reconsideration of the patent term adjustment calculation based on the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) and the overlapping provision of 35 USC §

154(b)(2)(A) will be considered timely filed if filed within two months of the issue date of the patent.

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

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

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/195,222	08/01/2005	2652	1100	HSJ9-2004-0037US3-09	5	22	3

CONFIRMATION NO. 1932

CORRECTED FILING RECEIPT

OC000000017122248

Maryam Imam, Esq.
LAW OFFICES OF IMAM
Suite 1010
111 North Market Street
San Jose, CA 95113

Date Mailed: 09/28/2005

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

Applicant(s)

Yunxiao Gao, Sunnyvale, CA;
Hung-Chin Guthrie, Saratoga, CA;
Ming Jiang, San Jose, CA;
Sue Siyang Zhang, Saratoga, CA;

Power of Attorney:

Douglas Millett–31784
Patrick Duncan–41721
Eric Proul–45025
Duke Amaniampong–45806
Matthew Zises–47246
Rambod Nader–47262
Darren Gold–47599

Domestic Priority data as claimed by applicant

This application is a CIP of 10/836,867 04/30/2004

Foreign Applications

If Required, Foreign Filing License Granted: 08/18/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/195,222

Projected Publication Date: 11/24/2005

Non-Publication Request: No

Early Publication Request: No

Title

Perpendicular head with trailing shield and rhodium gap process

Preliminary Class

360

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 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/195,224	08/01/2005	2161	1830	42P22020	5	30	4

CONFIRMATION NO. 1933

UPDATED FILING RECEIPT

OC000000017313679

08791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

Date Mailed: 10/24/2005

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

Applicant(s)

Daehyun Kim, San Jose, CA;
Victor W. Lee, San Jose, CA;
Anthony D. Nguyen, Mountain View, CA;
Mikhail Smelyanskiy, Mountain View, CA;

Power of Attorney: The patent practitioners associated with Customer Number **45209**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/195,224

Projected Publication Date: 02/01/2007

Non-Publication Request: No

Early Publication Request: No

Title

Technique to perform concurrent updates to a shared data structure

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.

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GRANTED

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NOT GRANTED

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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
11/195,225	08/01/2005	2161	2040	007618.P001	5	79	2

CONFIRMATION NO. 1934

CORRECTED FILING RECEIPT

OC000000018112039

Stephen M. De Klerk
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

Date Mailed: 02/22/2006

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)

Julian Malcolm Cone, Christchurch, NEW ZEALAND;
Gary Lee Franklin, Christchurch, NEW ZEALAND;
Grant James Ryan, Christchurch, NEW ZEALAND;
William Ferguson Stalker, Christchurch, NEW ZEALAND;

Power of Attorney: The patent practitioners associated with Customer Number **08791**.

Domestic Priority data as claimed by applicant

Foreign Applications

NEW ZEALAND 534459 07/30/2004

If Required, Foreign Filing License Granted: 08/18/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/195,225

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Adaptive search engine

Preliminary Class

707

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115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS IA 52406

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NOV 26 2008

In re Patent No. 7,258,345
Issue Date: August 21, 2007
Application No. 11/195,228
Filed: August 2, 2005
Attorney Docket No. 9006-39US

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The 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.

Petitioner will not receive future correspondence related to maintenance fees for the patent unless a "Fee Address" Indication Form (see PTO/SB/47) and Request for Customer Number (see PTO/SB/125) are submitted.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3213.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: Laverne Woock
Delta Sports Products, LLC
117 East Kenwood Street
Reinbeck, Iowa 50669

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HARVEY & ASSOCIATES, P.C.
321 84TH AVENUE NE
NORMAN OK 73026

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MAY 07 2010

OFFICE OF PETITIONS

In re Application of
William H. Waterhouse et al.
Application No. 11/195,229
Filed: August 2, 2005
Attorney Docket No: 000289.03

ON PETITION

This is a decision on the petition filed March 11, 2010 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed June 26, 2007. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned September 27, 2007. Accordingly, a Notice of Abandonment was mailed January 9, 2008.

Additionally, however, a review of the record reveals that a three month extension of time was also filed with the instant petition, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $555.00 extension of time fee submitted with the petition on March 11, 2010, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be refunded in due course.

---

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

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

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

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

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

This matter is being referred to Technology Center 2612 for appropriate action on the amendment filed March 11, 2010.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

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

In re Patent No. 7,505,836	:	
Issue Date: March 17, 2009	:	
Application No. 11/195,246	:	ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. FS.20066US1DV	:	

This is a decision on the petition filed February 26, 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 Diane Goodwyn at (571) 272-6735. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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

Thurman K. Page
Petitions Examiner
Office of Petitions

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

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

KELLY LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS CA 91367

In re Application of
Stanley B. Soloman, Tsuneo Shishido and Burton Barnett
Application No. 11/195,248
Filed: August 1, 2005
For: **STORAGE AND RETRIEVAL SYSTEM**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition to make special filed September 8, 2005 under 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 and supplemental statement by Mr. Stanley B. Solomon evidence that he 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

Kenneth Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

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ONE FINANCIAL CENTER
BOSTON MA 02111

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JAN 08 2009

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Leamon, Lohman, Rothberg, and	:	
Wiener	:	
Application No. 11/195254	:	
Filing Date: 08/01/2005	:	
Attorney Docket Number: 21465-	:	
510 CIP	:	

This is a decision on the petition under 37 CFR 1.47 and 1.48, filed on December 9, 2008, which is being treated as (1) a petition under 37 CFR 1.48(c) to amend the inventive entity by the addition of Keith E. McDade, Joseph M. Fierro, James R. Knight, Jaran Charumilind, Eugene W. Myers, Jr., John W. Simpson, and Greg A. Volkmer; (2) a petition under 37 CFR 1.48(b) to amend the inventive entity by the deletion of Kenton L. Lohman, Jonathon M. Rothberg, and Michael P. Weiner as named inventors; (3) a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.48(c)(2) which requires a statement from the person being added; and (3) a petition under 37 CFR 1.47(a), which requires an oath or declaration signed by all of the inventors.

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.

On August 1, 2005, the application was filed. On October 27, 2005, a declaration was filed naming John H. Leamon, Kenton L. Lohman, Jonathan M. Rothberg, and Michael P. Weiner as as joint inventors.

On November 4, 2008, a Notice of Allowance was mailed.

On December 9, 2008, the subject petitions under 37 CFR 1.47(a) and 1.48(b) and (c), and 1.183 were filed. Petitioners seek to add McDade, Fierro, Knight, Charumilind, Myers, Simpson, and Volkmer as joint inventors pursuant to 37 CFR 1.48(c).

Petitioners further seek to delete Lohman, Rothberg, and Weiner as joint inventors pursuant to 37 CFR 1.48(b). Petitioners further state that Volkmer has refused to sign the statement of lack of deceptive intent required by 37 CFR 1.48(b) and the declaration required by 37 CFR 1.63 and 1.67. The petition is accompanied by consent of the assignee, statements of lack of deceptive intent signed by McDade, Fierro, Knight, Charmulind, Myers, and Simpson, and a declaration naming Leamon, McDade, Fierro, Knight, Charumilind, Myers, Simpson and Volkmer as the inventive entity, signed by all joint inventors except Volkmer on behalf of themselves and inventor Volkmer.

Petitioners further state, via the statement of registered patent attorney Ivor R. Elrifi, that a copy of the application as filed and the statement for correction of inventorship were mailed to non-signing inventor Volkmer at his last known address, but were not returned.

37 CFR 1.48(b) states that if the correct inventors are named in a nonprovisional application, and the prosecution of the nonprovisional application results in the amendment or cancellation of claims so that fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the nonprovisional application, an amendment must be filed requesting deletion of the name or names of the person or persons who are not inventors of the invention being claimed. Amendment of the inventorship requires:

> (1) A request, signed by a party set forth in § 1.33(b), to correct the inventorship that identifies the named inventor or inventors being deleted and acknowledges that the inventor's invention is no longer being claimed in the nonprovisional application; and
>
> (2) The processing fee set forth in § 1.17(i).

37 CFR 1.48(c) states that if a nonprovisional application discloses unclaimed subject matter by an inventor or inventors not named in the application, the application may be amended to add claims to the subject matter and name the correct inventors for the application. Amendment of the inventorship requires:

> (1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from each person being added as an inventor that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part;

(3) An oath or declaration by the actual inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43, or § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

The petition of record does not comply with items (2) and (3).

With respect to item (2), it is noted that the statements provided by the persons sought to be added as inventors are not in compliance with 37 CFR 1.48(c)(2) in that the statements do not reflect the language that the addition is necessitated by amendment of the claims.

Petitioners should provide a statement from each person being added as an inventor that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part.

It is additionally noted that a statement reflecting the language required by 37 CFR 1.48(c)(2) must be sent to Volkmer, the person sought to be added as an inventor under 37 CFR 1.48(c) but is purportedly refusing to sign.

Petition Under 37 CFR 1.183 to waive 37 CFR 1.48

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed.[1]

As stated above, it is noted that a statement reflecting the language required by 37 CFR 1.48(c)(2) must be sent to Volkmer,

[1] MPEP 201.03(B).

the person sought to be added as an inventor but is purportedly refusing to sign.

Petitioners must show that the inability to obtain the statement from the inventor is, notwithstanding the exercise of reasonable care and diligence, due to circumstances beyond their control. Under the circumstances of this case, petitioners should proceed as noted in more detail *infra* to make their showing in support of their request for waiver.

Petition Under 37 CFR 1.47(a)

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

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

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

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks item (2). With regard to item (2), the declaration is defective in that it does not properly recite the language contained in 37 CFR 1.63(b)(3) stating that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56. Rather, the declaration states a duty to disclose information which is material to the examination of this application.

Petitioners are advised that the *Official Gazette* notice of February 12, 2008, states that:

> With this Notice, the Office is putting applicants and their representatives on notice that compliance with the express language of 37 CFR 1.63 will now be required. Additionally, to the extent the Reply to Comment 38 in the 1992 Final Rule authorized the continued use of the "material to examination" and "in accordance with 37 CFR 1.56(a)," language, this authorization it is hereby rescinded, and reliance on the Reply to Comments 38 will no longer be accepted. If

> an oath or declaration filed on or after June 1, 2008, does not include the express language set forth in 37 CFR 1.63(b)(3), the Office will object to the oath or declaration as failing to comply with 37 CFR 1.63. A supplemental oath or declaration pursuant to 37 CFR 1.67 will then be required.
>
> For pending applications, the Office is hereby *sua sponte* waiving the express language requirement of 37 CFR 1.63(b)(3), where the oath or declaration was filed prior to June 1, 2008. The express language of 37 CFR 1.63(b)(3) is waived only to the extent necessary such that an oath or declaration containing the "material to examination" or "in accordance with § 1.56(a)" language, or both, will be accepted as acknowledging the applicant's duty to disclose information "material to patentability" as defined in 37 CFR 1.56.
>
> For continuing applications filed under 37 CFR 1.53(b), other than continuation-in-part applications, the Office will accept an oath or declaration that contains the outdated language if the oath or declaration otherwise complies with 37 CFR 1.63, and either: (1) was filed prior to June 1, 2008; or (2) is being filed in a continuation or divisional application in which a claim for benefit under 35 U.S.C. 120 has been made to a prior-filed copending nonprovisional application, and the oath or declaration is a copy of the previously accepted oath or declaration that was filed prior to June 1, 2008.[2]

Furthermore, the declaration filed with the petition does not meet the requirements of 37 CFR 1.63 because it contains uninitialed/undated alterations.[3] Specifically, there are undated alterations in the signature block for joint inventor Leamon. A new oath or declaration in compliance with 37 CFR 1.63 and 1.67, listing the residence, mailing address, and citizenship of all of the inventors and signed by the inventor to whom the corrections pertain (*i.e.*, joint inventor Leamon) must be provided with any renewed petition.

---

[2] See 1327 O.G. 112.

[3] See 37 CFR 1.52(c).

Accordingly, a new declaration signed by all of the signing inventors on behalf of themselves and the non-signing inventor must be provided with any renewed declaration.

It is noted that the fee for a petition under 37 CFR 1.47(a) is $200.00 rather than $130.00. The balance due of $70.00 will be charged to counsel's deposit account. Additionally, a fee of $400.00 is due for the petition under 37 CFR 1.183 to waive 1.48(b) & (c). This fee will also be charged to counsel's deposit account, as authorized in the papers filed on December 9, 2008.

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

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

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

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

Telephone inquiries related to this decision should be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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 Mar-09

MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Leamon, Lohman, Rothberg, and	:	DECISION ON PETITION
Wiener	:	
Application No. 11/195254	:	
Filing Date: 08/01/2005	:	
Attorney Docket Number: 21465-	:	
510 CIP	:	

This is a decision on the renewed petitions under 37 CFR 1.47 and 1.48, filed on February 4, 2009, which is being treated as (1) a petition under 37 CFR 1.48(c) to amend the inventive entity by the addition of Keith E. McDade, Joseph M. Fierro, James R. Knight, Jaran Charumilind, Eugene W. Myers, Jr., John W. Simpson, and Greg A. Volkmer; (2) a petition under 37 CFR 1.48(b) to amend the inventive entity by the deletion of Kenton L. Lohman, Jonathon M. Rothberg, and Michael P. Weiner as named inventors; (3) a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.48(c)(2) which requires a statement from the person being added; and (3) a petition under 37 CFR 1.47(a), which requires an oath or declaration signed by all of the inventors.

The petition is **GRANTED**.

On August 1, 2005, the application was filed. On October 27, 2005, a declaration was filed naming John H. Leamon, Kenton L. Lohman, Jonathan M. Rothberg, and Michael P. Weiner as as joint inventors.

On November 4, 2008, a Notice of Allowance was mailed.

The petitions under 37 CFR 1.47(a) and 1.48 and 1.183 filed on December 9, 2008, were dismissed on January 8, 2009.

On February 4, 2009, the subject renewed petitions under 37 CFR 1.47(a) and 1.48(b) and (c), and 1.183 were filed.[1] Supplemental documents were also filed on February 18, 2009. Petitioners again

[1] The issue fee was paid on February 4, 2009.

seek to add McDade, Fierro, Knight, Charumilind, Myers, Simpson, and Volkmer as joint inventors pursuant to 37 CFR 1.48(c). Petitioners further seek to delete Lohman, Rothberg, and Weiner as joint inventors pursuant to 37 CFR 1.48(b). Petitioners further state that Volkmer has refused to sign the statement of lack of deceptive intent required by 37 CFR 1.48(b) and the declaration required by 37 CFR 1.63 and 1.67. The petition is accompanied by consent of the assignee, statements of lack of deceptive intent signed by McDade, Fierro, Knight, Charmulind, Myers, and Simpson, and a declaration naming Leamon, McDade, Fierro, Knight, Charumilind, Myers, Simpson and Volkmer as the inventive entity, signed by all joint inventors except Volkmer on behalf of themselves and inventor Volkmer.

Petitioners further state, via the statement of registered patent attorney Ivor R. Elrifi, that a copy of the application as filed and the statement for correction of inventorship were mailed to non-signing inventor Volkmer at his last known address, but were not returned.

The renewed petitions further include revised statements under 37 CFR 1.48(c)(2) from each of the signing inventors sought to be added, as well as proof that the revised statement was sent to Volkmer, the inventor who refuses to sign.

Additionally, the renewed petitions include supplemental declarations signed by each of the signing inventors in compliance with 37 CFR 1.63(b)(3), as well as proof that the declaration was sent to the non-signing inventor, Volkmer.

PETITION UNDER 37 CFR 1.48 AND 1.183 TO WAIVE 1.48

37 CFR 1.48(b) states that if the correct inventors are named in a nonprovisional application, and the prosecution of the nonprovisional application results in the amendment or cancellation of claims so that fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the nonprovisional application, an amendment must be filed requesting deletion of the name or names of the person or persons who are not inventors of the invention being claimed. Amendment of the inventorship requires:

> (1) A request, signed by a party set forth in § 1.33(b), to correct the inventorship that identifies the named inventor or inventors being deleted and acknowledges that the inventor's invention is no longer being claimed in the nonprovisional application; and

(2) The processing fee set forth in § 1.17(i).

37 CFR 1.48(c) states that if a nonprovisional application discloses unclaimed subject matter by an inventor or inventors not named in the application, the application may be amended to add claims to the subject matter and name the correct inventors for the application. Amendment of the inventorship requires:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from each person being added as an inventor that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part;

(3) An oath or declaration by the actual inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43, or § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioners have shown, that a copy of the application papers, including the declaration under 37 CFR 1.63, and the statement of lack of intent were sent to Volkmer's last known address, but that Dunn failed to sign and return the statement of lack of deceptive intent and the declaration.

Petitioners have also provided a statement of consent of the assignee to the addition of Greg A. Volkmer as an inventor.

Additionally, petitioners have provided, with the renewed petition, an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47.

In view of the efforts recounted in the petition to obtain the signature of Greg A. Volkmer, it is agreed that justice would be served by waiving the requirement for his signature on the statement of lack of deceptive intent.

The petition under 37 CFR 1.48(b) is granted with respect to the deletion of Kenton L. Lohman, Jonathan M. Rothberg, and Michael P. Weiner as joint inventors.

The petition under 37 CFR 1.48(c) is granted with respect to the addition of Keith E. McDade, Joseph M. Fierro, James R. Knight, Jaran Charumilind, Eugene W. Myers, Jr., and John W. Simpson as joint inventors.

As such, the petition under 37 CFR 1.183 to waive 1.48 is granted with respect to the addition of Greg A. Volkmer, as a named inventor.

PETITION UNDER 37 CFR 1.47(A)

Petitioners have shown, via the statements of registered patent practitioner Michele Iwamoto in the petition and the copy of the cover letter sent on January 21, 2009, that a copy of the revised declaration was sent to Volkmer. Additionally, petitioners have shown, via the cover letter dated September 5, 2008, that a copy of the application (and original declaration) were sent to the non-signing inventor. However, an executed declaration was never received from the non-signing inventor.

As such, the showing of record is that the non-signing inventor has constructively refused to join in the filing of the application.

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

Receipt of the petition fees paid with the original petition is acknowledged. No additional fees are due. It is further noted that duplicate payments of the fees required under 37 CFR 1.47 and 1.48 have been received. The duplicate fees of $200.00 and $130.00 will be credited to counsel's deposit account.

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

A Corrected Filing Receipt reflecting the current inventorship is enclosed for petitioner's reference.

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

Telephone inquiries related to this decision should be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: 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
11/195,254	08/01/2005	1637	2430	21465-510 CIP	5	1

CONFIRMATION NO. 1726

CORRECTED FILING RECEIPT

35437
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON, MA 02111

OC000000034980216

Date Mailed: 03/16/2009

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)

John H. Leamon, Guilford, CT;
Keith E. McDade, Higganum, CT;
Joseph M. Fierro, New Haven, CT;
James R. Knight, Marlobrough, CT;
Jaran Charumilind, New Haven, CT;
Eugene W. Myers JR., Washington, DC;
John W. Simpson, Madison, CT;
Greg A. Volkmer, Bosque Farms, NM;

Power of Attorney: The patent practitioners associated with Customer Number 35437

Domestic Priority data as claimed by applicant

This application is a CIP of 10/767,779 09/22/2004 PAT 7,323,305 *
which claims benefit of 60/443,471 01/29/2003
and claims benefit of 60/465,071 04/23/2003
and claims benefit of 60/476,313 06/06/2003
and claims benefit of 60/476,504 06/06/2003
and claims benefit of 60/476,592 06/06/2003
and claims benefit of 60/476,602 06/06/2003
and claims benefit of 60/497,985 08/25/2003
(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 08/31/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/195,254**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

METHODS OF AMPLIFYING AND SEQUENCING NUCLEIC ACIDS

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Greg A. Volkmer
635 Toy Lane
Bosque Farms NM 87068

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of
Leamon et al.
Application No. 11/195,254
Filed: August 1, 2005
For: METHOD OF AMPLYING AND SEQUENCING NUCLEIC ACIDS

Dear Dr. Volkmer:

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

MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

UNITED STATES PATENT AND TRADEMARK OFFICE

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MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON, MA 02111

Mail Date: 04/21/2010

Applicant	: Keith E. McDade	: DECISION ON REQUEST FOR
Patent Number	: 7575865	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/195,254	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **307** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON, MA 02111

Mail Date: 05/18/2010

Applicant : Keith E. McDade
Patent Number : 7575865
Issue Date : 08/18/2009
Application No : 11/195,254
Filed : 08/01/2005

: 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 **396** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/195,255	8/1/2005	Walter Harris	2210/44835A-CIP

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

DATE MAILED: August 29, 2006

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

This is in response to the petition under 37 CFR 1.138(d) filed on August 24, 2006, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

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

Kaletus King
Kaletus King
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
www.uspto.gov

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

Mail Date: 04/21/2010

Applicant	: Richard C. Foss	: DECISION ON REQUEST FOR
Patent Number	: 7599246	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/195,257	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/01/2005	: 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
www.uspto.gov

MYERS BIGEL SIBLEY & SAJOVEC, P.A
PO BOX 37428
RALEIGH NC 27627

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OCT 1 5 2008

OFFICE OF PETITIONS

In re Application of:
DUNKO, Gregory A.
Application No.: 11/195,288
Filed: August 2, 2005
Attorney Docket No.: 9314-123

DECISION APPROVING
WITHDRAWAL OF ATTORNEY

This is a decision on the Request to Withdraw as Attorney/Agent of Record under 37 CFR § 1.36, filed October 2, 2008.

The Request is **APPROVED**.

Debra K. Stephens requests that she alone be withdrawn as an attorney under 37 CFR § 1.36, pursuant to the reason set forth under 37 CFR § 10.40(b)(2), because of her current employment by the United States Patent and Trademark Office. Since the Request satisfies all of the requirements for withdrawal, it is appropriate to approve the Request and withdraw only Ms. Stephens as an attorney of record.

All future communications from the Office will continue to be directed to the above-identified correspondence address.

A courtesy copy of this decision is being mailed to Ms. Stephens at the address identified in the Request.

Telephone inquiries relating to this decision should be directed Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

Cc: Debra K. Stephens
301 Edgemore Avenue
Cary, NC 27519

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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

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JUL 16 2009

OFFICE OF PETITIONS

In re Application of	:	
YOUNG, Kevin D.	:	
Application No. 11/195,295	:	DECISION ON PETITION
Filed: August 02, 2005	:	TO WITHDRAW
Attorney Docket No. **YOU4-PT001.1**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 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. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Michael Snyder on behalf of all attorneys of record who are associated with customer No. 03624. All attorneys/agents associated with the Customer Number 03624 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 Kevin Young at the address indicated below.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **KEVIN D. YOUNG**
16 REED STREET
CLEMENTON NJ 08021

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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STAINBROOK & STRAINBROOK, LLP
412 Aviation Boulevard
Suite H
Santa Rosa, CA 95403

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OFFICE OF PETITIONS

In re Application of	:	
Raynaldo Torrez Cruz	:	
Application No. 11/195,300	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

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

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 Lawrence Eldeman 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 Joe Smith at the address indicated below.

There is an outstanding Office action mailed July 6, 2009 that requires a reply from the applicant.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Raynaldo Torrez Cruz**
345 Bunker Hill Road
Chateaugay, NY 12920

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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
11/195,300	08/01/2005	Raynaldo Torrez Cruz	01024.P1US/LE

CONFIRMATION NO. 3480

POWER OF ATTORNEY NOTICE

OC000000038657151

61894
STAINBROOK & STAINBROOK, LLP
412 AVIATION BOULEVARD
SUITE H
SANTA ROSA, CA 95403

Date Mailed: 11/06/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/31/2009.

- 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.

/tsjohnson/

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

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Paper No.

Douglas J. Hura, Esquire
DENTSPLY International Inc.
570 West College Avenue
P.O. Box 872
York PA 17405-0872

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NOV 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Klee et al.	:	DECISION ON PETITION
Application No. 11/195,316	:	
Filed: August 2, 2005	:	
Atty Docket No. KON-77B-CON	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed May 4, 2009.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action mailed October 16, 2007. The Office action set a three (3) month shortened statutory period for reply, with extensions of time obtainable under 37 CFR 1.136(a). No reply having been received and no extensions of time obtained, the above-identified application became abandoned on January 17, 2008. A courtesy Notice of Abandonment was mailed on April 28, 2008.

In response, applicants promptly filed the instant petition. The petition includes the required reply in the form of a continuation application, the petition fee and a statement of unintentional delay. Petitioner seeks revival solely for continuity purposes.

In view thereof, the petition is **GRANTED**.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by

this decision reviving the application, the application is again abandoned in favor of the continuation application (No. 12/592,076), received May 4, 2009.

On April 29, 2009, petitioner submitted a fee of $1110 for extension for response within the third month. The maximum period for extension for response to the Notice ended on April 16, 2008. Thereafter, no extension of time could be obtained. As no extension of time is obtainable, the fee for such extension is being refunded to Deposit Account NO. 04-0780, as authorized.

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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DEC 10 2007

DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS IN 46268

In re Application of	:
Kermit Berg Bohning	:
Serial No.: 11/195,324	: PETITION DECISION
Filed: August 2, 2005	:
Attorney Docket No.: 63,396A	:

This is in response to the petition under 37 CFR § 1.59(b), filed July 25, 2007, to expunge information from the above identified application. This application has now been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on July 25, 2007, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.
Therefore, applicant's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/21/2010

Applicant	: James Gilbert Davidson	: DECISION ON REQUEST FOR
Patent Number	: 7594003	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/195,327	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **857** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 05/18/2010

Applicant : James Gilbert Davidson
Patent Number : 7594003
Issue Date : 09/22/2009
Application No : 11/195,327
Filed : 08/02/2005

: 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 **890** 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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FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CA 90045

Mail Date: 04/21/2010

Applicant	: Alan Schaer	: DECISION ON REQUEST FOR
Patent Number	: 7587247	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/195,329	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **864** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Akihiko Tanioka	: DECISION ON REQUEST FOR
Patent Number	: 7660626	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/195,364	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **898** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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PANDUIT CORP.
LEGAL DEPARTMENT - TP12
17301 SOUTH RIDGELAND AVENUE
TINLEY PARK IL 60477

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OFFICE OF PETITIONS

In re Application of	:	
Doorhy et al.	:	
Application No. 11/195412	:	DECISION
Filing or 371(c) Date: 08/02/2005	:	ON PETITION
Attorney Docket Number: LCB465-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 10, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is November 11, 2007.

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

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

This application is being referred to Technology Center AU 2833 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted with the petition in accordance with 37 CFR 1.114.

Derek L. Woods
Attorney
Office of Petitions

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Schlumberger Technology Corporation
Schlumberger Reservoir Completions
14910 Airline Road
Rosharon, TX 77583

In re Application of Kimminau et al. :
Application No. 11/195,416 : Decision on Petition
Filing Date: August 2, 2005 :
Attorney Docket No. 103.0012US :

This is a decision on the petition under 37 CFR 1.137(b), filed May 12, 2006, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned on October 27, 2005, for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed August 26, 2005. A Notice of Abandonment was mailed on May 1, 2006.

The instant petition requests revival of the application.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The address on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record. Therefore, if appropriate, a request to change the address of record should be filed.

The Office of Initial Patent Examination will be informed of the instant decision and will prepare the application for examination in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

cc: Wayne Kanak
Schlumberger, Gamma House, Enterprise Road
University of Southampton Science Park
Southampton SO16 7NS
UNITED KINGDOM

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OFFICE OF PETITIONS

Maryam Imam
95 South Market Street, Suite 570
San Jose, CA 95113

In re Application of	:	
Amit Ramchandran et al.	:	
Application No. 11/195,429	:	DECISION ON PETITION
Filed: August 2, 2005	:	TO WITHDRAW
Attorney Docket No. 3PLUS1-02-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 24, 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 Maryam Imam on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

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

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first named signing inventor, since no assignee has properly intervened and the first copied address below. A courtesy copy of this decision will also be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application, a Statement under 37 CFR 3.73(b) and/or proper power of attorney documents must be submitted.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Amit Ramchandran
1614 Willowdale Drive
San Jose, CA 95118

cc: 3PLUS1 Technology, Inc.
18809 Cox Avenue, Suite 250
Saratoga, CA 95070

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/195,429	08/02/2005	Amit Ramchandran	3PLUS1-02US

CONFIRMATION NO. 3808

POWER OF ATTORNEY NOTICE

27728
Maryam Imam
95 SOUTH MARKET STREET, SUITE 570
SAN JOSE, CA 95113

OC000000037200593

Date Mailed: 08/04/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/24/2009.

- 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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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
11/195,450	08/02/2005	2122	1450	ADO05-013(B106)	4	25	4

CONFIRMATION NO. 4097

CORRECTED FILING RECEIPT

OC000000017003704

022468
CHAPIN & HUANG L.L.C.
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE
WESTBOROUGH, MA 01581

Date Mailed: 09/13/2005

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

Applicant(s)

David G. Sawyer, San Jose, CA;
Dylan Ashe, San Jose, CA;
Brent E. Rosenquist, San Jose, CA;

Power of Attorney:

James Thompson--36699
David Huang--39229
Barry Chapin--39934
David Rouille--40150
Christopher Lutz--44883
Paul Kriz--45752

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/23/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/195,450

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Methods and apparatus to improve application launch time

Preliminary Class

717

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

GRANTED

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

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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DUANE MORRIS LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

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JUL 03 2007

OFFICE OF PETITIONS

In re Application of	:	
BILSKI, et al.	:	
Application No. 11/195,454	:	DECISION ON PETITION
Filed: August 2, 2005	:	TO WITHDRAW
Attorney Docket No. **H1799-00272**	:	FROM RECORD
	:	

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, 2006.

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

A review of the file record indicates that the power of attorney to *DUANE MORRIS LLP* has been revoked by the assignee of the patent application on January 8, 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: **CHRISTOPHER B. AUSTIN**
MICHAEL BEST & FRIEDRICH LLP
100 E. WISCONSIN AVENUE, SUITE 3300
MILWAUKEE, WI 53202

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APR 24 2006

In re Application of	:	
Allen Christian et al.	:	
Serial No. 11/195,472	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO MAKE SPECIAL
For: FLOW CONTROLS FOR CONTAINERS:		
OF LIQUIDS AND VISCOUS MATERIALS:		

Applicants' letter filed March 15, 2006, is being construed as a petition to make special regarding age in that applicant is over sixty-five (65) years of age.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(IV) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

Karen M. Young

Karen M. Young, Director
Technology Center 3700

Willie Krawitz
3001 Chapel Hill Road
Orange, CA 92867-1927

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER, 8th FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
JENSEN, et al.	:	
Application No. 11/195,494	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. 00287S-004260US	:	FROM RECORD
	:	

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 21, 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 Mark D. Barrish 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.

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 August 1, 2006 does not include a proper Statement under 37 CFR 3.73(b) in that the reel and frame number submitted is not associated with the above application.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **Joel F. Jensen**
426 Northumberland Avenue
Redwood City, CA 94061

cc: **Patent Department**
Intuitive Surgical, Inc.
950 Kifer Road
Sunnyvale, CA 94086

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OFFICE OF PETITIONS

THORPE NORTH & WESTERN, LLP.
P.O. Box 1219
SANDY UT 84091-1219

In re Application of

A. Robert BAUER JR.
Application No. 11/195,497
Filed: August 01, 2005
Attorney Docket No. **24945.NP.CIP**

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 01, 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 the declaration of inventor A. Robert Bauer, Jr., attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

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

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 1631 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

OIPE IAP69
SEP 28 2005
PATENT & TRADEMARK OFFICE

PTO/SB/83 (04-05)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS		
	Application Number	11/195,498
	Filing Date	August 1, 2005
	First Named Inventor	Martin STOGNIEW
	Art Unit	1617
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	342312004001

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

[X] all the attorneys/agents of record.

[ ] the attorneys/agents (with registration numbers) listed on the attached paper(s), or

[ ] the attorneys/agents associated with Customer Number [ ]

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are:

This transfer is being made at the request of Vicuron Pharmaceuticals, Inc.

APPROVED
6/13/06
WILLIAM R. DIXON, JR.
SPECIAL PROGRAM EXAMINER

CORRESPONDENCE ADDRESS

1. [ ] The correspondence address is NOT affected by this withdrawal.
2. [X] Change the correspondence address and direct all future correspondence to:

[ ] The address associated with Customer Number: [ ]

OR

[X] Firm or Individual Name	Elsa Djuardi Ph.D., J.D. Corporate Counsel for Pfizer Inc.				
Address	10777 Science Center Drive				
City	San Diego	State	CA	Zip	92121
Country	U.S.A.				
Telephone	(858) 638-6117	Email			
Signature	Thomas E. Ciotti				
Name	Thomas E. Ciotti	Registration No.	21,013		
Date	September 26, 2005	Telephone No.	(650) 813-5702		

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.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 26, 2005 Signature: (Lindsay Seydel)

pa-1011036

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Myers Bigel Sibley & Sajovec
P.O. Box 37428
Raleigh, NC 27627

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OFFICE OF PETITIONS

In re Application of

Venkataram Krishnan
Application No. 11/195,501
Filed: August 2, 2005
Attorney Docket No. 9349-270CT2

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 17, 2006.

The request is **NOT APPROVED**.

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

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

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

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

Terri Williams for
Amelia Au
Petitions Examiner
Office of Petitions

cc: **David S. Bradin**
Womble Carlyle Sandridge & Rice PLLC
Post Office Box 13069
Research Trangle Park, NC 27709

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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

Mail Date: 04/20/2010

Applicant	: Prabir K. Dutta	: DECISION ON REQUEST FOR
Patent Number	: 7611613	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/195,508	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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
11/195,510	08/02/2005	2811	1000	MTRL043US0 (SC14331TP)	4	20	2

CONFIRMATION NO. 3026

CORRECTED FILING RECEIPT

OC000000017253735

37141
FORTKORT GRETHER + KELTON LLP
8911 N. CAPITAL OF TEXAS HWY.
SUITE 3200
AUSTIN, TX 78759

Date Mailed: 10/14/2005

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

Applicant(s)

Da Zhang, Austin, TX;
Veer Dhandapani, Round Rock, TX;
Brian Goolsby, Austin, TX;
Bich-Yen Nguyen, Austin, TX;

Assignment For Published Patent Application

Freescale Semiconductor, Inc.

Power of Attorney: The patent practitioners associated with Customer Number **49083**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/14/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/195,510

Projected Publication Date: 02/08/2007

Non-Publication Request: No

Early Publication Request: No

Title

Method for forming uniaxially strained devices

Preliminary Class

257

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the 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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COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date	: 3/1/2010
Patent No.	: 7, 640,029 B2
Serial No.	: 11/195,518
Inventor(s)	: Ala-Luukko
Issue Date	: December 29, 2009
Title	: **METHOD AND SYSTEM FOR ROUTING OF SHORT MESSAGES IN A TELECOMMUNICATION SYSTEM**
Doc./File No.	: **088245-3118**

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 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 foreign application Nos. **20000164 (FI) & WO/FI2001/00074 (WO)**).

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) 756-1590
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

ecw

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OFFICE OF PETITIONS

CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS MN 55403-2420

In re Application of	:	
Zhang, et al.	:	
Application No. 11/195,521	:	DECISION ON PETITION
Filed: August 2, 2005	:	TO WITHDRAW
Attorney Docket No. 1246.1101102	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 24, 2006.

The request is **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 J. McGrath on behalf of all attorneys of record.

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

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

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

Denise Pothier
Petitions Examiner
Office of Petitions

cc: Bo Zhang
BioTechnology Institute
1479 Gortner Avenue
Suite 140
St Paul, MN 55108

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MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA GA 30326

In re Application of	:	
Yang, et al.	:	
Application No. 11/195,528	:	ON PETITION
Filed: August 1, 2005	:	
Attorney Docket No. 19756-64694	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 14, 2009.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the final Office action, mailed March 21, 2008. This Office action set an extendable period for reply of three (3) months. No response having been received, the application became abandoned on June 22, 2008. A Notice of Abandonment was mailed on October 2, 2008.

It is obvious from reviewing the file that the Office action was mailed to the incorrect address. The Office action should have been addressed to the address set forth in the "Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address", shown by petitioner to have been filed on February 22, 2008.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The matter is being forwarded to Group Art Unit 2893 for re-mailing of the March 21, 2008 final Office action to the above address of record, setting a new period for reply.

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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The law Offices of Andrew D. Fortney, PH.D., P.C.
215 W. Fallbrook Avenue, Suite 203
Fresno, CA 93711

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AUG 2 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Cheng-Chung Yang, et al.	:	
Application No. 11/195,528	:	DECISION ON PETITION
Filed: August 1, 2005	:	TO WITHDRAW
Attorney Docket No. 19756-64694	:	FROM RECORD
	:	

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 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 Andrew D. Fortney 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 Cheng-Chung Yang at the address indicated below.

There is an outstanding Office action mailed July 7, 2009 that requires a reply from the applicant.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Cheng-Chung Yang**
UNITED EPITAZY COMPANY, LTD.
9F No. 10
Li-Hsin Road
Science Park, Hsinchu
Taiwan

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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
11/195,528	08/01/2005	Cheng-Chung Yang	19756-64694

CONFIRMATION NO. 3673

POWER OF ATTORNEY NOTICE

36872
THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
215 W FALLBROOK AVE SUITE 203
FRESNO, CA 93711

OC000000037479126

Date Mailed: 08/24/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/09/2009.

- 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.

/tswilliams/

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

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THE LAW OFFICES OF
ANDREW D. FORTNEY, PH.D., P.C.
401 W FALLBROOK AVE STE 204
FRESNO, CA 93711-5835

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SEP 14 2007

OFFICE OF PETITIONS

In re Application of :
LU, Chun-Yu, et al. :
Application No. 11/195,529 :
Filed: August 01, 2005 :
Attorney Docket No. **PA255(5CORE200411US)** :

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 26, 2007.

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

A review of the file record indicates that the power of attorney to The Law Offices of Andrew D. Fortney, PH.D., P.C. has been revoked by the assignee of the patent application on August 06, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **BIRCH STEWART KOLASCH & BIRCH**
PO BOX 747
FALLS CHURCH, VA 22040-0747

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/195,529	08/01/2005	Chun-Yu Lu	PA255(5CORE200411US)

CONFIRMATION NO. 3658

OC000000025771840

36872
THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
401 W FALLBROOK AVE STE 204
FRESNO, CA 93711-5835

Date Mailed: 09/11/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/06/2007.

- 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).

Michelle R. Eason

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

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/195,529	08/01/2005	Chun-Yu Lu	PA255(5CORE200411US)

CONFIRMATION NO. 3658

OC000000025771892

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Date Mailed: 09/11/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/06/2007.

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

Michelle R. Eason

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

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Mail Date: 04/21/2010

Applicant	: Chandrika Kasturi	: DECISION ON REQUEST FOR
Patent Number	: 7579310	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/195,538	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **144** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/26/09

TO SPE OF : ART UNIT 1637

SUBJECT : Request for Certificate of Correction for Appl. No.: 11195547 Patent No.: 7521546

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

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

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

Comments: _____

/Gary Benzion/ 1637

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE

Art Unit

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Paper No.

VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE, MA 02139-4242

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FEB 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Mahajan et al.	:	DECISION ON PETITION
Application No. 11/195,550	:	
Filed: August 2, 2005	:	
Atty Docket No. VPI/03-20 US	:	

This is a decision on the PETITION IN RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION filed November 18, 2005. Applicants petition that the above-identified nonprovisional application be accorded a filing date of August 2, 2005.

The petition is **GRANTED**.

Application papers in the above-identified nonprovisional application were deposited on August 2, 2005. However, on September 19, 2005, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete Nonprovisional Application," stating that the application papers deposited August 2, 2005 had not been accorded a filing date because the application was deposited without drawings. (In addition, the Notice required the filing of an executed oath or declaration.)

In response, applicants filed the instant petition. Petitioner states that drawings are not necessary for the understanding of the invention.

RELEVANT STATUTES AND REGULATIONS

35 U.S.C. 111(a)(4) provides that:

The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

However, as stated in MPEP 601.01(f)

> It has been 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).

In regards to withdrawing the Notice, MPEP § 601.01(f) also states that:

> a nonprovisional application having at least one claim ..., directed to 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 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, MPEP § 601.01(g) further provides that:

> If the application is filed without all of the drawing figure(s) referred to in the specification, ..., OIPE will mail a "Notice of Omitted Item(s)" indicating that the application papers so deposited have been accorded a filing date, but are lacking some of the figures of the drawings described in the specification.

DISCUSSION

A review of the application confirms that as filed it contained at least one method claim. Pursuant to § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

However, as the specification in the instant nonprovisional application contained reference to drawing figures, mailing of a Notice requiring submission of drawings was appropriate. The Office should have mailed a "Notice of Omitted Items" rather than a "Notice of Incomplete Nonprovisional Application." To the extent that the Notice stated that the instant application is not entitled to a filing date, the "Notice of Incomplete Nonprovisional Application" mailed September 19, 2005, was mailed in error and is hereby withdrawn.

In view thereof, the application as originally deposited without drawings is entitled to a filing date of August 2, 2005.

Given the basis for granting the petition, the petition fee ($130 submitted) is being refunded to Deposit Account No. 50-0725, as authorized.

Receipt of the preliminary amendment deleted reference to the drawings filed November 18, 2005 is acknowledged.

CONCLUSION

The Office of Initial Patent Examination (OIPE) has been advised of this decision. Pursuant to this decision, the application has been referred to OIPE for **correction of the filing date to August 2, 2005** and for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE, MA 02139-4242

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Sudipta Mahajan, et al. :
Application No. 11/195,550 :
Filed: August 2, 2005 :
Attorney Docket No. VPI/03-20 US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 26, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file an Appeal Brief under 37 CFR 41.37 and the appeal brief fee required by 37CFR 41.20(b)(2) within two months from filing the Notice of Appeal. The proposed reply required for consideration of a petition to revive must be an Appeal Brief under 37 CFR 41.37 (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is 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 a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 1657 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 Brown
Petitions Examiner
Office of Petitions

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Rajendran Nair
ComLSI Inc.
3838 E Encinas Ave.
Gilbert AZ 85234

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MAY 04 2007

OFFICE OF PETITIONS

In re Application of :
Rajendran Nair :
Application No. 11/195,554 :
Filed: August 3, 2005 :
Title: Voltage Droop Suppressing Circuit :

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed February 6, 2007.

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

This application was held abandoned November 1, 2006 for failure to timely reply to the non-final Office Action mailed on July 31, 2006. The non-final Office Action set a three (3) month extendable time period for reply. This decision precedes the mailing of a Notice of Abandonment.

Petitioner asserts that the non-final Office Action mailed on July 31, 2006 was never received. Petitioner attest that the Office Action was never received. Petitioner states a search of docket records confirms the Office Action was not received. In support of petitioner's contention, a copy of the docket records has been provided.

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

This application is being forwarded to Art Unit 2816 for re-mailing of the non-final Office Action to the correspondence address of record. The extendable three month 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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PEDERSEN & COMPANY, PLLC
P.O. BOX 2666
BOISE, ID 83701

Mail Date: 04/21/2010

Applicant	: Alex Punnoose	: DECISION ON REQUEST FOR
Patent Number	: 7582222	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/195,573	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1061** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

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MAY 18 2010

OFFICE OF PETITIONS

In re Application of
Edwin C. Bartlett, et al.
Application No. 11/195,576
Filed: August 2, 2005
Attorney Docket No.: 22956-694
(MIT59USCNT5)

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

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 8, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 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 the instant application is entitled to the benefit of the prior-filed applications. In order for the instant application to be

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

This application is being forwarded to Technology Center Art Unit 3773 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.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/195,576	08/02/2005	3773	1130	22956-694 (MIT59USCNT5)	8	1

CONFIRMATION NO. 1866

CORRECTED FILING RECEIPT

21125
NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

OC000000041574935

Date Mailed: 05/12/2010

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)

Edwin C. Bartlett, Greenville, NC;
Richard F. Wenstrom JR., Norwood, MA;

Power of Attorney: The patent practitioners associated with Customer Number 021125

Domestic Priority data as claimed by applicant

This application is a CON of 09/711,039 11/09/2000 PAT 6,923,823
which is a CON of 09/265,022 03/09/1999 PAT 6,146,408
which is a CON of 08/851,583 05/05/1997 PAT 5,879,372
which is a CON of 08/308,286 09/19/1994 PAT 5,626,612
which is a CIP of 08/124,163 09/20/1993 PAT 5,540,718

Foreign Applications

If Required, Foreign Filing License Granted: 08/26/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/195,576**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

APPARATUS AND METHOD FOR ANCHORING SUTURES

Preliminary Class

606

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

KAMRATH & ASSOCIATES P.A.
4825 OLSON MEMORIAL HIGHWAY
SUITE 245
GOLDEN VALLEY MN 55422

COPY MAILED

JAN 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Hilson Huang	:	
Application No. 11/195,596	:	DECISION ON PETITION
Filed: August 3, 2005	:	
Attorney Docket No. TB05P0028US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 3, 2008, to revive the above-identified application.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed July 30, 2007, 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 October 1, 2007. 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 Appeal Brief with fee, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

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

This application is being referred to Technology Center AU 1795 for appropriate action by the Examiner in the normal course of business on the reply received November 3, 2008.

April M. Wise
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET, NW
WASHINGTON, DC 20006

Mail Date: 04/26/2010

Applicant	: Gennadiy A. Agranov	: DECISION ON REQUEST FOR
Patent Number	: 7576361	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/195,687	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **613** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BCF LLP
25TH FLOOR
1100 RENE-LEVESQUE BOULEVARD WEST
MONTREAL QC H3B 5C9 CA CANADA

RECEIVED
DEC 22 2008
OFFICE OF PETITIONS

In re Application of :
Daniel Marcoux et al :
Application No. 11/195,693 :
Filed: August 3, 2005 :
Attorney Docket No. 10525-010

ON PETITION

This is a decision on the petition, filed December 15, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 8, 2008 and supplemented 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 3753 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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Paper No.

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LAKE CITY CENTER, SUITE 410
12360 LAKE CITY WAY NORTHEAST
SEATTLE WA 98125

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MAR 27 2008

OFFICE OF PETITIONS

In re Application of Jui-Lin Hsu et al. Application No. 11/195,710 Filed: August 3, 2005 Attorney Docket No.: 07.49.32.USP Title: WIRELESS NETWORK DEVICE WITH A SIGNAL DETECTION FUNCTION AND SWITCHING METHOD FOR THE SAME	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.55(c)

This is a decision on the petition pursuant to 37 C.F.R. § 1.55(c), filed November 15, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign Taiwanese Application No. 094113321, filed April 26, 2005[1].

This petition is **DISMISSED**.

The Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address has been entered and made of record.

1 It is noted that a certified copy of this priority document was provided to the Office on October 18, 2007.

This application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 C.F.R. § 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 C.F.R. § 1.55(c).

A petition pursuant to 37 C.F.R. § 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 C.F.R. 1.63(c)(2)) or in an Application Data Sheet (ADS) (37 C.F.R. 1.76(b)(6))**;
(3) the surcharge as set forth in 37 C.F.R. § 1.17(t);
(4) a statement that the entire delay between the date the claim was due under 37 C.F.R. § 1.55(a)(1) 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); and
(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

Requirements (1) and (3) - (5) above have been satisfied. Regarding the third requirement, the required $1410 surcharge has been charged to Petitioner's Deposit Account, as authorized in the petition.

The petition fails to comply with item (2) above. In this regard, a review of the electronic record fails to disclose that the priority information was included in an oath or declaration

in accordance with 37 C.F.R. 1.63(c)(2) or in an Application Data Sheet in accordance with 37 C.F.R. § 1.76(b)(6). Unless provided in an ADS, 37 C.F.R. § 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 C.F.R. § 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* M.P.E.P. § 201.14.

In view of the above, compliance with 37 C.F.R. § 1.63(c)(2) or 37 C.F.R. § 1.76(b)(6) must be satisfied if Applicant desires to claim priority to the foreign application noted in this petition.

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. § 1.55(c)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Petitioner may wish to consider submitting an ADS, an oath, or a declaration that contains the priority information along with the renewed petition.

Petitioner will note that an ADS filed with the application is not required to be signed unless the ADS includes a nonpublication request. Rule 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 C.F.R. § 1.27(c)(2)(ii), filed in the application must be signed by an appropriate party. Therefore, an ADS or a supplemental ADS filed after the filing of an application must be signed in accordance with 37 C.F.R. § 1.33(b).

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[2], hand-delivery[3], or facsimile[4]. Registered

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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.

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 deciding official.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225[6]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

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5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
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

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LAKE CITY CENTER, SUITE 410
12360 LAKE CITY WAY NORTHEAST
SEATTLE WA 98125

COPY MAILED

AUG 25 2008

OFFICE OF PETITIONS

In re Application of Jui-Lin Hsu et al. Application No. 11/195,710 Filed: August 3, 2005 Attorney Docket No.: 07.49.32.USP Title: WIRELESS NETWORK DEVICE WITH A SIGNAL DETECTION FUNCTION AND SWITCHING METHOD FOR THE SAME	DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.55(c)

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.55(c), filed April 29, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign Taiwanese Application No. 094113321, filed April 26, 2005[1].

This renewed petition is **GRANTED**.

This application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37

1 It is noted that a certified copy of this priority document was provided to the Office on October 18, 2007.

C.F.R. § 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 C.F.R. § 1.55(c).

A petition pursuant to 37 C.F.R. § 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 C.F.R. 1.63(c)(2)) or in an Application Data Sheet (ADS) (37 C.F.R. 1.76(b)(6));
(3) the surcharge as set forth in 37 C.F.R. § 1.17(t);
(4) a statement that the entire delay between the date the claim was due under 37 C.F.R. § 1.55(a)(1) 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); and
(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

An original petition was filed on November 15, 2007, and was dismissed via the mailing of a decision on March 27, 2008. The decision indicated that requirements (1) and (3) - (5) of 37 C.F.R. § 1.55(c) had been satisfied, and that the required $1410 surcharge had been charged to Petitioner's Deposit Account.

The original petition was dismissed for failure to comply with item (2) above: the priority information was not included in an oath or declaration in accordance with 37 C.F.R. 1.63(c)(2) or in an Application Data Sheet in accordance with 37 C.F.R. § 1.76(b)(6). The decision added that unless provided in an ADS, 37 C.F.R. § 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37

C.F.R. § 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* M.P.E.P. § 201.14.

The decision recommended the submission of an ADS, an oath, or a declaration that contains the priority information, and further cautioned that any ADS would need to be executed.

With this renewed petition, Petitioner has submitted an ADS that has been properly executed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 C.F.R. § 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 C.F.R. § 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition.

This application is being referred to Technology Center AU 2618 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225[2]. All other

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

inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

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reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/195,710	08/03/2005	2618	705	07.49.32.USP	21	3

CONFIRMATION NO. 4271

CORRECTED FILING RECEIPT

35870
APEX JURIS, PLLC
12360 LAKE CITY WAY NORTHEAST
SUITE 410
SEATTLE, WA 98125

OC000000031492592

Date Mailed: 08/25/2008

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)

Jui-Lin Hsu, Hsin-Chu, TAIWAN;
Chia-Fang Wu, Hsin-Chu, TAIWAN;
Tsung-Ming Yang, Hsin-Chu, TAIWAN;

Assignment For Published Patent Application

Z-COM, INC.

Power of Attorney: The patent practitioners associated with Customer Number 35870

Domestic Priority data as claimed by applicant

Foreign Applications
TAIWAN 094113321 04/26/2005

If Required, Foreign Filing License Granted: 08/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/195,710**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Wireless network device with a signal detection function and switching method for the same

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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FEB 25 2009

Philippe J. C. Signore, Ph.D.
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 Duke Street
ALEXANDRIA, VA 22314

In re Application of	:	
Clive FRENCH, et al.	:	DECISION ON PETITION
Application No. 11/195,749	:	REGARDING REQUEST TO
Filed: August 3, 2005	:	WITHDRAW FINALITY
For: A DOOR CONFIGURED TO CLOSE	:	UNDER 37 CFR §1.181
AN OPENING INSIDE AN AIRCRAFT	:	

This is a decision on the petition under 37 CFR 1.181 filed November 18, 2008, requesting withdrawal of the finality of the Office Action mailed October 3, 2008.

The petition is **Granted**.

Petitioner alleges that the final rejection mailed October 3, 2008 is premature because the Office Action presented a rejection of claims 17-18 which was not finally rejected on the grounds and art of record, since the rejection of claims 17-18 is based on a newly cited reference.

MPEP §706.07(b) sets forth that the claims of an application for which a request for continued examination (RCE) has been filed may be finally rejected in the action immediately subsequent to the filing of the RCE (with a submission and fee under 37 CFR 1.114) where all the claims in the application after the entry of the submission under 37 CFR 1.114 (A) are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114, and (B) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to the filing of the RCE under 37 CFR 1.114.

A review of the record reveals that on September 12, 2008, applicant filed a Request for continued examination (RCE) with an amendment to the claims including NEW claims 16-18. In the Office Action mailed on October 3, 2008, claims 17-18 were rejected under 35 U.S.C. §103 as a being unpatentable over Dixon (U.S. Patent 4,972,765) in view of Roques (U.S. PgPub 2006/0048449) as applied to claim 1 above, and further in view of Pittman (US PgPub 2003/0052227). Upon review of the references cited in the instant application, Pittman (US PgPub 2003/0052227) was newly cited with the Final Office Action mailed on October 3, 2008. The rejection of claims 17-18 was not based on "Art of Record" as set forth in MPEP 706.07(b).

In view of the fact that the rejection of claims 17-18 under 35 U.S.C. 103 based on newly cited Pittman reference and not "Art of Record" the finality of the Office Action mailed October 3, 2008 is improper and premature.

The finality of the Office Action mailed October 3, 2008, but not the Office action itself, is hereby vacated. The Office Action mailed October 3, 2008 is now considered to be non-final and the shortened statutory period for response runs THREE (3) MONTHS from the October 3, 2008 mail date of the Office Action.

Any questions regarding this letter should be directed to Michael R. Mansen at (571) 272-6608

Kathy Matecki

Kathy Matecki, Director
Technology Center 3600
(571) 272-5250

MRM 01/27/09

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OBLON SPIVAK MCCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

NOV 13 2009

OFFICE OF PETITIONS

In re Application of :
Hiroshi Akino :
Application No. 11/195,762 : ON PETITION
Filed: August 3, 2005 :
Attorney Docket No. 276430US3

This is a decision on the petition, filed November 12, 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 8, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2614 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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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 05/20/2010

Applicant	: Soo-hyang Kim	: DECISION ON REQUEST FOR
Patent Number	: 7661122	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/195,797	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **874** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JUN 27 2007

TECHNOLOGY CENTER 3600

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of:	:	DECISION ON REQUEST TO
Takayuki NORIMATSU et al.	:	PARTICIPATE IN PATENT
Application No.: 11/195,798	:	PROSECUTION HIGHWAY PILOT
Filed: August 2, 2005	:	PROGRAM AND PETITION TO
Attorney Docket No.: 6340-000059	:	MAKE SPECIAL UNDER 37 CFR
For: BEARING APPARATUS	:	1.102(d)
FOR A WHEEL OF VEHICLE	:	

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 May 10, 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:
(6) 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. application publications.

The Decision to Grant a Patent issued by the JPO cites two JPO documents under the heading of "Reference Patent Documents", i.e. JP 2005-291216,A (JP,A) and JP 2003-013979,A (JP,A). Although an IDS was filed in the instant application on August 2, 2005 and a supplemental IDS was filed with the petition, out of the references cited by the JPO examiner, only JP 2005-291216 was provided. No other IDS is of record.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS,** whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Robert Weinhardt at 571-273-8300. Telephone inquires concerning this decision should be directed to Robert Weinhardt at 571-272-6633. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Robert Weinhardt
TC3600
Business Practice Specialist

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P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of:	:	DECISION ON REQUEST TO
Takayuki NORIMATSU et al.	:	PARTICIPATE IN PATENT
Application No.: 11/195,798	:	PROSECUTION HIGHWAY PILOT
Filed: August 2, 2005	:	PROGRAM AND PETITION TO
Attorney Docket No.: 6340-000059	:	MAKE SPECIAL UNDER 37 CFR
For: BEARING APPARATUS	:	1.102(d)
FOR A WHEEL OF VEHICLE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the renewed petition under 37 CFR 1.102(d), filed July 24, 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).

In light of the IDS filed July 24, 2007, the request to participate in the PPH pilot program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Robert Weinhardt at 571-272-6633.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Robert Weinhardt
TC3600
Business Practice Specialist

RW 10/21/07

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/23/2010

Applicant	: Takayuki Norimatsu	: DECISION ON REQUEST FOR
Patent Number	: 7607838	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/195,798	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **363** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Yuji Miyauchi	: DECISION ON REQUEST FOR
Patent Number	: 7593162	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/195,814	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1085** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/195,822	08/03/2005	Satoru Matsuda	276365US6	3264

7590 05/07/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
MORLAN, ROBERT M

ART UNIT	PAPER NUMBER
4125	

NOTIFICATION DATE	DELIVERY MODE
05/07/2008	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:
05/12/2008 0030055361

Credit Card Refund Total: $1300.00

Am Exp..: XXXXXXXXXXX1009

Adjustment date: 05/12/2008 NFARMER
08/04/2005 EAYALEW1 00000043 11195822
02 FC:1111 -500.00 OP
04 FC:1201 -800.00 OP

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/195,826	08/03/2005	Yukiyoshi Hirose	SON-3416	3715

7590 09/03/2009
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER
MCDOWELL, BRIAN E

ART UNIT	PAPER NUMBER
1624	

MAIL DATE	DELIVERY MODE
09/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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B. Craig Killough
Barnwell Whaley Patterson & Helms, LLC
P.O. Drawer H
Charleston SC 29402-0197

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JAN 17 2008
OFFICE OF PETITIONS

Applicant: Dieter
Appl. No.: 11/195,899
Filing Date: August 3, 2005
Title: STIRLING ENGINE HAVING SLIDABLE PISTON
Attorney Docket No.: 2827.001
Pub. No.: US2006/0156721-A1
Pub. Date: July 20, 2006

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 13, 2007, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors, as claims 1-4 have improperly been omitted from the publication.

The request is DISMISSED as moot.

Since the application has already issued as U.S. Patent No. 7,185,492 on March 6, 2007, 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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In re Application of
Christopher Dennis Simone et al. :
Application No. 11/195,902 : ON PETITION
Filed: August 3, 2005 :
Attorney Docket No: HP0104USNA

This is a decision on the petition filed May 15, 2006, to revive the above identified application under 37 CFR 1.137(a)[1].

The petition to revive under 37 CFR 1.137(a) is **GRANTED**.

The application was held abandoned on November 1, 2005, for failure to file a timely response to the Notice to File Missing Parts mailed August 31, 2005, which set a two month period for reply. Accordingly, a Notice of Abandonment was mailed on May 10, 2006.

Petitioner asserts that a response, in the form of an executed Oath was submitted on October 28, 2005 but was returned by the United States Postal Service (USPS). Copies of the outer envelope the materials were sent in reveal that the package must have been damaged in transit and because of the condition of the package, the USPS returned it to the sender rather than forward it on to the USPTO, the addressee. Further, the copies of the response included a certificate of mail, pursuant to 37 CFR 1.8, dated October 28, 2005.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have

[1]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137©)).

adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

In this instance, although petitioner does not indicate when the package was returned to the sender, based on the evidence provided, it appears that petitioner took every precaution to ensure that the response was timely filed however, due to a failure of the mail, the response was not received by the USPTO, the addressee. It is noted therefore that the Notice of Abandonment was sent in error as the response bearing a certificate of mail dated October 28, 2005 was timely filed.

In view thereof, the Oath is of record in response to the Notice to File Missing parts and this matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

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OFFICE OF PETITIONS

In re Application of Miller et al. Application No. 11/195,923 Filed: August 3, 2005 Attorney Docket No.: 08-727-US-CON2 Title: SYSTEM FOR DYNAMICALLY PUSHING INFORMATION TO A USER UTILIZING GLOBAL POSITIONING SYSTEM	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.181(A)

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a), filed on September 11, 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 December 24, 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 March 25, 2009. A notice of abandonment was mailed on July 30, 2009.

ANALYSIS

Petitioner has alleged that the mailing was not received, as it was not properly mailed. The electronic file has been reviewed, and it is clear that a Revocation of Power of Attorney with Change of Correspondence Address was filed concurrently with the appropriate statement pursuant to 37 C.F.R. § 3.73(b) on September 18, 2008 (prevenient to the final Office action of December 24, 2008) and was not effectuated by the Office.

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 December 24, 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 Revocation of Power of Attorney with Change of Correspondence Address has been entered and made of record.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the final Office action of December 24, 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. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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).

/Paul Shanoski/
Paul Shanoski
Senior 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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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/195,923	08/03/2005	John M. Miller	GLOBP102USC

CONFIRMATION NO. 3336

POA ACCEPTANCE LETTER

20306
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

OC000000037978771

Date Mailed: 09/25/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/18/2008.

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.

/pashanoski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/195,923	08/03/2005	John M. Miller	GLOBP102USC

CONFIRMATION NO. 3336

POWER OF ATTORNEY NOTICE

23623
TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND, OH 44114

OC000000037978763

Date Mailed: 09/25/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/18/2008.

- 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).

/pashanoski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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AT & T LEGAL DEPARTMENT - NDQ
ATTN: PATENT DOCKETING
ONE AT & T WAY, ROOM 2A-207
BEDMINSTER, NJ 07921

COPY MAILED

DEC 2 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Ostermann et al.	:	
Application No. 11/195,934	:	DECISION ON PETITION
Filed: August 3, 2005	:	
Attorney Docket No. 2000-0600E-CON	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 23, 2009 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before April 28, 2009, as required by the Notice of Allowance and Fee(s) Due mailed January 28, 2009. Accordingly, the application became abandoned on April 29, 2009. A Notice of Abandonment was mailed June 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571)272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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P.O. DRAWER 800889
DALLAS TX 75380

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AUG 24 2006
OFFICE OF PETITIONS

In re Application of	:	
Mitra et al.	:	
Application No. 11/195,937	:	ON PETITION
Filed: August 3, 2005	:	
Attorney Docket No. P06339	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed December 19, 2005, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from Sergai Drizlikh to Sergei Drizlikh.

Petitioner submitted $130.00 towards payment of the petition fee. However, the petition fee is $400.00. Accordingly, an additional $270.00 will be charged to petitioner's deposit account as authorized.

This matter is now being referred to Technology Center 2800 for examination in the due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/195,937	08/03/2005	2812	1000	P06339	1	20	3

CONFIRMATION NO. 3334
CORRECTED FILING RECEIPT
OC000000020160237
OC000000020160237

23990
DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

Date Mailed: 08/23/2006

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)

Reshmi Mitra, South Portland, ME;
Scott Ruby, Durham, ME;
Sergei Drizlikh, Scarborough, ME;
Thomas Francis, South Portland, ME;
Robert Tracy, South Portland, ME;

Assignment For Published Patent Application

National Semiconductor Corporation, Santa Clara, CA

Power of Attorney:

Andrew Viger--28552
Christopher Byrne--32204
John Maxin--34668
Coleman Reif--38593
Eugene Conser--39149
William Munck--39308
John Mockler--39775
Allen Tremain--40207

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/195,937

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Method of avoiding unwanted metal deposition in manufacturing semiconductor resistors

Preliminary Class

438

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/195,971	08/03/2005	Stephane Beaule	131512-1008	4956

32914 7590 05/10/2010
GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS, TX 75201-4761

EXAMINER
LU, KUEN S

ART UNIT	PAPER NUMBER
2156	

MAIL DATE	DELIVERY MODE
05/10/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Marc A. Hubbard
GARDERE WYNNE SEWELL LLP
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761

In re Application of:	)	
Stephane BEAULE et al.	)	
Application No. 11/195,971	)	
Filed: August 03, 2005	)	**DECISION ON PETITION**
For: PRELOADING RESOURCES FROM DATA	)	
CAROUSEL OF BROADCAST FILE SYSTEM	)	

This is a decision on the petition, filed on 03 March 2010, requesting the Commissioner to direct the examiner (a) to accept the substitute Summary of the Claimed Subject Matter supplied by applicants on 17 February 2010, or (b) to accept an amendment prior to filing of the reply brief by which the specification is amended pursuant to 37 CFR 1.75(d)(I).

Pursuant to the Revised Procedure for Appeal Brief Review (Federal Register, Vol. 75, No. 60, 30 March 2010), the Board of Patent Appeals and Interferences has the sole responsibility to review whether or not the Appeal Brief is in compliant to one or more provisions of 37 CFR 41.37; thus, the examiner will not further issue a Notification of Non-Compliant Appeal Brief.

For the above stated reason, the petition is **DISMISSED AS MOOT**.

The application is being forwarded to examiner of record to issue an appropriate Office Action.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture and Software

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070619

DATE : June 19, 2007

TO SPE OF : ART UNIT 2812

SUBJECT : Request for Certificate of Correction on Patent No.: 11/195982

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: Michael Lebentritt **Art Unit** 2812

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HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON, AZ 85718

Mail Date: 04/20/2010

Applicant	: Mark Banister	: DECISION ON REQUEST FOR
Patent Number	: 7578102	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,012	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1011** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WOODCOCK & WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
PHILADELPHIA PA 19103

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DEC 18 2006

OFFICE OF PETITIONS

In re Application of	:	
MIKAN, et al.	:	
Application No. 11/196,015	:	DECISION ON PETITION
Filed: August 3, 2005	:	TO WITHDRAW
Attorney Docket No. CING-0165/C05-0049-000	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 25, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Christopher M. Arena on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **JEFFREY C. MIKAN**
2910 MARYMOUNT DRIVE
CUMMING, GA 30041

cc: **BANNER & WITCOFF, LTD.**
ATTORNEYS FOR CLIENT NO. 006004
1001 G STREET, N.W., 11TH FLOOR
WASHINGTON, DC 20001-4597

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/196,015	08/03/2005	Jeffrey Clinton Mikan	CING-0165/C05-0049-000

CONFIRMATION NO. 5491

OC000000021646022

54499
WOODCOCK & WASHBURN LLP
ONE LIBERTY PLACE
46TH FLOOR
PHILADELPHIA, PA 19103

Date Mailed: 12/18/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/25/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON KY 40550-0999

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AUG 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Douglas Campbell HAMILTON et al.	:	
Application No. 11/196,021	:	ON PETITION
Filed: August 3, 2005	:	
Attorney Docket No. 2004-0399.01	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 20, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed January 12, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 13, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response to a non-final Office action; (2) the petition fee of $1500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of January 12, 2007 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Brian Sines at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 3742 for appropriate action on the concurrently filed amendment.

David Buczi
Petitions Examiner
Office of Petitions

cc: Steven J. Grossman
Grossman, Tucker, Perreault & Pfleger, PLLC
55 South Commercial Street,
Manchester, NH 03101

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WOODCOCK & WASHBURN LLP
ONE LIBERTY PLACE
46TH FLOOR
PHILADELPHIA PA 19103

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DEC 19 2006
OFFICE OF PETITIONS

In re Application of	:	
Jeffrey C. Mikan, et al.	:	
Application No. 11/196,060	:	DECISION ON PETITION
Filed: August 3, 2005	:	TO WITHDRAW
Attorney Docket No. CNG-0166/C05-0051-000	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 25, 2006

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the presiding attorneys are not allowed to withdraw by customer number because they were not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT
1001 G STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20001-4597

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AMIT BHRI
14 RIBBON LANE
WANTAGH, NY 11793

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In re Application of	:	
Amit Bhri	:	
Application No. 11/196,062	:	DECISION ON PETITION
Filed: August 3, 2005	:	TO MAKE SPECIAL UNDER
For: GLOBAL SATELLITE DATABASES AND	:	37 CFR 1.102(d)
SECURITY SYSTEMS	:	

This is a decision on the petition under 37 CFR § 1.102(c), filed March 28, 2006, to make the above-identified application special as set forth in M.P.E.P. § 708.02.

The petition is **DISMISSED**.

The Office is unable to review the instant petition on its merits because the petition fails to identify on what grounds the petitioner is requesting to make special under 37 CFR 1.102 (b), (c) or (d), which includes sections I-XII under MPEP 708.02. The conditions set forth in MPEP 708.02 include categories: (i) Manufacture, (II) Infringement, (III) Health, (IV) Age, (V) Environmental Quality, (VI) Energy, (VII) Recombinant DNA, (VIII) Accelerated Examination, (IX) Superconductivity, (X) HIV/AIDS and Cancer, (XI) Countering Terrorism, and (XII) Biotechnology filed by Small Entities. Petitions to make special are accorded to applications meeting the requirements outlined in one of the categories as set forth in MPEP 708.02. Therefore, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2165 for action in its regular turn.

Amelia Au
Petitions Examiner
Office of Petitions

Enclosure: MPEP 708.02

(C) Applications for reissues, particularly those involved in stayed litigation (37 CFR 1.176).

(D) Applications remanded by an appellate tribunal for further action.

(E) An application, once taken up for action by an examiner according to its effective filing date, should be treated as special by an examiner, art unit or Technology Center to which it may subsequently be transferred; exemplary situations include new cases transferred as the result of a telephone election and cases transferred as the result of a timely reply to any official action.

(F) Applications which appear to interfere with other applications previously considered and found to be allowable, or which will be placed in interference with an unexpired patent or patents.

(G) Applications ready for allowance, or ready for allowance except as to formal matters.

(H) Applications which are in condition for final rejection.

(I) Applications pending more than 5 years, including those which, by relation to a prior United States application, have an effective pendency of more than 5 years. See MPEP § 707.02.

(J) Reexamination proceedings, MPEP § 2261 >and § 2661<.

See also MPEP § 714.13, § 1207 and § 1309.

708.02 Petition To Make Special [R-3]

37 CFR 1.102. Advancement of examination.

(a) Applications will not be advanced out of turn for examination or for further action except as provided by this part, or upon order of the Director to expedite the business of the Office, or upon filing of a request under paragraph (b) of this section or upon filing a petition under paragraphs (c) or (d) of this section with a showing which, in the opinion of the Director, will justify so advancing it.<

(b) Applications wherein the inventions are deemed of peculiar importance to some branch of the public service and the head of some department of the Government requests immediate action for that reason, may be advanced for examination.

**>

(c) A petition to make an application special may be filed without a fee if the basis for the petition is:

(1) The applicant's age or health; or

(2) That the invention will materially:

(i) Enhance the quality of the environment;

(ii) Contribute to the development or conservation of energy resources; or

(iii) Contribute to countering terrorism.<

(d) A petition to make an application special on grounds other than those referred to in paragraph (c) of this section must be accompanied by the fee set forth in § 1.17(h).

New applications ordinarily are taken up for examination in the order of their effective United States filing dates. Certain exceptions are made by way of petitions to make special, which may be granted under the conditions set forth below.>Any statement in support of a petition to make special must be based on a good faith belief that the invention in fact qualifies for special status. See 37 CFR 1.56 and 10.18.<

I. MANUFACTURE

An application may be made special on the ground of prospective manufacture upon the filing of a petition accompanied by the fee under 37 CFR 1.17(h) and a statement by the applicant, assignee or an attorney/agent registered to practice before the Office alleging:

(A) The possession by the prospective manufacturer of sufficient presently available capital (stating approximately the amount) and facilities (stating briefly the nature thereof) to manufacture the invention in quantity or that sufficient capital and facilities will be made available if a patent is granted;

If the prospective manufacturer is an individual, there must be a corroborating statement from some responsible party, as for example, an officer of a bank, showing that said individual has the required available capital to manufacture;

(B) That the prospective manufacturer will not manufacture, or will not increase present manufacture, unless certain that the patent will be granted;

(C) That the prospective manufacturer obligates himself, herself or itself, to manufacture the invention, in the United States or its possessions, in quantity immediately upon the allowance of claims or issuance of a patent which will protect the investment of capital and facilities; and

(D) That the applicant or assignee has made or caused to be made a careful and thorough search of the prior art, or has a good knowledge of the pertinent prior art.

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.

II. INFRINGEMENT

Subject to a requirement for a further showing as may be necessitated by the facts of a particular case, an application may be made special because of actual infringement (but not for prospective infringement) upon payment of the fee under 37 CFR 1.17(h) and the filing of a petition accompanied by a statement by the applicant, assignee, or an 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.

Models or specimens of the infringing product or that of the application should not be submitted unless requested.

III. APPLICANT'S HEALTH

An application may be made special upon a petition by applicant accompanied by any evidence showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course, such as a doctor's certificate or other medical certificate. No fee is required for such a petition. See 37 CFR 1.102(c).

>Personal/medical information submitted as evidence to support the petition will be available to the public if the application file and contents are available to the public pursuant to 37 CFR 1.11 or 1.14. If applicant does not wish to have this information become part of the application file record, the information must be submitted pursuant to MPEP § 724.02.<

IV. APPLICANT'S AGE

An application may be made special upon filing a petition including any evidence showing that the applicant is 65 years of age, or more, such as a birth certificate or applicant's statement. No fee is required with such a petition. See 37 CFR 1.102(c).

>Personal/medical information submitted as evidence to support the petition will be available to the public if the application file and contents are available to the public pursuant to 37 CFR 1.11 or 1.14. If applicant does not wish to have this information become part of the application file record, the information must be submitted pursuant to MPEP § 724.02.<

V. ENVIRONMENTAL QUALITY

The U.S. Patent and Trademark Office will accord "special" status to all patent applications for inventions which materially enhance the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements, i.e., air, water, and soil.

All applicants desiring to participate in this program should petition that their applications be accorded "special" status. **>The petition under 37 CFR 1.102 must state that special status is sought because the invention materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements.< No fee is required for such a petition. See 37 CFR 1.102(c). >If the application disclosure is not clear on its face that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment.<

VI. ENERGY

The U.S. Patent and Trademark Office will, on petition, accord "special" status to all patent applications for inventions which materially contribute to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), 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.

All applicants desiring to participate in this program should petition that their applications be accorded "special" status. **>The petition under 37 CFR 1.102 must state that special status is sought because the invention materially contributes to category (A) or (B) set forth above.< No fee is required for such a petition, 37 CFR 1.102(c).>If the application disclosure is not clear on its face that the claimed invention materially contributes to category (A) or (B), the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to category (A) or (B). Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may be directed to category (A) or (B).<

VII. INVENTIONS RELATING TO RECOMBINANT DNA

In recent years revolutionary genetic research has been conducted involving recombinant deoxyribonucleic acid ("recombinant DNA"). Recombinant DNA research appears to have extraordinary potential benefit for mankind. It has been suggested, for example, that research in this field might lead to ways of controlling or treating cancer and hereditary defects. The technology also has possible applications in agriculture and industry. It has been likened in importance to the discovery of nuclear fission and fusion. At the same time, concern has been expressed over the safety of this type of research. The National Institutes of Health (NIH) has released guidelines for the conduct of research concerning recombinant DNA. These "Guidelines for Research Involving Recombination DNA Molecules," were published in the *Federal Register* of July 7, 1976, 41 FR 27902-27943. NIH is sponsoring experimental work to identify possible hazards and safety practices and procedures.

In view of the exceptional importance of recombinant DNA and the desirability of prompt disclosure of developments in the field, the U.S. Patent and Trademark Office will accord "special" status to patent applications relating to safety of research in the field of recombinant DNA. Upon appropriate petition and payment of the fee under 37 CFR 1.17(h), the Office will make special patent applications for inventions relating to safety of research in the field of recombinant DNA. Petitions for special status should be accompanied by statements under 37 CFR 1.102 by the applicant, assignee, or statements by an attorney/agent registered to practice before the Office explaining the relationship of the invention to safety of research in the field of recombinant DNA research. The fee set forth under 37 CFR 1.17(h) must also be paid.

VIII. SPECIAL EXAMINING PROCEDURE FOR CERTAIN NEW APPLICATIONS — ACCELERATED EXAMINATION

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.

The election may be made by applicant at the time of filing the petition for special status. Should applicant fail to include an election with the original papers or petition and the Office determines that a requirement should be made, the established telephone restriction practice will be followed.

If otherwise proper, examination on the merits will proceed on claims drawn to the elected invention.

If applicant refuses to make an election without traverse, the application will not be further examined at that time. The petition will be denied on the ground that the claims are not directed to a single invention, and the application will await action in its regular turn.

Divisional applications directed to the nonelected inventions will not automatically be given special status based on papers filed with the petition in the parent application. Each such application must meet on its own all requirements for the new special status;

(C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement if the claims in the corresponding foreign application are of the same or similar scope to the claims in the U.S. application for which special status is requested;

(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.

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given *one* opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

Once a request has been granted, prosecution will proceed according to the procedure set forth below; there is no provision for "withdrawal" from this special status.

The special examining procedure of VIII (accelerated examination) involves the following procedures:

(A) The new application, having been granted special status as a result of compliance with the requirements set out above will be taken up by the examiner before all other categories of applications except those clearly in condition for allowance and those with set time limits, such as examiner's answers, etc., and will be given a complete first action which will include *all* essential matters of merit as to all claims. The examiner's search will be restricted to the *subject matter encompassed by the claims*. A first action rejection will set a 3-month shortened period for reply.

(B) During the 3-month period for reply, applicant is encouraged to arrange for an interview with the examiner in order to resolve, with finality, as many issues as possible. In order to afford the examiner time for reflective consideration before the interview, applicant or his or her representative should cause to be placed in the hands of the examiner at least one working day prior to the interview, a copy (clearly denoted as such) of the amendment that he or she proposes to file in response to the examiner's action. Such a paper will not become a part of the file, but will form a basis for discussion at the interview.

(C) Subsequent to the interview, or responsive to the examiner's first action if no interview was had, applicant will file the "record" reply. The reply at this stage, to be proper, must be restricted to the rejections, objections, and requirements made. Any amendment which would require broadening the search field will be treated as an improper reply.

(D) The examiner will, within 1 month from the date of receipt of applicant's formal reply, take up the application for final disposition. This disposition will constitute either a final action which terminates with the setting of a 3-month period for reply, or a notice of allowance. The examiner's reply to any amendment submitted after final rejection should be prompt and by way of form PTOL-303, by passing the application to issue, or by an examiner's answer should applicant choose to file an appeal brief at this time. The use of these forms is not intended to open the door to further prosecution. Of course, where relatively minor issues

or deficiencies might be easily resolved, the examiner may use the telephone to inform the applicant of such.

(E) A personal interview after a final Office action will not be permitted unless requested by the examiner. However, telephonic interviews will be permitted where appropriate for the purpose of correcting any minor outstanding matters.

After allowance, these applications are given top priority for printing. See MPEP § 1309.

IX. SPECIAL STATUS FOR PATENT APPLICATIONS RELATING TO SUPERCONDUCTIVITY

In accordance with the President's mandate directing the U.S. Patent and Trademark Office to accelerate the processing of patent applications and adjudication of disputes involving superconductivity technologies when requested by the applicant to do so, the U.S. Patent and Trademark Office will, on request, accord "special" status to all patent applications for inventions involving superconductivity materials. Examples of such inventions would include those directed to superconductive materials themselves as well as to their manufacture and application. In order that the U.S. Patent and Trademark Office may implement this procedure, we invite all applicants desiring to participate in this program to request that their applications be accorded "special" status. Such requests should be accompanied by a statement under 37 CFR 1.102 that the invention involves superconductive materials. No fee is required.

X. INVENTIONS RELATING TO HIV/AIDS AND CANCER

In view of the importance of developing treatments and cures for HIV/AIDS and cancer and the desirability of prompt disclosure of advances made in these fields, the U.S. Patent and Trademark Office will accord "special" status to patent applications relating to HIV/AIDS and cancer.

Applicants who desire that an application relating to HIV/AIDS or cancer be made special should file a petition and the fee under 37 CFR 1.17(h) requesting the U.S. Patent and Trademark Office to make the application special. The petition for special status should be accompanied by a statement explaining how the invention contributes to the diagnosis, treatment or prevention of HIV/AIDS or cancer.

XI. INVENTIONS FOR COUNTERING TERRORISM

In view of the importance of developing technologies for countering terrorism and the desirability of prompt disclosure of advances made in these fields, the U.S. Patent and Trademark Office will accord "special" status to patent applications **>for inventions which materially contribute to countering terrorism<.

International terrorism as defined in 18 U.S.C. 2331 includes "activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping..." The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

**>All applicants desiring to participate in this program should petition that their applications be accorded special status. The petition under 37 CFR 1.102 must state that special status is sought because the invention materially contributes to countering terrorism. No fee is required for such a petition. See 37 CFR 1.102(c). If the application disclosure is not clear on its face that the claimed invention is materially directed to countering terrorism, the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the invention materiality contributes to countering terrorism. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could counter terrorism. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may be directed to countering terrorism.<

XII. SPECIAL STATUS FOR APPLICATIONS RELATING TO BIOTECHNOLOGY FILED BY APPLICANTS WHO ARE SMALL ENTITIES

Applicants who are small entities may request that their biotechnology applications be granted "special" status. Applicant must file a petition with the petition fee under 37 CFR 1.17(h) requesting the special status and must:

(A) state that small entity status has been established or include a statement establishing small entity status;

(B) state that the subject of the patent application is a major asset of the small entity; and

(C) state that the development of the technology will be significantly impaired if examination of the patent application is delayed, including an explanation of the basis for making the statement.

FORMAL REQUIREMENTS OF PETITION TO MAKE SPECIAL

Any petition to make special should:

(A) be in writing; and

(B) identify the application by application number and filing date.

HANDLING OF PETITIONS TO MAKE SPECIAL

Applications which have been made special will be advanced out of turn for examination and will continue to be treated as special throughout the entire prosecution in the Office.

Each petition to make special, regardless of the ground upon which the petition is based and the nature of the decision, is made of record in the application file, together with the decision thereon. The part of the Office that rules on a petition is responsible for properly entering that petition and the resulting decision in the file record. The petition, with any attached papers and supporting affidavits, will be given a single paper number and so entered in the "Contents" of the file. The decision will be accorded a separate paper number and similarly entered. To ensure entries in the "Contents" in proper order, the technical support staff in the TC will make certain that all papers prior to a petition have been entered and/or listed in the application file before forwarding it for consideration of the petition. Note MPEP § 1002.02 (s). For Image File Wrapper (IFW) processing, see IFW Manual.

Petitions to make special are decided by the Special Program Examiner of the TC to which the application is assigned.

708.03 Examiner Tenders Resignation [R-2]

Whenever an examiner tenders his or her resignation, the supervisory patent examiner should see that the remaining time as far as possible is used in winding up the old complicated cases or those with involved records and getting as many of his or her amended cases as possible ready for final disposition.

If the examiner has considerable experience in his or her particular art, it is also advantageous to the Office if he or she indicates (in pencil) in the file wrappers of application in his or her docket, the field of search or other pertinent data that he or she considers appropriate. >For Image File Wrapper (IFW) processing, see IFW Manual.<

709 Suspension of Action [R-3]

37 CFR 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.<

(b) *Limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d).* On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph in a continued prosecution application filed under § 1.53(d) for a period not exceeding three months. Any request for suspension of action under this paragraph must be filed with the request for an application filed under § 1.53(d), specify the period of suspension, and include the processing fee set forth in § 1.17(i).

(c) *Limited suspension of action after a request for continued application (RCE) under § 1.114.* On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph after the filing of a request for continued examina-

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OFFICE OF PETITIONS

In re Application of	:
Christopher Jolley et al.	:
Application No. 11/196,071	: DECISION ON PETITION
Filed: August 3, 2005	:
Attorney Docket No.:	:
BEAS-01746US0	:
Title: SYSTEM AND METHOD FOR	:
CONTROL TREE OPTIMIZATION	:

This is a decision on the petition filed September 22, 2005, requesting that the above-identified application be accorded a filing date of August 3, 2005, with Figures 7(a)-15 included as part of the original disclosure.

The Office regrets the period of delay in issuing this decision.

The application was deposited on August 3, 2005. However, on August 29, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" (first notice), stating that the application had been accorded a filing date of August 3, 2005, and advising applicants that the application appeared to have been deposited without Figures 7(a) - 15 and an oath or declaration. The notice set a two-month period for response.

In response, on September 22, 2005, applicants filed the present petition along with a copy of Figures 1 - 15.

On May 2, 2007, OIPE mailed a second "Notice to File Missing Parts of Nonprovisional Application" (second notice), stating that the oath or declaration and the fee associated with the late

submission of the same were required. The notice set a two-month period for response, and on June 29, 2007, Applicant supplied a declaration and the fee associated with the late submission of the same.

It is noted that the first notice set forth two options for the applicant: if the applicant wished to contend that the missing figures were present at the time of filing, a petition would need to be filed, or; a petition would be required should the applicant decide to supply the omitted item at a later date and accept this later date as his filing date.

With the present petition, Petitioner has included Figures 1-15, indicated "Figures 7a-15 were inadvertently omitted" on filing, and requested that the enclosed drawings be entered "subject to the Examiner's approval."

It is noted that Petitioner has neither requested that this application retain the original filing date of August 3, 2005, nor has he requested that this application be accorded a filing date of September 22, 2005, the date of the receipt of these drawings. Moreover, it does not appear that Petitioner has included a proper amendment requesting the entry of these drawings[1].

It is clear that Figures 7a-15 were not present on filing. Petitioner has two options:

- Figures 7a-15, which were not present on filing, can be entered into the record if he accepts the date of their receipt, September 22, 2005, as the filing date of the present application.
- Alternatively, the application can retain the filing date of August 3, 2005, and Figures 7a-15 will not be entered into the record.

Petitioner should note that accepting a filing date of August 3, 2005 without the entry of these drawings does not preclude him from filing an amendment which requests their entry. Any such amendment will, of course, be reviewed by the examiner for new matter[2].

As it is not clear which option Petitioner would prefer, the present petition must be **DISMISSED**.

---

1 Although the petition contains the statement "please substitute the enclosed drawings for the drawings previously submitted," Petitioner is reminded that this does not constitute an acceptable amendment, pursuant to Rule § 1.2(c).
2 See MPEP 608.02(h) and 608.04.

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 Under 37 C.F.R. § 1.182". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[3], hand-delivery[4], or facsimile[5]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[6].

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

---

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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OFFICE OF PETITIONS

In re Application of Christopher Jolley et al. Application No. 11/196,071 Filed: September 22, 2005 Attorney Docket No.: BEAS-01746US0 Title: SYSTEM AND METHOD FOR CONTROL TREE OPTIMIZATION	DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.182

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.182, filed January 9, 2008, requesting that the above-identified application be accorded a filing date of September 22, 2005.

An original petition was filed on September 22, 2005, and was dismissed via the mailing of a decision on November 14, 2007.

This renewed petition is **GRANTED**.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for:

- Processing the application with a filing date of September 22, 2005, using the original application papers filed on August 3, 2005, as well as Figures 7a - 15 that were deposited on September 22, 2005, and;
- issuing a corrected filing receipt.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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OFFICE OF PETITIONS

In re Application of	:	
Marcus Theelen	:	
Application No. 11/196,081	:	DECISION ON PETITION
Filed: 3 August, 2005	:	
Atty Docket No. R029 10400.1	:	

This is a decision on the petition filed on 13 September, 2005, requesting that the above-identified application, including six (6) sheets of drawings, be accorded a filing date of 3 August, 2005.

The petition is **GRANTED**.

On 3 August, 2005, the application was filed.

On 26 August, 2005, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that application should reconsider whether drawings were necessary under 35 U.S.C. § 113 (first sentence). The Notice stated that the filing date would be the date of receipt of the missing drawings. The Notice also stated that the oath or declaration was missing.

In response, on 13 September, 2005, petitioner filed a copy of his itemized return receipt postcard, the present petition, and a copy of, *inter alia*, "Drawings, 6 pages;"

Petitioner argues that six (6) drawing sheets were filed with the other application papers on 3 August, 2005, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied

with the present petition. The postcard receipt shows a USPTO "Office-date" stamp showing a date of "080305" and the above-identified application number, and identifies the application by the inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, six (6) sheets of drawings. Petitioner requests that the application, including the six (6) sheets of drawings, be accorded a filing date of 3 August, 2005.

A review of the record reveals that no sheets of drawings received on 3 August, 2005, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on 3 August, 2005, included six (6) sheets of drawings, which were subsequently misplaced in the Office. Therefore, the application, including six (6) sheets of drawings, is entitled to a filing date of 3 August, 2005.

In view of the above, the petition is granted. The petition fee will be credited to counsel's deposit account, No. 09-0528.

The application will be processed with the copy of the six (6) sheets of drawings supplied on 13 September, 2005, as a part of the original disclosure.

Receipt of the declaration filed on 14 September, 2004, is acknowledged.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 3 August, 2005, using the application papers filed on that date, and the copy of six (6) sheets of drawings supplied with the present petition, and for an indication in Office records that six (6) sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HUGHES HUBBARD & REED LLP
ONE BATTERY PARK PLAZA
NEW YORK NY 10004

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SEP 01 2006

OFFICE OF PETITIONS

In re Application of	:
William Bevington	:
Application No. 11/196,091	: DECISION GRANTING
Filed: August 3, 2005	: PETITION
Attorney Docket No. 13395.0001	:

This is a decision on the petition to revive under 37 CFR 1.137(b), filed April 12, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to submit a fully executed oath or declaration in response to the Notice to File Missing Parts, mailed August 29, 2005. This Notice set an extendable period for reply of two (2) months for applicants to submit $1000 for additional pages. No extensions of time were obtained. No reply having been received, the application became abandoned on October 30, 2005. The mailing of this decision precedes the mailing of a Notice of Abandonment.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted $1000 for the fee for additional pages.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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ADAMS & WILKS
17 BATTERY PLACE, SUITE 1231
NEW YORK, NY 10004

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OFFICE OF PETITIONS

In re Application of	:	
Mitsuru SUGINOYA, et *al.*	:	
Application No. 11/196,098	:	DECISION ON PETITION
Filed: August 3, 2005	:	UNDER 37 CFR 1.181
Attorney Docket No. **S004-5607**	:	

This is a decision on the petition, filed August 19, 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 non-final Office action mailed November 12, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on June 16, 2009.

Petitioner asserts that the Office action dated November 12, 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 non-received 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 1792 for re-mailing the Office action of November 12, 2008. The period for reply will run from the mailing date of the Office action.

Inquires regarding this decision may be directed to Monica A. Graves at 571-272-7253.

Thurman K. Page
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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INTERNATIONAL BUSINESS MACHINES CORPORATION
DEPT. 18G
BLDG. 321-482
2070 ROUTE 52
HOPEWELL JUNCTION, NY 12533

Mail Date: 04/20/2010

Applicant	: Eric E. Retter	: DECISION ON REQUEST FOR
Patent Number	: 7661008	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,111	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG IL 60196

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OFFICE OF PETITIONS

In re Application of :
Thompson, et al. :
Application No.: 11/196,112 :
Filed: August 3, 2005 :
Attorney Docket No.: CML02180H :
For: METHOD AND SYSTEM FOR ASSISTING USERS IN INTERACTING WITH MULTI-MODAL DIALOG SYSTEMS

DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed November 10, 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 August 3, 2005 without an executed oath or declaration. On August 26, 2005, a Notice to File Missing Parts of Nonprovisional Application was mailed. This Notice required petitioners to file an executed declaration and a surcharge for its late filing within two months of the August 26, 2005 mail date of the Notice.

In response, on November 10, 2005, petitioner filed the surcharge, a declaration executed by 2 of 3 joint inventors, the instant petition and required petition fee. A one month extension of time is required. Pursuant to petitioners' authorization, deposit account no. 50-2117 will be charged a $120.00 one month extension of time fee. A statement of facts of Attorney James A. Lamb accompanies the petition. Mr. Lamb states that he attempted to reach non-signing inventor Hang S. Lee via e-mail, without response. In addition, he states that his administrative assistant, Debbie Healy, attempted to mail a package including the declaration for Mr. Lee's signature, but the package could not be delivered.

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 as specified in 37 CFR § 1.17(g), 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. Lee cannot be located. A showing of **diligence** is critical in obtaining Rule 47 status when an inventor cannot be located or reached. One returned mailing does not rise to the required showing of diligence. Where inability to find or reach a nonsigning inventor is alleged, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the nonsigning inventor.

The affidavit or declaration of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, any inquiries of local telephone directory, or any extant national or regional registry, telegrams, searches of Internet databases, and documented inquiries of his last known employer etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

E-mailing is generally not accepted as a means to communicate with non-signing inventors. This is because the Office cannot know definitely if the message was received; people change e-mail addresses frequently; people are not careful in deleting e-mails as shown by bulk folder deletions; some people might not check e-mails frequently; the Office does not know if the recipient has the program to open a specific attachment; and PTO guidelines regarding accepting e-mail reflects the fact that the Office does not have the same confidence in e-mail as it does in mail service.

If petitioners are able to find an updated address for Mr. Lee, then petitioners should <u>mail</u> him a complete copy of the application along with a declaration for his signature. Any written refusal to sign the declaration should be included as documentary evidence in any reconsideration petition. If there is an oral refusal, the facts surrounding the refusal should be included in a declaration by a party with first hand knowledge of the refusal. If it is concluded by the 37 CFR 1.47 applicant that a non-signing inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: 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
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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EDWARD P. DUTKIEWICZ
640 DOUGLAS AVENUE
DUNEDIN, FL 34698

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OFFICE OF PETITIONS

In re Application of	:	
Thomas C. Boland	:	
Application No. 11/196,125	:	DECISION ON PETITION
Filed: August 3, 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 August 3, 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 Thomas C. Boland's birth certificate showing that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3671 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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GREGORY SMITH & ASSOCIATES
3900 NEWPARK MALL ROAD, 3RD FLOOR
NEWARK CA 94560

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Samuel N. Gasque :
Application No. 11/196,130 : DECISION ON PETITION
Filed: August 2, 2005 :
Attorney Docket No. 393-002U :

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 petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed June 27, 2008 (a notice of appeal was filed December 19, 2008, which was not a proper reply because the claims had not been twice rejected), 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 2116 for appropriate action by the Examiner in the normal course of business on the reply received July 22, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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McDermott Will & Emery
600 13th Street, NW
Washington, DC 20005-3096

Mail Date: 04/20/2010

Applicant	: Matthew Barnhill	: DECISION ON REQUEST FOR
Patent Number	: 7639307	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,133	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1183** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Woodcock Washburn LLP
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia, PA 19104-2891

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FEB 29 2008

In re Application of	:	
Terence D. Butters et al.	:	
Application No. 11/196,153	:	DECISION ON PETITION
Filed: August 3, 2005	:	TO WITHDRAW
Attorney Docket No. CELL-0301	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 31, 2007.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Woodcock Washburn LLP has been revoked by the assignee of the patent application on January 3, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Thomas Hoxie, Esq.**
HOXIE & ASSOCIATES LLC
75 Main Street
Suite 301
Millburn, NJ 07041

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SANDISK CORPORATION
JENKINS, WILSON, TAYLOR & HUNT, P.A.
SUITE 1200 UNIVERSITY TOWER
3100 TOWER BOULEVARD
DURHAM, NC 27707

Mail Date: 04/21/2010

Applicant	: Alan W. Sinclair	: DECISION ON REQUEST FOR
Patent Number	: 7627733	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,168	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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FEB 2 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Otsuka et al.	:	
Application No. 11/196,188	:	DECISION GRANTING PETITION
Filed: August 2, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 025779-000100US	:	

This is a decision on the petition, filed July 18, 2008 and September 18, 2008, 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 July 26, 2006. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of May 28, 2009, accompanies this decision on petition.

Petitioner submitted the $1540.00 petition fee on both July 18, 2008 and September 18, 2008. As only one petition fee is necessary, the duplicate fee will be credited to petitioner's deposit account as authorized.

This application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/196,188	08/02/2005	Shuichi Otsuka	025779-000100US

CONFIRMATION NO. 4619

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

NONPUBLICATION RESCISSION LETTER

OC000000034644767

Date Mailed: 02/19/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 05/28/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/lswalsh/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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PPG INDUSTRIES, INC.
ONE PPG PLACE
PITTSBURGH PA 15272

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In re Application of	:	
Barry Van Gemert	:	DECISION ON PETITION
Application No. 11/196,197	:	
Deposited: 3 August, 2005	:	
Atty Docket No. 1833P1	:	

This is a decision on the petition under 37 CFR 1.57(a)(3), filed on 21 November, 2005, requesting that the above-identified application be accorded a filing date of 3 August, 2005.

The petition is **dismissed**.

On 3 August, 2005, the instant application was deposited without drawings. Accordingly, on 19 September, 2005, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the application had been deposited without drawings. A two month period for reply was set.

On 21 November, 2005 (certificate of mailing date 18 November, 2005), the present petition was filed, accompanied by two (2) sheets of drawings.

Petitioner admits that the two (2) sheets of drawings were inadvertently omitted from the application papers filed on 3 August, 2005, but states that this application claims contains a claim for benefit under 35 U.S.C. § 120 of prior-filed application No. 10/393,178, filed on 20 March, 2003, which contains the omitted drawings. Petitioner further states that the first line of the specification as filed contains the above referenced claim for benefit of the prior-filed application.

37 CFR 1.57 states, in pertinent part:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
>
> (i) Supply a copy of the prior-filed application, except where the prior- filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ...
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph, accompanied by the fee set forth in § 1.17(f).

The petition lacks item (1). Petitioner has not provided an amendment to include the inadvertently omitted drawings as required by 37 CFR 1.57(a). A renewed petition, accompanied by the required amendment, must be filed.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

The petition fee of $400.00 will be charged to counsel's deposit account, No. 16-2025, as authorized in the petition

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By 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 specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

Charles A. Pearson
Director, 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 Jan-07

LINDA PINGITORE
PPG INDUSTRIES, INC.
ONE PPG PLACE
PITTSBURGH PA 15272

COPY MAILED

JAN 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Barry Van Gemert	:	DECISION ON PETITION
Application No. 11/196,197	:	
Filed: 3 August, 2005	:	
Atty Docket No. 1833P1	:	

This is a decision on the renewed petition under 37 CFR 1.57(a)(3), filed on 18 September, 2006, requesting that the above-identified application be accorded a filing date of 3 August, 2005.

The petition is **GRANTED**.

On 3 August, 2005, the instant application was deposited without drawings.

Accordingly, on 19 September, 2005, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the application had been deposited without drawings. A two month period for reply was set. The petition filed on 21 November, 2005 (certificate of mailing date 18 November, 2005), was dismissed on 7 September, 2006.

On 18 September, 2006, the present renewed petition was filed.

Petitioner admits that the two (2) sheets of drawings were inadvertently omitted from the application papers filed on 3 August, 2005, but states that this application contains a claim for benefit under 35 U.S.C. § 120 of prior-filed application No. 10/393,178, filed on 20 March, 2003, which contains the omitted drawings. Petitioner further states that the first line of the

specification as filed contains the above referenced claim for benefit of the prior-filed application.

Furthermore, the full set of drawings (the same set of drawings that were omitted by error) were included in the parent application. Relying on §1.57(a), applicants state that the drawings were effectively incorporated by reference.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains … a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under … § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

A review of the application as filed reveals that it included, in the first line of the specification, a claim to benefit of the prior-filed application, No. 10/393,178. The petition includes payment of the petition fee (submitted with the original petition on 21 November, 2005), an amendment submitting the omitted material, and the omitted drawings.

In view thereof, the petition under § 1.57(a) is **GRANTED**. The amendment will be entered in due course.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for according of a filing date of 3

August, 2005, using the application papers received in the Office on that date and the drawings submitted with the present renewed petition, and for indication in the records of the Office that the application contains two (2) sheets of drawings (containing figures 1-2).

The duplicate petition fee submitted with the present renewed petition will be credited to counsel's deposit account.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

Charles A. Pearson
Director, Office of Petitions

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Commissioner for Patents
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OFFICE OF PETITIONS

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

In re Application of	:	
Berrent, et al.	:	
Application No. 11/196,209	:	DECISION GRANTING PETITION
Filed: August 2, 2005	:	
Attorney Docket No. 13481/1	:	

This is a decision on the petition filed September 21, 2005, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of August 2, 2005, rather than the presently accorded filing date of August 3, 2005.

Petitioner alleges that the application was deposited with the Express Mail Service on August 2, 2005. In support of the allegation, the petition is accompanied by a copy of the Express Mail receipt for package EV323025525US reflecting a date-in of August 2, 2005. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on August 2, 2005.

In view of the above, the petition is granted. The new filing date for the above-cited application is august 2, 2005.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 2, 2005, and for issuance of a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOHN S. BEULICK (12729)
C/O ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE
SUITE 2600
ST. LOUIS, MO 63102-2740

Mail Date: 04/20/2010

Applicant	: William Steyer	: DECISION ON REQUEST FOR
Patent Number	: 7607305	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,218	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1120** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/196,263	08/04/2005	Waggoner	4091-25

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

DATE MAILED: August 30, 2006

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of/ express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed on August 22, 2006, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Kaletus King
Kaletus King
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 TOWER BLVD., Suite 1200
DURHAM NC 27707

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Qi Qiu et al. :
Application No. 11/196,300 :
Filed: August 4, 2005 :
Attorney Docket No. 1612/4/3/2 CON :

This is a decision on the petition filed January 14, 2008 and supplemented January 16, 2008, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

This application became abandoned September 10, 2007 for failure to timely pay the issue fee on or before September 7, 2007. Accordingly, a Notice of Abandonment was mailed November 14, 2007.

The issue fee, publication fee and petition fee have all been applied. All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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HONEYWELL/FOGG
Patent Services
101 Columbia Road
P.O Box 2245
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Timothy P. Gibson	: DECISION ON REQUEST FOR
Patent Number	: 7668529	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,303	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1238** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

Mail Date: 04/20/2010

Applicant	: Kazuaki Sakurada	: DECISION ON REQUEST FOR
Patent Number	: 7629019	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,319	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1161** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant	: Dong-sik Park	: DECISION ON REQUEST FOR
Patent Number	: 7583256	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,327	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **869** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of:
MCAFFER, IAN GARDNER CAMERON et al
Serial No.: 11/196,349
Filed: Aug. 4, 2005
Docket: 2372.0020000/RWE
Title: SEALING OF PLASTIC CONTAINERS

DECISION ON REQUEST FOR PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02 (VIII)

This is a decision on the petition filed on Aug. 24, 2006 to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) and in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

In support of the petition, petitioner provides: a) the applicable fee; b) a statement that all claims are directed towards a single invention, or if the Office determines that all presented claims are not obviously directed to a single invention, applicant will make an election without traverse; c) an International Search Report for the claims with similar scope of the current application in the corresponding foreign application, PCT/GB2006/000433 by the European Patent Office; d) IDS with a copy of each foreign reference; and e) a detailed discussion 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) the applicable petition fee; b) all claims are directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, applicant will make an election without traverse; c) a statement that a pre-examination search was made, listing the field of search by class and subclass or a search made by a foreign patent office satisfies this requirement if the claims in the corresponding foreign application are of the same or similar scope to the claims in the U.S. application for which special status is requested; 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 requirement of MPEP § 708.02(VIII)(a), (b), (c), (d) are considered to have been met. However, the petition does not meet the requirements of MPEP § 708.02(VIII) (e).

Regarding the requirement of MPEP § 708.02(VIII)(e), 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made." The applicant provides a discussion of some of the references cited but does not point out the particular language that distinguishes each of the independent claims 1, 11, 15, 17, 21 and 25-27 from these references. The applicant's general allegations that the invention is patentable over the references runs contrary to 37 CFR § 1.111 (b), which does not allow for general allegations. Moreover, the petitioner only compares some of the references to the present invention. *Each* independent claim must be compared with *each* reference, and the patentable novelty in *each* independent claim relative to *each* reference must be clearly pointed out. Because the petition does not point out the specific language in each independent claim that distinguishes over each reference, it fails to meet the requirements of MPEP § 708.02(VIII)(e). It is also noted that in the IDS, the cited References US1-US4 have not been discussed in the petition.

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 request for reconsideration must provide: a detailed discussion of each reference that clearly points out the specific language in each independent claim that distinguishes over the reference.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.

Frederick R. Schmidt, Director
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No.: 5552
McAffer *et al.*	Art Unit: ~~3763~~ 1772
Appl. No.: 11/196,349	Examiner: *To be Assigned*
Filed: August 4, 2005	Atty. Docket: 2372.0020000/RWE/JSO
For: **Sealing of Plastic Containers**	1-19-07

Request for Reconsideration of Decision and Revised Petition to Make Special Under 37 C.F.R. § 1.102(d) and Incorporated Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for reconsideration of the Decision on Request for Petition To Make Special for New Application under 37 C.F.R. § 1.102 & MPEP § 708.02 (VIII) dated November 21, 2006 ("the Petition Decision") for the above-captioned application.

The Petition Decision

The Technology Center Director ("the Director") dismissed Applicants' request to make the present application special ("the Petition") under 37 C.F.R. §1.102 & MPEP § 708.02 (VIII). It is the Director's position that the Petition did not meet the requirements of MPEP § 708.02 (VIII)(E), which requires that an Applicant submit:

> (E) . . . a detailed discussion of the references, which discussion points out, with the particularity required by 37 C.F.R. 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

MPEP § 708.02, 8th Ed., Rev. 3 (Oct. 2005), (VIII)(E). The Director asserts that the Petition was deficient because it did not point out "the specific language in each independent claim that distinguishes over each reference," contrary to 37 C.F.R. § 1.111(b). Decision on Petition, page 2. Applicants respectfully traverse t Decision.

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
MAR - 8 2007

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OFFICE OF PETITIONS

FUTAGO, INC.
C/O MARK A. SWEVAL
1226 OLD MILL LANE
LAFAYETTE, IN 47905

In re Application of	:	
Yuichi Iikubo	:	
Application No. 11/196,354	:	ON PETITION
Filed: August 4, 2005	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 8, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 9, 2007.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1793 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Marshall Gerstein & Borun LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, IL 60606-6357

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Paper No.

RHODIA INC.
8 CEDAR BROOK DRIVE
CN 7500
CRANBURY NJ 08512

COPY MAILED

AUG 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Euen Gunn et al.	:	
Application No. 11/196,359	:	DECISION ON PETITION
Filed: August 3, 2005	:	PURSUANT TO
Attorney Docket No. RD 04018	:	37 C.F.R. § 1.78(A)(6)
Title: POLYSACCHARIDE GRAFT	:	
COPOLYMERS AND THEIR USE IN	:	
PERSONAL CARE APPLICATIONS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.78(a)(6), filed July 21, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment to the specification.

The petition is **DISMISSED AS MOOT**.

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. While a reference to the prior-filed nonprovisional and provisional applications was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the declaration filed with the application.

Where a claim for priority under 37 C.F.R. § 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to

accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 C.F.R. §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 C.F.R. §§ 1.78(a)(3) and 1.78(a)(6).[1] In the present case, the Office noted the claim for priority to the prior-filed applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

In view of the above, the petition fee is unnecessary and has not been charged to Petitioner's Deposit Account.

The application is being forwarded to Technology Center AU 1618 for appropriate action on the amendment filed July 21, 2008, including consideration by the examiner of the claim under 35 U.S.C. § 119(e) for the benefit of priority to the prior-filed provisional application.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[2] All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

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1 *Note* MPEP § 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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MAIER & NEUSTADT P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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JUN 03 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Haruo Sugiyama et al
Application No. 11/196,452
Filed: August 4, 2005
Attorney Docket No. 276141US

This is a decision on the petition, filed June 2, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 1, 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 1643 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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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Mail Date: 04/20/2010

Applicant	: Yoshihiro Morinaga	: DECISION ON REQUEST FOR
Patent Number	: 7655696	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,454	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: 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.

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MAY - 9 2006

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:
Haruo Sugiyama et al	:
Serial No.: 11/196,459	: PETITION TO MAKE SPECIAL
Filed: August 4, 2005	:
Attorney Docket No.: 276146US40	:

This is in response to applicants' petition filed April 12, 2006, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has not satisfied the provisions set forth in M.P.E.P. 708.02, X. Therefor the petition is **DENIED**.

M.P.E.P. 708.02, section X states is part: Applicants who desire that an application relating to HIV/AIDS or cancer be made special should file a petition and the fee under 37 CFR 1.17(h) requesting the U.S. Patent and Trademark Office to make the application special. The petition for special status should be accompanied by a statement explaining how the invention contributes to the diagnosis, treatment or prevention of HIV/AIDS or cancer.

Applicants' petition states in paragraph two that the invention relates to treatment cancers and references the first paragraph of the specification. This paragraph merely lists a number of cancers in the technical field to which the invention is supposedly directed. It does not explain how the invention contributes to the diagnosis, treatment or prevention of cancer except is the most generalized terms. As such the statement does not fulfill the requirement of Section X.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the Office general facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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JOHN S. BEULICK (12729)
C/O ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE
SUITE 2600
ST. LOUIS, MO 63102-2740

Mail Date: 04/20/2010

Applicant	: William Steyer	: DECISION ON REQUEST FOR
Patent Number	: 7607306	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,466	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1120** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

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APR 0 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Martin Pfeiffer et al	:	
Application No. 11/196,491	:	DECISION GRANTING PETITION
Filed: August 3, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 17346-0019	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 31, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 14, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1796 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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Ralph P. Albrecht
VENABLE LLP
P.O. Box 34385
Washington, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Robert D. Arnott	: DECISION ON REQUEST FOR
Patent Number	: 7620577	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,509	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **517** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/196,521	08/04/2005	Masaakira Horino	052880

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

DATE MAILED: April 26, 2006

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of/ express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed on March 28, 2006, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded. A notice of abandonment will be mailed in due course.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debram
Pre-Grant Publication Division

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DLA PIPER LLP US
P. O. BOX 2758
RESTON VA 20195

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Frampton E. Ellis, III
Application No. 11/196,527
Filing: August 4, 2005
Attorney Docket No. 313449-000014

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 12, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. 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 2448 for action on the merits commensurate with this decision.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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OFFICE OF PETITIONS

In re Application of Rieger et al. :
Application No. 11/196,529 :
Filing Date: August 2, 2005 :
Attorney Docket No. 1036.053US1 :

On Application For
Patent Term Adjustment

This is in response to the "Petition for Reconsideration of Patent Term Adjustment Under 37 CFR §1.705(b)" filed May 22, 2009. Applicants submit the correct patent term adjustment to be indicated on the patent is 1025 days, not 630 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, an applicant may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed

within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant	: Jayson M. Rieger	: DECISION ON REQUEST FOR
Patent Number	: 7605143	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,529	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1074** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

26 SEP 2005

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ROCHE DIAGNOSTICS CORPORATION
9115 Hague Road
PO Box 50457
Indianapolis, IN 46250-0457

In re Application of:	:	
HILL, James, L., et al.	:	DECISION ON PETITION
U.S. Application No.: 11/196,534	:	TO REVIVE ABANDONED
Filing Date: August 03, 2005	:	APPLICATION UNDER 37
Attorney's Docket No.: WP 21080 US	:	CFR 1.137(b)
For: SYSTEM AND METHOD FOR DETERMINING	:	
A COAGULATION PARAMETER	:	

The petition to revive under 37 CFR 1.137(b) filed August 03, 2005 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that "[t]his application became abandoned unintentionally and the entire delay in filing the enclosed application under 35 U.S.C. §111(a) from the 30-month date until the filing date of this petition was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

International application PCT/EP04/00595 became abandoned as to the United States of America at midnight on 01 August 2005 for failure to pay the basic national fee. The filing of the present continuing application under 35 U.S.C. 111(a) is accepted as the appropriate response under 37 CFR 1.137(b). See MPEP § 711.03(c). International application PCT/EP04/00595 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 11/196,534.

This application is being returned to the Office of Initial Patent Examination for further processing.

Richard M. Ross
PCT Petitions Attorney
Office Of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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DAVIS WRIGHT TREMAINE LLP - SANDISK CORPORATION
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO, CA 94111

Mail Date: 06/11/2010

Applicant	: Nima Mokhlesi	: DECISION ON REQUEST FOR
Patent Number	: 7630237	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/196,547	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DAVIS WRIGHT TREMAINE, LLP/Seattle
1201 Third Avenue, Suite 2200
SEATTLE, WA 98101-3045

Mail Date: 04/21/2010

Applicant	: Ming-Hsun Tsai	: DECISION ON REQUEST FOR
Patent Number	: 7598943	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,555	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **963** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SEP 29 2008

OFFICE OF PETITIONS

BANNER DEVELOPMENT, INC.
P.O. BOX 8859
ENDWELL NY 13762

In re Application of :
Sosna, et al. :
Application No. 11/196,598 : ON PETITION
Filed: August 3, 2005 :
Attorney Docket No. KS-101

This is a decision on the petition under 37 CFR 1.182, filed June 13, 2008, to change the order of the inventors cited on this application in USPTO records. It is noted that the petition was filed after the mailing of the Notice of Allowance and Issue Fee Due, but prior to payment of the issue fee. See MPEP 714.16.

The petition is **granted.**

The order of the inventors is now as follows:

1. Howard J. Sosna
2. Joseph Kubala, Jr.
3. Verne Edwin Searer

A corrected filing receipt is enclosed.

The application file is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/196,598	08/03/2005	2831	3490	KS-101	99	10

CONFIRMATION NO. 6082

CORRECTED FILING RECEIPT

46292
BANNER DEVELOPMENT, INC.
P.O. BOX 8859
ENDWELL, NY 13762

OC000000032283776

Date Mailed: 09/25/2008

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)

Howard Sosna, Sparta, NJ;
Joseph Kubala JR., Cedar Knolis, NJ;
Verne Edwin Searer, Elkhart, IN;

Power of Attorney: The patent practitioners associated with Customer Number 46292

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/598,754 08/04/2004

Foreign Applications

If Required, Foreign Filing License Granted: 09/18/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/196,598**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No
**** SMALL ENTITY ****

Title

MULTICONDUCTOR CABLE STRUCTURES

Preliminary Class

174

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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INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: Trevor M. Laib	: DECISION ON REQUEST FOR
Patent Number	: 7607434	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,604	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **967** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 04/20/2010

Applicant	: Kei Yamana	: DECISION ON REQUEST FOR
Patent Number	: 7575922	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,618	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **507** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WOMBLE CARLYLE SANDRIDGE &
RICE, PLLC
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P.O. BOX 7037
ATLANTA GA 30357-0037

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In re Patent No. 7,374,038	:	
Brian Smalley	:	LETTER REGARDING
Issue Date: May 20, 2008	:	PATENT TERM ADJUSTMENT
Application No. 11/196,633	:	and
Filed: August 3, 2005	:	NOTICE OF INTENT TO ISSUE
Atty Docket No. R029 11690.1	:	CERTIFICATE OF CORRECTION

This is in response to the LETTER REGARDING PATENT TERM ADJUSTMENT filed March 26, 2008 (and resubmitted May 8, 2008). Pursuant to their duty of good faith and candor, patentee disclosed that the patent term adjustment listed with the Notice of Allowance may be longer than appropriate.

The request for review of the initial determination of patent term adjustment indicated in the Notice of Allowance is **GRANTED**.

Prior to a decision being rendered, the above-identified application matured into U.S. Patent No. 7,374,038, with a revised patent term adjustment of two hundred twenty-one (221) days. For the reasons stated herein, the patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of two hundred seventy-three **(273)** days.

On February 1, 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 277 days. With payment of the issue fee, patentee filed the instant letter disclosing that the patent term adjustment at the time of the mailing of the notice of

allowance should be 273 days. Applicant pointed out that their amendment electronically filed September 18, 2007, was listed in the patent term adjustment history as being filed on September 14, 2007. Consequently, the patent term adjustment was four days too long.

Patentee is correct. A review of the application file confirms that the amendment was filed on September 18, 2007, not September 14, 2007. Accordingly, the period of Office delay, pursuant to 37 CFR 1.702(a)(2), for taking until February 1, 2008 to mail a notice of allowance in response, is 14 days, not 18 days. In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is 273 days.

After the mailing of the notice of allowance, patentee filed the instant letter pursuant to comment 43 and their duty of candor to the Office. A period of reduction of 56 days, pursuant to 37 CFR 1.704(c)(10), was entered solely for the filing of this letter. Consistent with 37 CFR 1.704(e), which provides that:

> Submission of an application for patent term adjustment under § 1.705(b) (with or without request under § 1.705(c) for reinstatement of reduced patent term adjustment) will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraph (c)(10) of this section,

the filing of this candor letter is not a failure to engage in reasonable efforts to conclude prosecution. The reduction is being removed.

In view thereof, the patent should have issued with a revised patent term adjustment of 273 days.

As this letter was submitted as an advisement to the Office of errors in Patentee's favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks patentee for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a

certificate of correction indicating that the term of the above-identified patent is extended or adjusted by two hundred seventy-three (273) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,374,038 B2

DATED : **May 20, 2008** **DRAFT**

INVENTOR(S) : Smalley

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 221 days

Delete the phrase "by 221 days" and insert – by 273 days--

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75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

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FEB 1 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Dennis Cole et al	:	
Application No. 11/196,642	:	DECISION ON PETITION
Filed: August 3, 2005	:	
Attorney Docket No. UGARD-001C	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 8, 2008, to revive the above-identified application.

The 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 July 17, 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

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K&L Gates LLP
P.O. Box 1135
CHICAGO, IL 60690

Mail Date: 04/20/2010

Applicant	: Ernie M. Lafky	: DECISION ON REQUEST FOR
Patent Number	: 7666093	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,645	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **119** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Timothy B. Smith
185 South State Street, Suite 1300
Salt Lake City UT 84111

MAILED

APR 06 2010

OFFICE OF PETITIONS

In re Application of :
GATRELL, QUINN B. :
Application No. 11/196,668 : ON PETITION
Filed: 08/03/2005 :
Attorney Docket No. 105910-2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 7, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 8, 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 application became abandoned on April 9, 2009. A Notice of Abandonment was mailed on August 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 Request for Continued Examination (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.

This application is being referred to Technology Center AU 3673 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.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

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OFFICE OF PETITIONS

In re Application of	:	
Takahashi et al.	:	
Application No. 11/196687	:	
Filing or 371(c) Date: 08/04/2005	:	
Attorney Docket Number:	:	
500.45313X00	:	ON PETITION

This is a decision on the "Petition for Withdrawal of Erroneous Holding of Abandonment, filed September 23, 2008. The petition is properly treated under 37 C.F.R. 1.181.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due ("Notice"), mailed April 4, 2008. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on July 5, 2008. A Notice of Abandonment was mailed July 30, 2008.

With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2165 for re-mailing of the Notice of Allowance and the Notice of Allowability, and for re-setting the period for reply.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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CAMPBELL STEPHENSON LLP
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN, TX 78758

Mail Date: 06/01/2010

Applicant	: Philippe Daniel	: DECISION ON REQUEST FOR
Patent Number	: 7623445	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/196,693	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **941** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

WOODARD, EMHARDT, MORIARTY, MCNETT
& HENRY LLP
BANK ONE CENTER/TOWER
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

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NOV 0 2 2005

OFFICE OF PETITIONS

In re Application of	:
Thomas A. Osborne et al.	:
Application No. 11/196,700	: DECISION ACCORDING STATUS
Filed: August 3, 2005	: UNDER 37 CFR 1.47(a)
Attorney Docket No. 3006-1437	:

This is in response to the petition filed October 20, 2005 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on August 3, 2005, without an oath or declaration. Accordingly, on August 29, 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 under 37 CFR 1.47(a), an oath or declaration naming Thomas A. Osborne and Julie Behen as joint inventors but only executed by inventor Osborne was filed. The petition argues that joint inventor Behen has refused to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were forwarded to and received by Ms. Behen and that to date, she has not returned an executed copy of the oath or declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center 3763 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JULIE BEHEN
1210 E. WYLIE STREET
BLOOMINGTON, IN 47401

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NOV 02 2005

OFFICE OF PETITIONS

In re Application of
Thomas A. Osborne et al.
Application No. 11/196,700
Filed: August 3, 2005
For: INDWELLING CATHETER OPENING DEVICE

Dear Ms. Behen:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
WOODARD, EMHARDT, MORIARTY, MCNETT
& HENRY LLP
BANK ONE CENTER/TOWER
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

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ALEXANDRIA, VA 22313-1450
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REINHART BOERNER VAN DEUREN LTD.
483 NORTH MULFORD ROAD
SUITE 7
ROCKFORD, IL 61107

COPY MAILED

JAN 0 4 2006

OFFICE OF PETITIONS

In re Application of	:
Karkosch, et al.	: DECISION REFUSING STATUS
Application No. 11/196,720	: UNDER 37 CFR 1.47(a)
Filed: August 3, 2005	:
Atty. Dkt. No.: 502964-CIP	:
For: TOOL ATTACHMENT SYSTEM AND	:
ROUTER ATTACHMENT AND METHOD	:
INCORPORATING SAME	:

This decision is in response to the petition under 37 CFR 1.47(a), filed November 7, 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 August 3, 2005 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed August 23, 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.

The instant petition fails to satisfy requirements (1) and (2) set forth above.

As to item (1), petitioners have failed to establish that the inventor received the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. The statement of Edward Atkins references verbal communication with the non-signing inventor as well as written communication to the non-signing inventor.

Petitioners are reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor.

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.

There is no indication in the instant petition and accompanying statements that the inventor ever received a complete copy of the patent application and thereafter refused to execute the oath or declaration.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor(s) was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioner may wish to provide the Office copies of letters sent to the inventor(s) indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor(s) receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal

should be included on renewed petition. Petitioners' attention is directed to MPEP 409.03(d) for further guidance.

The instant petition fails to satisfy requirement (2) set forth above. Petitioners have failed to present a declaration in accordance identifying the instant application by application number and filing date. See, 37 CFR 1.63 and 1.5. Any renewed petition must be accompanied by a proper oath or declaration in compliance with 37 CFR 1.63 and 37 CFR 1.5.

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) 283-8300

By hand:
U.S. Patent & 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
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MAR 1 5 2006

OFFICE OF PETITIONS

REINHART BOERNER VAN DEUREN LTD.
483 NORTH MULFORD ROAD
SUITE 7
ROCKFORD, IL 61107

In re Application of	:
Karkosch, et al.	: DECISION GRANTING STATUS
Application No. 11/196,720	: UNDER 37 CFR 1.47(a)
Filed: August 3, 2005	:
Atty. Dkt. No.: 502964-CIP	:
For: TOOL ATTACHMENT SYSTEM AND	:
ROUTER ATTACHMENT AND METHOD	:
INCORPORATING SAME	:

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed February 28, 2006.

The petition is **GRANTED**.

Petitioners have established inventor Patrick J. Barkdoll has refused to execute the declaration for the above-identified application having been presented with the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing 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

PATRICK J. BARKDOLL
18316 AVY SCHOOL RD.
PECATONICA, IL 61063

COPY MAILED
MAR 15 2006
OFFICE OF PETITIONS

In re Application of :
Karkosch, et al. :
Application No. 11/196,720 : LETTER
Filed: August 3, 2005 :
Atty. Dkt. No.: 502964-CIP :
For: TOOL ATTACHMENT SYSTEM AND :
ROUTER ATTACHMENT AND METHOD :
INCORPORATING SAME :

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

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Alexandria, VA 22313-1450
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Paper No.

STEVEN L. NICHOLS
RADER, FISHMAN & GRAVER PLLC
10653 S. RIVER FRONT PARKWAY
SUITE 150
SOUTH JORDAN UT 84095

COPY MAILED

MAY 2 6 2006

OFFICE OF PETITIONS

In re Application of	:
Z. Jason Geng, Charles Tunnell and	:
Kfir Meidav	: DECISION ACCORDING STATUS
Application No. 11/196,748	: UNDER 37 C.F.R. § 1.47(a)
Filed: August 2, 2005	:
Attorney Docket No. 40169-0097	:

This is a decision on the PETITION UNDER 37 CFR 1.47(a): FILING WHEN AN INVENTOR REFUSES TO SIGN OR CANNOT BE REACHED filed December 14, 2005 (certificate of mailing December 9, 2005).

The petition is **GRANTED**.

The above-identified application was filed on August 2, 2005, with an unexecuted declaration. By Notice to File Missing Parts of Nonprovisional Application mailed September 9, 2005, applicants were required to submit an executed declaration and the surcharge for its late filing (In addition, applicants were required to submit replacement drawings). The Notice set a two (2) month time limit for response, with extensions of time obtainable under § 1.136(a).

In response, applicants filed the instant petition (and petition fee), and the required late surcharge. The petition was made timely by an accompanying petition (and fee) for extension of time within the first month. Accompanying the petition was a declaration executed by joint inventors Tunnell and Meidav on behalf of themselves and on behalf of non-signing joint inventor Geng. Applicants assert that status under 1.47(a) is proper because joint inventor Geng cannot, after diligent effort, be

contacted. By declaration of assistant Rebecca Schow, applicants have shown that diligent efforts were made to present the application papers (specification, including claims, drawings, and oath or declaration) to inventor Geng for signature. The declaration filed December 14, 2005, has been reviewed and found in compliance with § 1.63. The petition includes the petition fee and the last known address of inventor Geng.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries related to this decision should be 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

Z. Jason Geng
11001 Sugarbush Terrace
Rockville, MD 20852

COPY MAILED

MAY 26 2006

OFFICE OF PETITIONS

In re Application of	:	
Z. Jason Geng, Charles Tunnell and	:	
Kfir Meidav	:	LETTER
Application No. 11/196,748	:	
Filed: August 2, 2005	:	
Attorney Docket No. 40169-0097	:	

Dear Mr. 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. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be

directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

STEVEN L. NICHOLS
RADER, FISHMAN & GRAVER PLLC
10653 S. RIVER FRONT PARKWAY
SUITE 150
SOUTH JORDAN UT 84095

UNITED STATES PATENT AND TRADEMARK OFFICE

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TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY UT 84110

10/10/07

In re Application of: Tan, Yong Kian, et al
Serial No. 11/196,757
Filed: Aug. 2, 2005
Docket: 2269-5528.2US (02-1052.02)

Title: APPARATUS RELATING TO THE RECONSTRUCTION OF SEMICONDUCTOR WAFERS FOR WAFER-LEVEL PROCESS

DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the petition filed Sep. 19, 2007 requesting removal of Information Disclosure Statement (IDS) filed on Sep. 18, 2007. In the petition, petitioner requests the removal if the IDS from the application because the IDS was filed by mistake.

The petition is **dismissed**.

The USPTO does not remove or return any papers filed in an application. However, if the applicant wishes to have any papers removed and returned, a petition under 37 CFR 1.59[1] with appropriate fee must be filed.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED

Marc Jimenez 10/12/07 for

Frederick R. Schmidt, Director
Technology Center 3700

[1] § 1.59 Expungement of information or copy of papers in application file. (a) (1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title. (2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file. (b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided. (c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see § 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

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United States Patent and Trademark Office
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TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 04/20/2010

Applicant	: Yong Kian Tan	: DECISION ON REQUEST FOR
Patent Number	: 7573006	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,757	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **309** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/196,758	08/02/2005	Guohua Chen	ALD 041.12	5264

7590 04/30/2009

Intarcia Therapeutics, Inc.
ATTN: Barbara G. McClung
24650 Industrial Blvd
Hayward, CA 94545

EXAMINER
MENDEZ, MANUEL A

ART UNIT	PAPER NUMBER
3763	

MAIL DATE	DELIVERY MODE
04/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 05/01/2009 BPOWELL
08/08/2005 EHAILE1 00000003 201469 11196758
02 FC:1111 500.00 CR
04 FC:1201 600.00 CR
05 FC:1202 550.00 CR

Refund Ref:
05/01/2009 0030069556

Credit Card Refund Total: $1150.00

Acct Exp..: XXXXXXXXXXX1007

FORM PET651G (Rev. 08/07)

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED

JUL 13 2009

OFFICE OF PETITIONS

In re Patent No. 7,411,729
Issue Date: August 12, 2008
Application No. 11/196,761
Filed: August 4, 2005
Attorney Docket No. 13281/22

DECISION ON PETITION

This is a decision on the Request for Certificate of Correction Pursuant To 37 CFR 1.323, filed January 21, 2009, requesting correction on the Title Page of the subject patent, via issuance of a Certificate of Correction under 37 CFR 1.323, to identify the correct name of assignee. The Request has been treated as a Petition under 37 CFR 3.81. A completed Certificate of Correction Form (PTO-1050) accompanied the petition.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner requests that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction, to correct the typographical or minor nature or character of the name of assignees as follows:

--Olympus Corporation, Tokyo (JP)
Olympus Imaging Corp., Tokyo (JP)--

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a) has previously been submitted. However, the petition was accompanied deposit account authorization to charge any required fees. As such, the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been charged as authorized in the petition. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO-1050 that accompanied the present Petition.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,411,729.

Brian W. Brown
Petitions Examiner
Office of Petitions

11/196070

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Date: August 2, 2005

CARL M. STEVENS

For : OVEN WITH ULTRAVIOLET STERILIZER

1744
Jastrzab, K

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir: 8-2-05

PETITION TO MAKE SPECIAL PURSUANT TO 37 C.F.R § 1.102(c)

Applicant hereby petitions the Commissioner to make special, for the accelerated examination of, the above-identified patent application under the provisions and authority of 37 C.F.R. § 1.102(c). In support of this petition, and pursuant to MPEP § 708.02(IV), applicant hereby submits a Declaration of Applicant's Age establishing that applicant Carl M. Stevens is over sixty-five (65) years of age. Accordingly, the requirements for the granting of this petition have been met and favorable action therefore is respectfully solicited. No fee is required for this petition, in accordance with 37 C.F.R. § 1.102 (c). Please contact applicant's undersigned attorney with any questions.

Respectfully submitted,

KOLISCH HARTWELL, P.C.

James R. Abney

James R. Abney
Registration No. 42,253
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Attorney for Appliant
520 S.W. Yamhill Street, Suite 200
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"Express Mail" Mailing Label No.
EV493218193US
Date of Deposit – August 2, 2005

I hereby certify that this correspondence and the attached Declaration are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and are addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Robin L. Davin

Robin L. Davin

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
OCT 3 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

Scheef & Stone, LLP
5956 Sherry Lane, Suite 1400
Dallas, TX 75225

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AUG 18 2006

OFFICE OF PETITIONS

In re Application of	:	
Pirjo PASANEN et al.	:	
Application No. 11/196,778	:	DECISION ON PETITION
Filed: August 3, 2005	:	TO WITHDRAW
Attorney Docket No. 59864.00754	:	FROM RECORD
	:	

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 14, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Robert H. Kelly has been revoked by the assignee of the patent application on June 5, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Monica A. Graves at 571-272-7253.

David Bucci
Petitions Examiner
Office of Petitions

cc: Squire, Sanders & Dempsey, LLP
8000 Towers Crescent, 14th Floor
Tysons Corner, VA 22182

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

Mail Date: 05/10/2010

Applicant	: Stephan Wenger	: DECISION ON REQUEST FOR
Patent Number	: 7617436	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/196,789	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **802** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

Mail Date: 05/11/2010

Applicant	: Hitanshu Dewan	: DECISION ON REQUEST FOR
Patent Number	: 7617269	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/196,797	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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OFFICE OF PETITIONS

SCHWEGMAN, LUNDBERG &
WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of	:	
Rieger et al.	:	ON APPLICATION FOR
Application No. 11/196,798	:	PATENT TERM ADJUSTMENT
Filed: August 2, 2005	:	
Attorney Docket No. 1036.054US1	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R. § 1.705(B) filed May 22, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is eight hundred fifty-nine (859) days, not four hundred sixty-four (464) 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 cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Jayson M. Rieger et al.	Examiner: Patrick Lewis
Serial No.:	11/196,798	Group Art Unit: 1623
Filed:	August 2, 2005	Docket: 1036.054US1
Title:	2-POLYCYCLIC PROPYNYL ADENOSINE ANALOGS WITH MODIFIED 5'-RIBOSE GROUPS HAVING A2A AGONIST ACTIVITY	

PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request reconsideration of the 464 day Patent Term Adjustment, PTA, recited in the Notice of Allowance dated 24 February 2009.

§1.705(b)(1) Fee: The fee required under 37 CFR §1.18(e) is being paid concurrently with the filing of this Request.

§1.705(b)(2)(i) Correct PTA with §1.702 bases: Applicants submit that the correct patent term adjustment is **859 days**, which was calculated as follows.

A delay: §1.702(a)(1) delay by USPTO: the adjustment is **464 days.**

B delay: §1.702(b) delay by USPTO: the adjustment is **395 days.**[1][2]

Total delay: **464+395=859**

§1.705(b)(2)(ii) Relevant dates under §§1.703(a)-(f):

Delay under §1.703(a)(1) and adjustment under §1.704(b): **464 days**

1 This delay, the B delay, does not overlap with the 1.702(a)(1) delay, the A delay.
2 This delay will vary depending upon the actual issue date of the patent.

Date	Action	Delay
2 Aug 2005	Filing Date	-
2 Oct 2006	14 Months after filing Date	-
9 Jan 2008	1st §132 Action mailed	**+464 days** from 14 month date (§1.703(a)(1))

Delay under §1.703(b): **295 days**

Date	Action	Delay
2 Aug 2008	3 Years from Filing Date	
1 Sep 2009	Projected Issue Date3	**+395 days** after 3 years from the filing date

The projected issue date is the date that is the Tuesday before the date that is 28 weeks after the mailing date of the Notice of Allowance. This Tuesday is 1 September 2009. The 395 day §1.703(b) adjustment presumes an issue date of 1 September 2009. If the actual issue date is different, then the 395 day adjustment will need to be modified accordingly.

§1.703(f) Overlap: **None**

Date	Action	Delay
2 Aug 2005-9 Jan 2008	§§1.703(a)(1) delay	**464**
2 Aug 2008-1 Sep 2009	§1.703(b) delay	**395**

3 Applicants note that this delay will be subject to the actual issue date of the patent issuing from the above-identified application.

Applicants note that the sum total delay under §§1.703(a), the A delay, occurred prior to the start date of the §1.703(b) delay period, the B delay. Thus, the A delay does not overlap with the B delay, which occurred starting the day after the three year anniversary from filing of the above-identified application. This is exactly the situation discussed in *Wyeth v. Dudas*, No. 07-1492 (D.D.C. September 30, 2008). In the Wyeth decision, the District Court ruled that the A and B delays, which did not overlap, were additive. Applicants respectfully submit that the 464 day A delay and 395 day B delay described above should also be added, just like in *Wyeth v. Dudas*.

§1.705(b)(2)(iii) Terminal Disclaimer

The above-identified application is not subject to a Terminal Disclaimer.

§1.705(b)(2)(iv)(A) Circumstances that constitute a failure to engage in reasonable efforts.

There was no failure to engage in reasonable efforts delay.

In view of the above, Applicants submit that the PTA for the above-identified application should be **859** days, presuming a 1 September 2009 issue date. Early notification this change in the PTA is earnestly solicited. If the USPTO has any questions or believes further discussion will be of assistance to this request for reconsideration, a telephone call to the undersigned at (612) 373-6905 is invited.

Please charge the Petition for Reconsideration of Patent Term Adjustment Under 37 CFR §1.705(b) Fee of $200.00 to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6905

Date May 22, 2009 By Monique M Perdok Shonka
Monique M Perdok Shonka
Reg. No. 42,989

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22 day of May 2009.

Jamie A. Ehlers
Name

Jamie A Ehlers
Signature

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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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OFFICE OF PETITIONS

In re Patent No. 7,576,069 :
Rieger et al. :
Issue Date: August 18, 2009 :
Application No. 11/196,798 : DECISION ON REQUEST FOR
Filed: August 2, 2005 : RECONSIDERATION OF
Attorney Dkt. No. 1036.054US1 : PATENT TERM ADJUSTMENT
Title: 2-Polycyclic Propynyl :
Adenosine Analogs Having A2A :
Agonist Activity :
:

This is in response to the "Petition for Reconsideration of Patent Term Adjustment under 37 C.F.R. §1.705(b)" filed October 19, 2009. This petition is properly treated under 37 CFR 1.705(d). Patentees request that the patent term be adjusted from 464 days to 845 days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On August 18, 2009, the above-identified application matured into US Patent No. 7,576,069 with a patent term adjustment of 464 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 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 the 381 days delay under § 154(b)(1)(B) do not overlap with the delay under § 154(b)(1)(A). Thus, patentees request that the determination of patent term adjustment be increased by 381 days to a total of eight hundred forty-five (845) days (the sum of the period of three-year delay (381 days) and the period of examination delay (464 days)).

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, August 2, 2005 until issuance on August 18, 2009. This 381 days of pendency over three years is the relevant period for considering overlap. 464 days of patent term adjustment were accorded for Office delay pursuant to 37 CFR §1.702(a)(1). Entry of both 381 days pursuant to 37 CFR §1.702(b) for the Office taking in excess of three years to issue the patent and 464 days pursuant to 37 CFR §1.702(a) for Office examination delay is neither permitted nor warranted. The Office did not delay 464 days and then another 381 days. The greater period, 464 days, is the actual number of days issuance of the patent was delayed by the Office.

In view thereof, the Office affirms that the revised determination of patent term adjustment at the time of the issuance of the patent was 464 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 Charlema Grant, Petitions Attorney, at (571) 272-3215.
/Kery Fries/

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant	: Jayson M. Rieger	: DECISION ON REQUEST FOR
Patent Number	: 7576069	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,798	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **845** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of Miller et al. Application No. 11/196,814 Filed: August 3, 2005 Attorney Docket No.: 08-727-US-CON5 Title: SYSTEM FOR DYNAMICALLY PUSHING INFORMATION TO A USER UTILIZING GLOBAL POSITIONING SYSTEM	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.181(A)

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a), filed on September 11, 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 December 22, 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 March 23, 2009. A notice of abandonment was mailed on July 30, 2009.

ANALYSIS

Petitioner has alleged that the mailing was not received, as it was not properly mailed. The electronic file has been reviewed, and it is clear that a Revocation of Power of Attorney with Change of Correspondence Address was filed concurrently with the appropriate statement pursuant to 37 C.F.R. § 3.73(b) on September 18, 2008 (prevenient to the final Office action of December 22, 2008) and was not effectuated by the Office.

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 December 22, 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 Revocation of Power of Attorney with Change of Correspondence Address has been entered and made of record.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the final Office action of December 22, 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. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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).

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/196,814	08/03/2005	John M. Miller	GLOBP102USE

CONFIRMATION NO. 5162

POWER OF ATTORNEY NOTICE

OC000000037977738

23623
TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND, OH 44114

Date Mailed: 09/25/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/18/2008.

- 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).

/sabryce/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Charles G. Call
20 EAST GOETHE STREET
CH1
CHICAGO IL 60610-2368

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AUG 2 9 2008

OFFICE OF PETITIONS

In re Application of
Roberto Aimi
Application No. 11/196,815
Filed: August 3, 2005
Attorney Docket No. F-24

DECISION ON PETITION

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 above-identified application became abandoned for failure to timely file a response to a Notice Requiring Excess Claims Fees, which was mailed on October 4, 2007. The non-final Office Action set a one (1) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on November 5, 2007. A Notice of Abandonment was mailed on June 27, 2008

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the excess claim fee, (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 2837 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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LAW OFFICES OF
ARTHUR E. JACKSON
P.O. BOX 88
HOPEWELL, NJ 08525

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FEB 2 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Julia A. ROMAN	:	
Application No. 11/196,818	:	DECISION ON PETITION
Filed: August 3, 2005	:	TO WITHDRAW
Attorney Docket No. JAR-001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 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 Arthur E. Jackson on behalf of all attorneys/agents of record associated with Customer Number 39731.

All attorneys/agents of record associated with Customer Number 39731 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There is an outstanding Office action mailed October 17, 2007 that requires a reply by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JULIA ROMAN
2239 WHITEHORSE-MERCERVILLE ROAD
SUITE F
MERCERVILLE, NJ 08619

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/196,818	08/03/2005	Julia A. Roman	JAR-001

CONFIRMATION NO. 5149

POWER OF ATTORNEY NOTICE

39731
LAW OFFICES OF ARTHUR E. JACKSON
P.O. BOX 88
HOPEWELL, NJ 08525

OC000000028384507

Date Mailed: 02/20/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/14/2008.

- 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.

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

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MAR 2 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Pettibon, Burl	:	
Application No. 11/196,830	:	ON PETITION
Filed: August 3, 2005	:	
Attorney Docket No. 740087.406	:	

This is a decision on the petition under 37 CFR §1.102(d), filed July 12, 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 the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3765 for expedited prosecution.

Liana Walsh
Petitions Examiner
Office of Petitions

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Mail Date: 04/21/2010

Applicant	: Beate Rosemarie Stellbrink	: DECISION ON REQUEST FOR
Patent Number	: 7654991	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,840	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **781** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LEO H. MCCORMICK
2112 MISHAWAKA AVE
P O BOX 4721
SOUTH BEND, IN 46634

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JUL 2 4 2009

OFFICE OF PETITIONS

In re Application of
Aurelien JUSTAMAN, et al.
Application No. 11/196,860
Filed: August 4, 2005
Attorney Docket No. **825-04-780**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed April 9, 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 21, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 22, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (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.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Julianne M. Cozad-Smith appearing on the correspondence 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. If Ms. Cozad-Smith desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The application is being referred to Technology Center Art Unit 3683 for consideration of the amendment filed March 18, 2009.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

cc: **JULIANNE M. COZAD-SMITH**
100 EAST WISCONSIN AVENUE, SUITE 3300
MILWAUKEE, WI 53202

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INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: Steven A. Dorris	: DECISION ON REQUEST FOR
Patent Number	: 7646788	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,865	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1076** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 05/17/2010

Applicant : Steven A. Dorris
Patent Number : 7646788
Issue Date : 01/12/2010
Application No : 11/196,865
Filed : 08/03/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **1175** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

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MAR 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Michael J. Lemen, et al. :
Application No.: 11/196,871 :
Filed: August 4, 2005 :
Attorney Docket No.: 9146-9 :

ON PETITION

This is a decision on the petition, filed February 27, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 12, 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 2185 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Mail Date: 04/21/2010

Applicant	: Michael J. Lemen	: DECISION ON REQUEST FOR
Patent Number	: 7565491	: RECALCULATION of PATENT
Issue Date	: 07/21/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/196,871	: OF WYETH
Filed	: 08/04/2005	:
		:

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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Sue Z. Shaper
Suite 1450
1800 West Loop South
Houston TX 77027

2/5/09

In re Application of:
WILLIAMS, DWIGHT P.
Serial No.: 11/196,882
Filed: Aug. 4, 2005
Docket: 50246
Title: METHODS FOR TREATING "PLUNGE ZONE" ISSUES WHEN EXTINGUISHING FULL SURFACE LIQUID TANK FIRES

DECISION ON PETITION TO WITHDRAW OF HOLDING OF FINALITY

This is a decision on the petition filed on January 21, 2009 to withdraw the finality of the Office action of October 15, 2008. This decision is being considered pursuant to 37 CFR 1.181. No fee is required under this section.

The petition is **DISMISSED AS UNTIMELY**.

The record shows that:

1. The examiner issued a non-final Office action on April 3, 2008 stating that claims 1-22 are rejected. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by International Patent Application Publication WO 98/03226 to Williams. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,913,366. Claims 1-22 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 10/147,647.

2. On July 2, 2008, the applicant filed an amendment to the independent claims 1 and 15 and arguments/ remarks. In particular, the applicant asked the examiner to clarify certain portions of the non-final office action of April 3, 2008. The applicant stated that the portions of the rejections expressed on page 3, lines 6 through 13; and the sentence on page 4, lines 1-5; and page 5 lines 1-4 require clarification.

3. In response, the examiner issued a final Office action on October 15, 2008 stating that claims 1-22 are rejected. Claims 1-4, 14, 15, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by International Patent Application Publication WO 98/03226 to Williams. Claims 6-13 and 16-20, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over International

Patent Application Publication WO 98/03226 to Williams. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,913,366.

4. On December 15, 2008, the applicant submitted amendments after the final Office action including amended claims and arguments/remarks.

5. On January 13, 2009, the examiner issued an Advisory Action responding to the December 15, 2008 amendment and remarks. The Advisory Action restated that claims do not place the application in condition for allowance and the claims remain unpatentable over the prior art as stated in the final rejection.

6. On January 21, 2009, the present petition and a Request for Continued Examination were filed on Jun. 26, 2008.

Applicable Rules or Statutes

37 CFR 1.181(f):
The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

Review of the record shows that the instant petition was filed more than two months after the mailing date of the final Office action of October 15, 2008. Pursuant to 37 CFR 1.181(f), the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the relief requested will not be granted. Petitioner is entitled to request reconsideration of this decision provided that the request for reconsideration is filed within two months of the date of this decision.

The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3752 for further processing of the RCE and issuance of a non-final Office action. The examiner has been reminded to issue clear and complete Office action in accordance with 37 CFR 1.104. Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY

for

Karen M. Young, Director
Technology Center 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/13/09

TO SPE OF : ART UNIT 2862

SUBJECT : Request for Certificate of Correction for Appl. No.: 11196887 Patent No.: 7418202 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 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.

XApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

/Patrick J. Assouad/

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

_____ _7/27/09_____

SPE Art Unit

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Trex Enterprises Corp.
10455 Pacific Court
San Diego, CA 92121

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JAN 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Christine Rauh-Adelmann et al.	:	
Application No. 11/196,894	:	DECISION ON PETITION
Filed: August 4, 2005	:	
Attorney Docket No. 610	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 13, 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 September 18, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 19, 2008. A Notice of Abandonment was mailed on April 1, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810 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 1631 for appropriate action by the Examiner in the normal course of business on the reply received November 13, 2009.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

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PHARMACIA & UPJOHN
301 HENRIETTA ST
0228-32-LAW
KALAMAZOO MI 49007

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JAN 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Morsey et al.	:	
Application No. 11/196,897	:	DECISION ON PETITION
Filed: 4 August, 2005	:	
Atty Docket No. PC10761C	:	

This is a decision on the petition, filed on 27 October, 2005, under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 4 August, 2005, with one (1) sheet of drawings containing Figures 10-16 described in the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 4 August, 2005.

Accordingly, on 30 August, 2005, Initial Patent Examination Division mailed a Notice of Omitted Items in a Nonprovisional Application, stating that the application had been accorded a filing date of 4 August, 2005, but that Figures 10-16 described in the specification appeared to have been omitted.

In response, on 27 October, 2005, the present petition and a copy of, *inter alia*, one (1) sheet of drawings containing Figures 10-16 were filed. Petitioners argue that Figures 10-16 were filed with the other application papers on 4 August, 2005, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office date" stamp of "080405" and the above-identified application number, and identifies the application by the attorney docket number, first named inventor's last name, and invention title, and acknowledges receipt of, *inter alia*, five (5) sheets of drawings. Petitioners request that the application, including one (1) sheet of drawings containing Figures 10-16, be accorded a filing date of 4 August, 2005.

A review of the record reveals that four (4) sheets of drawings were received on 4 August, 2005. No Figures 10-16 are located among the drawing figures received on that date. However, the evidence is convincing that the application papers deposited on 4 August, 2005, included one (1) sheet of drawings containing Figures 10-16, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figures 10-16, is entitled to a filing date of 4 August, 2005.

The "Notice" mailed on 30 August, 2005, is vacated.

In view of the above, the petition is granted. The petition fee will be refunded to counsel's deposit account, No. 21-0718, as the petition was necessitated by an Office error.

The application will be processed with the copy of one (1) sheet of drawings containing Figures 10-16 supplied on 27 October, 2005, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 4 August, 2005, using the application papers filed on that date and the copy of one (1) sheet of drawings containing Figures 10-16 supplied with the present petition, and for an indication in Office records that five (5) sheets of drawings were present on filing.

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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United States Patent and Trademark Office
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PHARMACIA & UPJOHN
7000 PORTAGE ROAD
KZO-300-104
KALAMAZOO MI 49001

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Morsey et al.	:	
Application No. 11/196,897	:	ON PETITION
Filed: August 4, 2005	:	
Attorney Docket No. PC10761C	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 12, 2009, to revive the above-identified application.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Timothy J. Gumbelton appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 10, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is December 11, 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, (2) the petition fee of $1,620, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center AU 1644 for processing of the RCE and for appropriate action by the Examiner in the normal course of business in accordance with 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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KYLE EPPELE ESQUIRE
ROCKWELL COLLINS INC
400 COLLINS ROAD NE M/S 124-323
CEDAR RAPIDS IA 52498

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FEB 06 2008

OFFICE OF PETITIONS

In re Application of	:	
Peng, et al.	:	
Application No. 11/196,904	:	DECISION ON
Filed: August 4, 2005	:	PETITION
Attorney Docket No. 04CR439/KE	:	

This is in response to the petition to revive under 37 CFR 1.137(b), filed January 18, 2008.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the Notice Requiring Excess Claims Fees, mailed September 10, 2007. This notice set a period for reply of one month for applicant to submit $200. No fee having been received, the application became abandoned on October 11, 2007. The mailing of this decision precedes the mailing of a Notice of Abandonment.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the excess claims fees.

The matter is being forwarded to Group Art Unit 2873 for consideration of the Amendment filed September 4, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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CIBA VISION CORPORATION
PATENT DEPARTMENT
11460 JOHNS CREEK PARKWAY
DULUTH, GA 30097-1556

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FEB 28 2006

OFFICE OF PETITIONS

In re Application of	:	
Molinari et al.	:	
Application No. 11/196,908	:	Decision According Status
Filed: August 4, 2005	:	Under 37 CFR 1.47(a)
Attorney Docket No. CL/V-33882A/CVA	:	
For: Soft Contact Lenses With	:	
Stiffening Rib Features Therein	:	

This is a decision on the petition under 37 CFR 1.47(a), filed November 28, 2005.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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 petition fee of $200 has been charged to petitioner's deposit account.

The Office of Initial Patent Examination will be informed of the instant decision so that it may continue to prepare the application for examination.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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.

GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

COPY MAILED
DEC 05 2008

In re Application of	:	
Dennis et al.	:	DECISION ON LETTER
Application No. 11/196,917	:	REGARDING
Filed: August 4, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No. P2138R1	:	

This letter is in response to the letter entitled "RECALCULATION OF PATENT TERM ADJUSTMENT," filed on July 22, 2008. The letter is treated as a request, pursuant to applicant's duty of good faith and candor to the Office, that the initial determination of patent term adjustment under 35 USC 154(b) be reduced by 87 days from 463 days to 376 days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED in part.**

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance is 379 days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On April 22, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 USC 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is four hundred sixty-three (463) days.

The Office initially determined a patent term adjustment of four hundred sixty-three (463) days, pursuant to 35 USC 154(b). This was reduced by no (0) days of applicant delay pursuant to 37 CFR 1.704(b).

Applicants state that the patent term adjustment calculation should be reduced by 87 days to 376 days for the filing of a proper Sequence Listing as required by the Notice to File Missing Parts, on February 27, 2006, three (3) months and 87

days after the mailing of the Notice to File Missing Parts mailed on September 2, 2005.

37 CFR 1.704(c)(7) 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 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;

A Notice to File Missing Parts was mailed on September 2, 2005, requiring an oath or declaration and a Sequence Listing in compliance with 37 CFR 1.821-1.825. On December 5, 2005, a response was filed. On December 23, 2005, however, a Notice to Comply was mailed, stating the Sequence Listing did not comply with 37 CFR 1.822 and/or 1.823, and requiring a substitute Sequence Listing. A substitute Sequence Listing correcting the omission was filed on February 27, 2006, three (3) months and 84 days after the filing of the initial response on December 5, 2005.

The patent term adjustment will therefore be reduced by 84 days.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is **three hundred seventy-nine (379) days** (463 days of PTO delay, reduced by 84 days of Applicant delay).

As the instant letter was submitted to advise the Office of an error in Applicant's favor, the $200.00 application fee under 37 CFR 1.705(b) was not required, and has not been charged.

The Office thanks Applicants for their good faith and candor in bringing this matter to the attention of the Office.

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Douglas I. Wood, Senior Petitions Attorney, at (571) 272-3231.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation

Day : Thursday
Date: 12/4/2008

PALM INTRANET

Time: 17:58:39

PTA Calculations for Application: 11/196917			
Application Filing Date:	08/04/2005	PTO Delay (PTO):	463
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	379
PTO Delay Adjustment:	-84		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
57	12/04/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		84	
48	04/22/2008	MAIL NOTICE OF ALLOWANCE			
47	04/21/2008	ISSUE REVISION COMPLETED			
44	04/21/2008	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
43	04/21/2008	DOCUMENT VERIFICATION			
42	04/21/2008	EXAMINER'S AMENDMENT COMMUNICATION			
41	04/17/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
40	04/17/2008	CASE DOCKETED TO EXAMINER IN GAU			
39	04/17/2008	NOTICE OF ALLOWABILITY			
37	03/10/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
36	06/12/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
35	12/26/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
34	02/15/2008	DATE FORWARDED TO EXAMINER			
33	01/29/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
32	01/10/2008	MAIL RESTRICTION REQUIREMENT	463		-1
31	01/07/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
30	08/15/2007	PRELIMINARY AMENDMENT			
29	12/26/2006	REFERENCE CAPTURE ON IDS			
28.7	12/26/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	12/26/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

27.7	06/12/2006	FILED			
27	06/12/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	03/27/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
24	12/05/2005	PRELIMINARY AMENDMENT			
23	03/27/2006	CASE DOCKETED TO EXAMINER IN GAU			
22	03/10/2006	REFERENCE CAPTURE ON IDS			
21.7	03/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	03/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	03/14/2006	TRANSFER INQUIRY TO GAU			
19	03/13/2006	APPLICATION DISPATCHED FROM OIPE			
18	03/13/2006	APPLICATION IS NOW COMPLETE			
17	02/27/2006	ADDITIONAL APPLICATION FILING FEES			
16	02/27/2006	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
15	03/06/2006	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
14	12/23/2005	SEQUENCE ERRORS			
10	12/02/2005	ADDITIONAL APPLICATION FILING FEES			
9	12/02/2005	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
8	12/02/2005	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
7	12/02/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	12/14/2005	CRF IS FLAWED TECHNICALLY / NOT ENTERED INTO DATABASE			
3	08/19/2005	CLEARED BY OIPE CSR			
2	08/16/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/04/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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Genentech Inc.
One DNA Way
South San Francisco, CA
94080

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APR 07 2010

OFFICE OF PETITIONS

In re Patent No. 7,476,724	:
Dennis et al.	: DECISION UPON REMAND AND
Issue Date: January 13, 2009	: RECONSIDERATION OF
Application No. 11/196,917	: PATENT TERM ADJUSTMENT
Filed: August 4, 2005	: AND NOTICE OF INTENT
Attorney Docket No. P21381R1	: TO ISSUE CERTIFICATE OF
Title: Human Anti-Cmet	: CORRECTION
Antibodies	:

This is a decision following remand from the District Court for the District of Columbia regarding the patent term adjustment indicated on the above-identified patent. The Court remanded this matter to the U.S. Patent and Trademark Office for recalculation of the patent term adjustment in accordance with the decision in Wyeth & Elan Pharma Int'l Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010).

The patent term adjustment indicated on the above-identified patent has been recalculated as directed by the Court. The term of the above-identified patent is extended or adjusted by five hundred and forty-one (541) days.

The application is being forwarded to the Certificates Branch for issuance of a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by five hundred and forty-one (541) days.

Telephone inquiries specific to this matter should be directed to Senior Legal Advisor, Kery A. Fries at (571) 272-7757.

/Kery A. Fries/

Kery A. Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Associate Commissioner
For Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,476,724 B2

DATED : Jan. 13, 2009 **DRAFT**

INVENTOR(S) : Dennis 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 431 days

Delete the phrase "by 431 days" and insert – by 541 days--

PALM INTRANET

Day : Friday
Date: 4/2/2010
Time: 13:36:51

PTA Calculations for Application: 11/196917			
Application Filing Date:	08/04/2005	PTO Delay (PTO):	515
Issue Date of Patent:	01/13/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	541
PTO Delay Adjustment:	26		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
72	04/02/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	110		
62.5	12/22/2008	PTA 36 MONTHS			
62	01/13/2009	PATENT ISSUE DATE USED IN PTA CALCULATION	52		53
61	12/11/2008	EXPORT TO FINAL DATA CAPTURE			
60	12/10/2008	DISPATCH TO FDC			
59	12/05/2008	MAIL-PETITION DECISION - GRANTED IN PART			
58	12/05/2008	PETITION DECISION - GRANTED IN PART			
57	12/04/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		84	
57	12/04/2008	ADJUSTMENT OF PTA CALCULATION BY PTO			
56	08/04/2008	FINISHED INITIAL DATA CAPTURE			
55	07/22/2008	PETITION ENTERED			
54	07/23/2008	APPLICATION IS CONSIDERED READY FOR ISSUE			
53	07/22/2008	ISSUE FEE PAYMENT VERIFIED			
52	07/22/2008	ISSUE FEE PAYMENT RECEIVED			
51	05/01/2008	SEQUENCE FORWARDED TO PUBS ON TAPE			
50	04/25/2008	EXPORT TO INITIAL DATA CAPTURE			
48	04/22/2008	MAIL NOTICE OF ALLOWANCE			
47	04/21/2008	ISSUE REVISION COMPLETED			
44	04/21/2008	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
43	04/21/2008	DOCUMENT VERIFICATION			
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37	03/10/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
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27.7	06/12/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
27	06/12/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
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23	03/27/2006	CASE DOCKETED TO EXAMINER IN GAU			
22	03/10/2006	REFERENCE CAPTURE ON IDS			
21.7	03/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	03/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	03/14/2006	TRANSFER INQUIRY TO GAU			
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14	12/23/2005	SEQUENCE ERRORS			
10	12/02/2005	ADDITIONAL APPLICATION FILING FEES			
9	12/02/2005	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			

8	12/02/2005	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
7	12/02/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	12/14/2005	CRF IS FLAWED TECHNICALLY / NOT ENTERED INTO DATABASE			
3	08/19/2005	CLEARED BY OIPE CSR			
2	08/16/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/04/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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Morgan, Lewis & Bockius LLP
2 Palo Alto Square
3000 El Camino Real
Palo Alto CA 94306

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OFFICE OF PETITIONS

In re Application of	:	
Ostoich, et al.	:	
Application No. 11/196,941	:	DECISION ON PETITION
Filed: August 4, 2005	:	TO WITHDRAW
Attorney Docket No. 63004-5003-US01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 25, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jeffry S. Mann on behalf of all attorneys of record who are associated with customer No. 43850.

All attorneys/agents associated with the Customer Number 43850 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: Kenneth Aron, Ph. S.
Vice President of Research and Development
3240 Whipple Road
Union City, Ca 84587

cc: Nan Wu
Cooley Gosward, LLP
101 California Street
5th Floor
San Francisco, CA 94111-5800

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/196,941	08/04/2005	Vladimir E. Ostoich	63004-5003-US01

CONFIRMATION NO. 6296

OC000000020307062

OC000000020307062

Morgan, Lewis & Bockius LLP
2 Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306

Date Mailed: 09/05/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/25/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 29 2009

OFFICE OF PETITIONS

BLODGETT BLODGETT
43 HIGHLAND STREET
WORCESTER MA 01609-2797

In re Application of	:	
John R. Person.	:	
Application No. 11/196,946	:	DECISION ON PETITION
Filed: August 04, 2005	:	
Attorney Docket No. P003-102	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit a new OATH or DECLARATION (37 CFR 1.63) and a $65 Surcharge late filing fee in a timely manner in reply to the Notice to File Missing Parts under 37 CFR 1.53(b) mailed August 26, 2005, which set a period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on October 27, 2005.

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 required fees, (2) the new OATH or DECLARATION (37 CFR 1.63), (3) the petition fee of $810; and (4) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts mailed August 26, 2005 is accepted as having been unintentionally delayed.

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 the Office of Patent Application Processing.

David Bucci
Petitions Examiner
Office of Petitions

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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
11/196,952	08/03/2005	3732	525	4020.10-6	24	21	2

CONFIRMATION NO. 7280

CORRECTED FILING RECEIPT

OC000000017127132

PETERS, VERNY, JONES & SCHMITT LLP
Suite 230
425 Sherman Avenue
Palo Alto, CA 94306

Date Mailed: 09/29/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Alan L. Carl, Slingerlands, NY;
Dan Sachs, Minneapolis, MN;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/26/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/196,952

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Device and method for correcting a spinal deformity

Preliminary Class

606

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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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 06/10/2010

Applicant	: Allen L. Carl	: DECISION ON REQUEST FOR
Patent Number	: 7658753	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/196,952	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CAROL WILSON
BP AMERICA INC.
MAIL CODE 5 EAST
4101 WINFIELD ROAD
WARRENVILLE IL 60555

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In re Application of :
Ryan O. OWEN et al. :
Application No. 11/196,958 : DECISION ON PETITION
Filed: August 04, 2005 :
Attorney Docket No. 39,845-00 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 13, 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 February 14, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of November 13, 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 May 28, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card account.

Telephone inquiries concerning this decision should be directed to the Michelle R. Eason at (571) 272-4231.

The application file is being referred to Technology Center AU 3744 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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Alexander R. Pagano, Esq.
440 Speedwell Avenue
Morris Plains NJ 07950

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OFFICE OF PETITIONS

In re Application of	:	
R. Douglas Cassel	:	
Application No. 11/196,964	:	DECISION ON PETITION
Filed: August 4, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1051-173	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 31, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney of record declaring that the applicant is 65 years of age older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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Gregory J. Koerner
Redwood Patent Law
1291 East Hillsdale Boulevard
Suite 205
Foster City, CA 94404

Mail Date: 05/07/2010

Applicant	: Gunnar Hovden	: DECISION ON REQUEST FOR
Patent Number	: 7609885	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/196,981	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1119** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.:20090513

DATE : May 13, 2009

TO SPE OF : ART UNIT 3657

SUBJECT : Request for Certificate of Correction on Patent No.: 7513844

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 Change to claim 2 should not be entered as it changes the scope of the claim by removing a limitation

/ROBERT A SICONOLFI/
Supervisory Patent Examiner.Art Unit 3657

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HESLIN ROTHENBERG FARLEY & MESITI, PC
5 COLUMBIA CIRCLE
ALBANY, NY 12203

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OFFICE OF PETITIONS

In re Application of
Ron Clark
Application No. 11/197,059
Filed: August 5, 2005
Attorney Docket No. 3348.007

DECISION ON PETITION

This is a decision on the petition under the 37 CFR 1.137(b), filed October 13, 2009, to revive the above-identified application.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of John W. Boger appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. Also, it is noted that petitioner was not the representative of the applicant at the time of abandonment. However, 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.

Since the above-identified application has been abandoned for an extended period of time, the Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

The requirements of 37 CFR 1.137(b) has been satisfied, in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $810; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3738 for review of 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

Commissioner for Patents
United States Patent and Trademark Office
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MARK S. MORRISON
1508 SPRINGHILL ROAD
WARSAW, IN 46580

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FEB 05 2007

OFFICE OF PETITIONS

In re Application of	:	
Ron Clark	:	
Application No. 11/197,060	:	DECISION ON PETITION
Filed: August 5, 2005	:	
Attorney Docket No. 061505	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 3, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed August 26, 2005, which required the submission of replacement drawings. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on October 27, 2005. A Notice of Abandonment was mailed on May 2, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $750; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Frances Hicks
Petitions Examiner
Office of Petitions

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INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: David L. Allen	: DECISION ON REQUEST FOR
Patent Number	: 7606641	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,101	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **603** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

SEP 29 2006

In re Application of:	:	
GIRSHOVICH et al.	:	DECISION ON PETITION
Serial No.: 11/197,114	:	TO MAKE SPECIAL
Filed: August 04, 2005	:	
Attorney's Docket No.: **926/2**	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed August 04, 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 copy of the passport from applicant, Simon Girshovich stating that he is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

The application 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 s/he should make a rigid search for such, s/he 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, s/he should consider such application simultaneously with this application and should state in the official letter of such application that s/he is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and

Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Jose Dees at (571) 272-1569.

Jose Dees, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

Mail Date: 04/21/2010

Applicant	: Jun-Hyung Kim	: DECISION ON REQUEST FOR
Patent Number	: 7603121	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,143	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **999** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

Mail Date: 05/18/2010

Applicant : Jun-Hyung Kim
Patent Number : 7603121
Issue Date : 10/13/2009
Application No : 11/197,143
Filed : 08/04/2005

: 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 **1088** 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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INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: David L. Allen	: DECISION ON REQUEST FOR
Patent Number	: 7647163	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,156	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **579** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at facsimile number 571-273-8300 on December 12, 2005

By: Timothy L. Smith

PATENT
Attorney Docket No.: P1001US00

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert Charles DOWNS

Application No.: 11/197,180

Filed: August 3, 2005

For: HIGH THROUGHPUT MECHANICAL ALLOYING AND SCREENING

Examiner: not yet assigned

Art Unit: 1744

PETITION TO MAKE SPECIAL

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition pursuant to 37 CFR § 1.102(c) to make this application special because the invention will materially contribute to the development of energy resources. In particular, the invention provides new devices and methods for making new materials that exhibit hydrogen storage properties sufficient to make the "hydrogen economy" economically feasible.

Remarks

Applicants respectfully submit that advancing the instant application out of turn for examination is appropriate because a principal use of the invention described and claimed in the application is to make and identify novel substances that are useful for storing and transporting hydrogen. The lack of suitable means for the storage and transport of hydrogen is a critical deficiency in the economic viability of the "hydrogen economy." The two readily

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
DEC 2 2 2005

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant	: Brenda D. Kraus	: DECISION ON REQUEST FOR
Patent Number	: 7575978	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,184	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **156** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Vinod P. Menon	: DECISION ON REQUEST FOR
Patent Number	: 7620439	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,216	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **908** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 05/17/2010

Applicant : Vinod P. Menon
Patent Number : 7620439
Issue Date : 11/17/2009
Application No : 11/197,216
Filed : 08/04/2005

: 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 **963** 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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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In re Application of	:	
MILLER, Jeffrey F. et al.	:	
Application No. 11/197,219	:	DECISION ON PETITION
Filed: August 03, 2005	:	TO WITHDRAW
Attorney Docket No. **02307K-149210US**	:	FROM RECORD
	:	

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 22, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Kenneth Jenkins on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated with the Customer Number 20350 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 or at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed September 18, 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: **JEFFREY F. MILLER**
1240 25TH STREET, #1
SANTA MONICA CA 90404

cc: **THE REGENTS OF THE UNIVERSITY OF CALIFORNIA**
OFFICE OF TECHNOLOGY TRANSFER
1111 FRANKLIN STREET, 5TH FLOOR
OAKLAND CA 94607-5200

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DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121-2133

Mail Date: 04/21/2010

Applicant	: Jeffery F. Miller	: DECISION ON REQUEST FOR
Patent Number	: 7585957	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,219	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **577** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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JUL 0 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Sunnen, Gerard V.	:	
Application No. 11/197,239	:	DECISION ON PETITION
Filed: August 3, 2005	:	
Attorney Docket No. P/4653-6	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 13, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application, (2) the petition fee, and (3) a proper statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 12/137,731.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/197,285	08/04/2005	Guy de Warrenne Bruce Adams	30990094-8US	6925

7590 05/16/2008
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER
ADEYIGA, TEMITOPE A

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
05/16/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 05/16/2008 NFARMER
08/08/2005 YPOLITE1 00000034 082025 11197285
02 FC:1111 500.00 CR
04 FC:1202 600.00 CR

FORM PET651G (Rev. 08/07)

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS TX 75201-2980

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DEC 3 0 2005

OFFICE OF PETITIONS

In re Application of

AZAM ANWAR et al
Application No. 11/197,286
Filed: August 3, 2005
Attorney Docket No. 076103.0103

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 28, 2005, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

Petitioner submitted a statement by Saleem H. Mallick, M.D., F.A.C.C. indicating a possible state of health of the applicant. The submitted opinion that the applicant Paul Durfee "could well suffer from a shortened life span, as well as possible Sudden Cardiac Death" is not considered to be an illness since it is speculative. The statement is insufficient because there is no factual evidence that the applicant's **current** state of health may prevent his assistance in the prosecution of the application if the applicant's illness were to run its normal course. Furthermore, the "certificate of health" statement submitted is not properly signed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions

Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Liana Chase at 571-272-3206.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center 3700 for processing in list regular turn.

Amelia Au
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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DALLAS TX 75201-2980

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OFFICE OF PETITIONS

In re Application of	:	
Anwar et al.	:	DECISION ON PETITION
Application No. 11/197,286	:	TO MAKE SPECIAL
Filed: August 3, 2005	:	37 CFR 1.102(D)
Attorney Docket No. 076103.0103	:	

This is a decision on the petition under 37 CFR 1.102(d), filed on June 2, 2006, to make the above-identified application special based on applicants who are small entities filing biotechnology applications as set forth in M.P.E.P. § 708.02, Section XII.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(d) and MPEP § 708.02, Section XII: Special Status for Applications Relating to Biotechnology Filed by Applicants Who are Small Entities, must be accompanied by (1) the petition fee under 37 CFR 1.17(h); and (2) state:

> (A) That small entity status has been established or include a statement establishing small entity status;
>
> (B) That the subject of the patent application is a major asset of the small entity; and
>
> (C) That the development of the technology will be significantly impaired if examination of the patent application is delayed, including an explanation of the basis for making the statement.

To be granted special status, the application must be related to the field of Biotechnology.

As Chapter 2400 of the Manual of Patent Examining Procedure explains, inventions relating to biotechnology are directed towards biological materials, nucleotide sequences and/or amino acid sequences. See MPEP 2401. MPEP 2403 and 37 CFR 1.801 further explain and define biological materials to include "material that is capable of self-replication either directly or indirectly. Representative examples include bacteria, fungi including yeast, algae, protozoa, eukaryotic cells, cell lines, hybridomas, plasmids, viruses, plant tissue cells, lichens and seeds. Viruses, vectors, cell organelles and other non-living material existing in and reproducible from a living cell" are also listed. Based on this understanding, the subject matter of the present

invention, an apparatus for addressing an occlusion in a vascular environment, does not fall within the intended purview of applications relating to biotechnology.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Petitions Examiner Liana Chase at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3731 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MICHAEL P. MORRIS
BOEHRINGER INGELHEIM CORPORATION
900 RIDGEBURY ROAD
P. O. BOX 368
RIDGEFIELD,CT 06877-0368

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JUN 23 2006
OFFICE OF PETITIONS

In re Application of	:	
Linz et al.	:	
Application No. 11/197,289	:	
Filed: August 4, 2005	:	ON PETITION
Attorney Docket Number:	:	
1/1759	:	

This is a decision on the Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a), filed May 19, 2006.

The petition is **granted.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice"), mailed August 25, 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 October 26, 2005. A Notice of Abandonment was mailed on May 2, 2006.

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant asserts that a timely reply was filed on October 13, 2005. In support of this assertion, Applicant files a copy of a Response to Notice to Notice to File Missing Parts. A review of the Response reveals that it contains a certificate of transmission under 37 CFR 1.8 dated October 13, 2005, executed by Practitioner, and includes an authorization to charge fees to Applicant's deposit account.

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 the Office of Initial Patent Examination for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3232.

Derek L. Woods
Attorney
Office of Petitions

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

PETER N. LALOS
1615 L STREET NW, SUITE 850
WASHINGTON, DC 20036

COPY MAILED

JUN 0 2 2008

OFFICE OF PETITIONS

In re Application of :
ODENDALL, Bodo :
Application No. 11/197,317 :
Filed: August 5, 2005 :
Attorney Docket No. **PNL21487** :

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 May 16, 2007, 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 November 1, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A One (1) 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 March 2, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and fee; (2) the petition fee of $1500; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 3748 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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AUG 2 2 2006
OFFICE OF PETITIONS

In re Application of	:	
Allen	:	
Application No. 11/197,339	:	DECISION ON PETITION
Filed: August 4, 2005	:	TO WITHDRAW
Attorney Docket No. 2646-2/CPA	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 2, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The 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 attorney/agents associated with Customer No. 27572 no longer represent the inventor in this matter", does not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: RZI, INC / David Allen
PO Box 1918
Brighton, MI 48116

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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P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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JAN 0 8 2007

OFFICE OF PETITIONS

In re Application of
David M. Allen
Application No. 11/197,339
Filed: August 4, 2005
Attorney Docket No. 2646-2/CPA

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed September 8, 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 Michael D. Zalobsky on behalf of all attorneys of record who are associated with customer No. 27572.

All attorneys/agents associated with the Customer Number 27572 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There are no pending office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: DAVID M. ALLEN
5474 WILDWOOD
HOWELL, MI 48843

cc: RZI, INC. / DAVID ALLEN
PO BOX 1918
BRIGHTON, MI 48116

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
11/197,339	08/04/2005	David M. Allen	2646-2/CPA

CONFIRMATION NO. 6986

OC000000021873914

OC000000021873914

27572
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Date Mailed: 01/08/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/08/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/197,347	08/05/2005	Hee-sung Park	0001.1061	6989

49455 7590 02/08/2008
STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER
NIU, XINNING

ART UNIT	PAPER NUMBER
2828	

MAIL DATE	DELIVERY MODE
02/08/2008	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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STEIN, MCEWEN & BUI, LLP
1400 Eye Street, NW
Suite 300
Washington, DC 20005

FEB - 8 2008

In re Application of:
PARK *et al.*
Serial No.: 11/197,347
Filed: August 05, 2005
Attorney Docket No.: **0001.1061**

DECISION ON PETITION TO RESTART THE PERIOD FOR RESPONSE

This is a decision on the petition filed on September 19, 2007, to restart the period for response due to late receipt of the Office action mailed on May 04, 2007. No petition fee is required.

The petition is **Dismissed as Moot.**

Petitioner asserts that the Office action mailed May 04, 2007, was not received at the correspondence address of record, and Petitioner was not made aware of the action until a September 19, 2007, telephone communication from the examiner. Petition further points out that the Office action appeared to have been returned to the Office on May 08, 2007.

A review of the record indicates that the original Office action mailed on May 04, 2007, was returned to the USPTO as undeliverable. A further review indicates that the Office action was re-mailed, and the period for response restarted on September 25, 2007. A response to the Office action was received on December 10, 2007.

Accordingly, the relief sought by Petitioner has already been given. As such, this petition is dismissed as moot.

Inquiries related to this decision should be directed to Clayton E. LaBalle at (571) 272-1594.

Janice A. Falcone

Janice A. Falcone, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

Mail Date: 04/20/2010

Applicant	: Gi-Cherl Kim	: DECISION ON REQUEST FOR
Patent Number	: 7585083	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,368	: OF WYETH
Filed	: 08/05/2005	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Stephen Hearn	: DECISION ON REQUEST FOR
Patent Number	: 7599822	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,370	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/05/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1097** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, PC
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
Emilio A. Ramirez, Jr., et al.	:	
Application No. 11/197,381	:	DECISION ON PETITION
Filed: August 5, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 268730US51	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 23, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3746 for action on the merits commensurate with this decision.

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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JAN 30 2009

OFFICE OF PETITIONS

STEPHEN GEORGE MICAN
Post Office Box 803338
#8973
Chicago IL 60680-3338

In re Application of	:	
Peter J. Suttie, et. al.	:	
Application No. 11/197,389	:	DECISION ON PETITION
Filed: August 4, 2005	:	
Attorney Docket No. B05951-POWER	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 31, 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 November 14, 2008 as required by the Notice of Allowance and Fee(s) Due, mailed August 14, 2008. Accordingly, the date of abandonment of this application is November 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 $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Finance records indicate an overpayment in the amount of $1840 for publication. As requested, this amount will be refunded to 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 the Office of Data Management for processing into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions

IFW

OIPE JC11
AUG 1 9 2005
PATENT & TRADEMARK OFFICE

PTO/SB/83 (04-05)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS		
	Application Number	11/197,429
	Filing Date	August 5, 2005
	First Named Inventor	Sylvia DAUNERT
	Art Unit	N/A
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	3798-0108PUS2

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
- [X] the attorneys/agents associated with Customer Number 02292

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
12/21/05
WILLIAM R. DIXON, JR.
SPECIAL PROGRAM EXAMINER

The reasons for this request are:
See attached explanation and exhibits.

CORRESPONDENCE ADDRESS

1. [ ] The correspondence address is NOT affected by this withdrawal.
2. [X] Change the correspondence address and direct all future correspondence to:
Chip Rx, 235 Bolivar Street, Lexington, KY 40508

[ ] The address associated with Customer Number: [ ]

OR

[ ] Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			
Signature					
Name	Mark J. Nuell, Ph.D.		Registration No.	36,623	
Date	August 19, 2005		Telephone No.	(703) 205-8000	

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.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: Signature: _____

Birch, Stewart, Kolasch & Birch, LLP

DRN/CAM/cms

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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FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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MAY 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Bezrukov, et al.	:	
Application No. 11/197,446	:	DECISION
Filed/Deposited: 5 August, 2005	:	
Attorney Docket No. 09700.0118-00	:	

This is a decision on the petition filed on 25 March, 2009, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application

The petition as considered under 37 C.F.R. §1.181 is **DISMISSED**.

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.181 to Withdraw the Holding of Abandonment." *In the alternative, Petitioner may properly file a petition to the Commissioner under 37 C.F.R. §1.137(b) requesting revival of an application abandoned due to unintentional delay.*

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness and showing requirements for relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action (copy enclosed) mailed on 1 July, 2008, with reply due absent extension of time on or before 1 October, 2008.

The application went abandoned by operation of law after midnight 1 October, 2008.

The Office mailed the Notice of Abandonment on 26 January, 2009.

On 25 March, 2009, Petitioner filed a petition pursuant to 37 C.F.R. §1.181 seeking withdrawal of the holding of abandonment and averred nonreceipt at the correspondence address of record, search and non-discovery, with a description of the docketing system, but no statement of demonstration of the sufficient reliability thereof; moreover, while Petitioner supplied a copy of a mail log (which was not required) and a copy of the firm due-date calendar (which was) Petitioner failed to provide the required docket sheet/file-jacket cover for the instant application. (*See*: the guidance in the Commentary at MPEP §711.03(c)(I).)

Petitioner's burden herein is to make a showing pursuant to 37 C.F.R. §1.181 (with narrative and documentary support) consistent with the guidance in the Commentary at MPEP 711.03(c)(I), which provides in pertinent part:

***

> 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.[1]

---

[1] *See*: MPEP §711.03(c) (I)(A).

***

Petitioner has not satisfied this burden. Petitioner is requested to return to the the guidance in the Commentary at MPEP 711.03(c)(I), and move stepwise through those materials in Petitioner's effort to satisfy the showing required herein.

Alternatively, Petitioner must properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

Out of an abundance of caution, Applicants always are reminded that those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

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.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And 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.[3],[4]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

---

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Applicant's duty of candor and good faith and accepting a statement made by Applicant. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] See: 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] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure 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.))

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[5]

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how and when it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition as considered under 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition

[5] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

was unintentional" (the statement is in the form available online), and a terminal disclaimer and fee where appropriate.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries 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[6]) 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

[6] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/197,446	08/05/2005	Vladislav Bezrukov	09700.0118-00	6251

22852 7590 07/01/2008
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
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EXAMINER
SMITH, BENJAMIN J

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
07/01/2008	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.

Office Action Summary	Application No.	Applicant(s)	
	11/197,446	BEZRUKOV ET AL.	
	Examiner	Art Unit	
	Benjamin J. Smith	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on 05 August 2005.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 05 August 2005 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 05 August 2005.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This non-final office action is in response to the Application filed on 05 August 2005.

Claims 1-20 are presented for examination. Claims 1 and 11 are independent claims.

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show "**content 211**" (paragraph 030) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

The drawings are objected to because reference characters "**220**" and "**221**" (fig. 2), which designate "**document level object**" and "**content**" (paragraph 030) appear to be pointing to the same part of figure 2.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the recited "**processor system**" and "**memory system**" of Claim 11.

The Specification does not mention the recited "**processor System**" or "**memory system**". Thus, there is no support or antecedent basis for the recited "**processor System**" or "**memory system**" that allows the meaning of the term to be ascertained, as required in 37 CFR 1.75(d)(1).

The specification is objected to because reference character "**120**" has been used to designate both "**content management** process" and "**business unit process**" (paragraph 035). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claim 1 recites a "*system*" solely comprising a "processor system" and a "memory system". An embodiment of the "processor system" and "memory system" is simply a piece of software, which have been given this interpretation because of the lack of a definition in the specification. Thus, for purposes of

examination, the examiner interprets the recited "*system*" to be software per se. That is, the recited "*system*" is not a process, a machine, a manufacture or a composition of matter.

Accordingly, Claim 1 fails to recite statutory subject matter as defined in 35 U.S.C. 101.

Claims 12-20 merely recite additional features of the "processor system" and "memory system". Thus, Claims 12-20 do not further define the recited "*system*" as being within a statutory process, machine, manufacture or composition of matter.

Accordingly, Claims 12-20 fail to recite statutory subject matter as defined in 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9-15 and 17-20 rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. Sikorsky et al. US Patent No. 6,684,370 (hereinafter, "Sikorsky").

Claim 1:

Sikorsky discloses *a computer-implemented method for managing documents in a computing system environment* [col. 1, lines 38-55] [rendering a document using a template is part of document management], *comprising:*

identifying a placeholder object included in a document having a document level object, the placeholder object having metadata corresponding to a software level object [col. 6, lines 1-49 and fig. 3b] [region definitions are placeholder objects and the metadata to the corresponding software level object is the "DateModified"]*;*

generating a query message based on the placeholder object [col. 8, lines 1-6] [there would have to be a query message created to enable the queries to the data providers to provide the desired data]*;*

identifying software level object content based on the query message, the software level object content being in a first format based on a first set of constraints [col. 7, lines 24-49] [java code is the first format and the content based on the query message is the "DateModified"]*;*

providing a response message including the software level object content [col. 8, lines 31-37] [the result is the response message and the actual data modified is the software level object content]*;*

transforming the format of the software level object content included in the response message to a second format based on a second set of constraints, wherein the document level object is configured in the second format [col. 10, lines 28-39 and col. 2, lines 52-55] [transforming from the software object to the document object, in this case XML or HTML, would be changing from a first format to another]*;*

merging the transformed software level object content in the document based on the placeholder object in the document [col. 5, lines 36-49 and fig. 3b and fig. 5b] [merging in the template the software providers and the data sources]*; and*

generating an output document based on the transformed software level object content and document level object such that the software level object content replaces the placeholder object in the output document [col. 9, lines 12-25 and fig 5b] [the generated document in fig. 5b shows the placeholder object replaced by the transformed software object].

Claim 2:

Sikorsky discloses t*he method of claim 1, wherein a first process executed by a processor maintains and manages the document level object and a second process maintains the software level object* [col. 4, lines 21-27 and col. 4 lines 55-67] [a distributed system on different devices connected by a network would have different processors running different processes on each of them, different processors mange the document level objects and templates and different processors mange the software level objects which execute the code and return the data back to the document processors].

Claim 3:

Sikorsky discloses *the method of claim 1, wherein generating the query message includes: inserting, based on the placeholder object, configuration information in the*

query message, the configuration information identifying a repository that stores the software level object [col. 4, lines 21-27 and col. 4 lines 55-67] [a distributed system on different devices connected by a network would have different processors running different processes on each of them, these processors would have configuration information in the message to identify the repository, the information would be in the form of network addresses].

Claim 4:

Sikorsky discloses *the method of claim 3, wherein identifying software level object content includes:*

analyzing the configuration information in the query message to locate the repository [col. 4, lines 21-27 and col. 4 lines 55-67] [all computers on a network are able to analyze configuration information in a message to determine if the message is for the given computer and if so where to look on the computer for the information].

Claim 5:

Sikorsky discloses *the method of claim 4, wherein providing the response message includes: collecting the software level object content from the repository; and inserting the software level object content in the response message* [col. 6, lines 36-49] [software data providers execute code in response to a request and generate data from the execution of the code and return the data to the data requestor].

Claim 9:

Sikorsky discloses *the method of claim 1, wherein the merging step is performed by a first process* [col. 5, lines 36-49] [data requestor rendering engine is the first process] *and the method further includes:*

modifying, by a second process, the software level object content [col. 6, lines 43-46] [new region definitions]*;*

receiving, by the second process, a second query message that includes the metadata associated with the software level object [col. 6, lines 46-49] [rendering engine has to resolve the changes associated with the software object]*; and*

providing, by the second process, the modified software level object content to the first process in a second response message such that the first process merges the modified software object content and the document level object into the document [col. 5, lines 36-49, fig 3b and fig. 5b] [the rendering engine determines how the data sources are to be merged and fig. 5b shows the document after the data has been replaced].

Claim 10:

Sikorsky discloses *the method of claim 9, wherein the second query message includes configuration information that identifies a repository that stores the modified software level object content* [col. 1, lines 62-63] [data providers are repositories and knowing the associated data provider identifies a repository]*, and wherein providing the modified software level object content further includes:*

collecting the modified software level object content from the repository, wherein a second repository stores the unmodified software level object content [col. 6, lines 36-49] [software data providers may return data without making changes].

Claim 11:

Sikorsky discloses *a system for managing documents, comprising: a processor system; and a memory system for storing processes* [col. 4, lines 21-36] *including:*

a first process executed by the processor system to retrieve a document including a document level object and a placeholder object associated with metadata corresponding to a software level object [col. 6, lines 1-49 and fig. 3b] [region definitions are placeholder objects and the metadata to the corresponding software level object is the "DateModified"], *provide a query message identifying the metadata* [col. 8, lines 1-6] [there would have to be a query message created to enable the queries to the data providers to provide the desired data, this query message would contain data about the "DateModified"], *receive a response message including software level object content that is configured in a first format based on a first set of constraints* [col. 8, lines 31-37] [the result, is the response message and the actual data modified, is the software level object content], *transform the format of software level object content included in the response message to a second format based on a second set of constraints, wherein the document level object is configured in the second format* [col. 10, lines 28-39 and col. 2, lines 52-55] [transforming from the software object to the document object, in this case XML or HTML, would be changing from a first format to another], *and merge the*

software level object content and document level object into an output document [col. 5, lines 36-49 and fig. 3b and fig. 5b] [merging in the template the software providers and the data sources]*; and*

a second process executed by the processor system to create the software level object [col. 4, lines 21-27 and col. 4, lines 55-67] [a distributed system on different devices connected by a network would have different processors running different processes on each of them], *identify the software level object content based on the metadata identified by the query message* [col. 6, lines 1-49 and fig. 3b] [region definitions are placeholder objects and the metadata to the corresponding software level object is the "DateModified", the second process is on a separate computer], *and provide the response message to the first process in response to the query message* [col. 8, lines 31-37] [the result is the response message and the actual data modified is the software level object content, the first process is on a separate computer],

wherein the first process generates the output document based on the transformed software level object content and document level object such that the software level object content replaces the placeholder object in the output document [col. 9, lines 12-25 and fig 5b] [the generated document in fig. 5b shows the placeholder object replaced by the transformed software object].

Claim 12:

Sikorsky discloses *the system of claim 11, wherein the second process maintains the software level object in a repository identified by the metadata* [col. 2, lines 49-64]

[the process that maintains and identifies which data providers have what data will contain metadata, or network information, to know where the data is located on a network].

Claim 13:

Sikorsky discloses *the system of claim 11, wherein the first process generates the query by inserting, based on the placeholder object, configuration information in the query message, the configuration information identifying a repository that stores the software level object* [col. 4, lines 21-27 and col. 4 lines 55-67] [a distributed system on different devices connected by a network would all have different processors running different processes on them, these processors would have configuration information in the message to identify the repository, the information would be in the form of network addresses].

Claim 14:

Sikorsky discloses *the system of claim 13, wherein the second process analyzes the configuration information in the query message to locate the repository* [col. 4, lines 21-27 and col. 4 lines 55-67] [all computers on a network are able to analyze configuration information in a message to determine if the message is for that computer and if so where to look on the computer for the information].

Claim 15:

Sikorsky discloses *the system of claim 14, wherein the second process Provides the response message by collecting the software level object content from the repository and inserting the software level object content in the response message* [col. 6, lines 36-49] [software data providers execute code in response to a request and generates data from the execution of the code and returns the data to the data requestor].

Claim 17:

Sikorsky discloses *the system of claim 11, wherein the software level object content includes executable code that is modifiable by the second process* [col. 5, lines 16-34] [client request is the first process that generates a query message and the data providers, which may be on separate devices, respond with the data].

Claim 18:

Sikorsky discloses *the system of claim 17, wherein the first process is configured to generate the output document based on the executable code included in the software level object content and without the document level object* [col. 6, lines 36-49] [data provided by the execution of code].

Claim 19:

Sikorsky discloses *the system of claim 11, wherein the second process modifies the software level object content, receives second query message that includes the*

metadata associated with the software level object, and provides the modified software level object content to the first process in a second response message [col. 6, lines 36-49] [the execution of software code often involves modifying the software content, introducing new regions and the rendering engine having to resolve them would be an example].

Claim 20:

Sikorsky discloses *the system of claim 19, wherein the first process merges the modified software object content and the document level object into the output document such that the modified software level object content replaces the placeholder object in the output document* [col. 5, lines 36-49, fig 3b and fig. 5b] [the rendering engine determines how the data sources are to be merged and fig. 5b shows the document after the data has been replaced].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-8 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Sikorsky as applied to claims 1 and 11 above, and further in view of Maryka US Pub. No. 2005/0289156 (hereinafter, "Maryka").

Claim 6:

As indicated in the above rejection, Sikorsky discloses every limitation of claim 1. In addition to these limitations Sikorsky also discloses XML as a data source that can be rendered and merged [col. 2, lines 52-61].

Sikorsky fails to expressly disclose:

providing the response message includes: providing the response message as an XML stream of data. Sikorsky does not expressly disclose at what point the software object is converted into XML or what format the messages are in.

Maryka discloses:

providing the response message includes: providing the response message as an XML stream of data [abstract, paragraph 0041 and paragraph 0046] Maryka discloses a system and method for serializing objects into XML that have been placed in a document object model and sending the serialized XML objects in a message.

It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the serializing of objects in Maryka with the message and data delivery in Sikorsky.

This modification would be useful given the widely accepted use of the XML format. The modification would also be useful if the user would like to view the serialized objects that are returned before placing them in a document.

Claim 7:

Sikorsky discloses *the method of claim 6, wherein a first process generates the query message and a second process provides the response message to the first process* [col. 5, lines 16-34] [client request is the first process that generates a query message and the data providers, which may be on separate devices, respond with the data].

Claim 8:

Sikorsky discloses *the method of claim 7, wherein the software level object content includes executable code that is modifiable by the second process* [col. 6, lines 36-49] [data provided by the execution of code, software objects usually have a method to modify their attributes].

Claim 16:

As indicated in the above rejection, Sikorsky discloses every limitation of claim 11. In addition to these limitations Sikorsky also discloses XML as a data source that can be rendered and merged [col. 2, lines 52-61].

Sikorsky fails to expressly disclose:

providing the response message includes: providing the response message as an XML stream of data. Sikorsky does not expressly disclose when the software object is converted into XML or what format the messages are in.

Maryka discloses:

providing the response message includes: providing the response message as an XML stream of data [abstract, paragraph 0041 and paragraph 0046] Maryka discloses a system and method for serializing objects into XML that have been placed in a document object model and sending the serialized XML objects in a message.

It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the serializing of objects in Maryka with the message and data delivery in Sikorsky.

This modification would be useful given the widely accepted use of the XML format. The modification would also be useful if the user would like to view the serialized objects that are returned before placing them in a document.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

2005/0278475 Karatal et al.

2002/0046235 Foy et al.

2003/0014443	Bernstein et al.
7,207,001	Bailey et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin J. Smith whose telephone number is (571) 270-3825. The examiner can normally be reached on Monday through Friday 8:30AM-5:00PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Benjamin J. Smith/
Examiner, Art Unit 2176

/William L. Bashore/
Primary Examiner, Art Unit 2175

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SEP 14 2009

OFFICE OF PETITIONS

In re Application of :
Bezrukov, et al. :
Application No. 11/197,446 : DECISION
Filed/Deposited: 5 August, 2005 :
Attorney Docket No. 09700.0118-00 :

This is a decision on the petition filed on 24 July, 2009, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application

> **NOTE:** Petitioner's submission suggests that Petitioner may not have considered fully the reference in the decision of 26 May, 2009, to the guidance in the Commentary at MPEP §711.03(c)(I) as to the proper showing requirements for relief under 37 C.F.R. §1.181.

The petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action (copy previously enclosed) mailed on 1 July, 2008, with reply due absent extension of time on or before 1 October, 2008.

The application went abandoned by operation of law after midnight 1 October, 2008.

The Office mailed the Notice of Abandonment on 26 January, 2009.

On 25 March, 2009, Petitioner filed a petition pursuant to 37 C.F.R. §1.181 seeking withdrawal of the holding of abandonment and averred nonreceipt at the correspondence address of record, search and non-discovery, with a description of the docketing system, but no express statement that the system was sufficiently reliable; moreover, while Petitioner supplied a copy of a mail log (which was not required) and a copy of the firm due-date calendar (which was) Petitioner failed to provide the required docket sheet/file-jacket cover for the instant application. (*See*: the guidance in the Commentary at MPEP §711.03(c)(I).) The petition was dismissed on 26 May, 2009.

On 24 July, 2009, Petitioner re-advanced his petition pursuant to 37 C.F.R. §1.181. To some extent Petitioner's submission suggests that Petitioner failed to consider the guidance set forth in the Commentary at MPEP §711.03(c)(I) and previously noted for Petitioner's attention. While Petitioner averred averred nonreceipt at the correspondence address of record, search and non-discovery, with a description of the docketing system, Petitioner did not provided the express statement that Petitioner's docketing system is "sufficiently reliable[.]" However, the Office has reading Petitioner's statement that Petitioner's office "reliably received [and] processed" a given estimate of papers to be that required statement—and Petitioner must immediately notify the Office if this reading is not correct. Moreover, Petitioner again supplied a copy of a mail log (which was not required). Petitioner previously supplied a copy of the firm due-date calendar, and on this submission Petitioner provided the required docket sheet/file-jacket cover for the instant application.

Petitioners always are reminded of their burden herein to make a showing pursuant to 37 C.F.R. §1.181 (with narrative and documentary support) consistent with the guidance in the Commentary at MPEP 711.03(c)(I), which provides in pertinent part:

***

> 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.[1]

***

Out of an abundance of caution, Applicants always are reminded that those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

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.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And 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.[3],[4]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

---

[1] *See*: MPEP §711.03(c) (I)(A).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Applicant's duty of candor and good faith and accepting a statement made by Applicant. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] See: 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] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure 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.))

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[5]

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how and when it is to be made and supported.

Petitioner appears to have made the showing required.

CONCLUSION

Accordingly, the petition as considered under 37 C.F.R. §1.181 is **granted** and the26 January, 2009, Notice of Abandonment is **vacated**.

The instant application is released to the Technology Center/AU 2176 for further processing in due course, to include the re-mailing of the Office action in question.

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.

---

[5] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

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[6]) 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

[6] 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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FAIRFAX, VA 22031-2509

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OFFICE OF PETITIONS

In re Application of :
Jacqueline Hibbert et al :
Application No. 11/197,449 :
Filed: August 5, 2005 :
Attorney Docket No. :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 5, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 15, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 16, 2007.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $60 extension of time submitted with the petition on February 5, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3644 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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MAY 15 2009

OFFICE OF PETITIONS

In re Patent No. 7,468,823
Issued: December 23, 2008
Application No. 11/197,451
Filed: August 5, 2005
Attorney Docket No. 036741-0152

: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PERIOD IN GRANTED PATENT UNDER 37 C.F.R. §§ 1.181 & 1.705(d)" filed February 20, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from three hundred seventy (370) days to five hundred ten (510) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On December 23, 2008, the above-identified application matured into US Patent No. 7,468,823 with a patent term adjustment of 370 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that in view of the decision in Wyeth, they are "entitled to a total patent term adjustment of 510 days, which is the sum of 140 days of patent term adjustment due to exceeding three year pendency and 370 days due to USPTO delay in prosecution."

The 140-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on August 5, 2005, and the patent having been issued on December 23, 2008, three years and 140 days later. Patentees assert that in addition to this 140-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a), of 370 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. In this instance there is no dispute that there has been no reduction for applicant delay.

Patentees do not dispute that the total period of Office delay is the sum of the period of Three Years Delay (140 days) and the period of Examination Delay (370 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 510 days, which is the sum of the period of Three Year Delay (140 days) and the period of Examination Delay (370 days), reduced by the period of overlap (0 days). As such, patentees assert entitlement to a patent term adjustment of 510 days (140 + 370 reduced by 0 overlap – 0 (applicant delay)).

The Office agrees that as of the issuance of the patent on December 23, 2008, the application was pending three years and 140 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 370 days is correct. At issue is whether patentees should accrue 140 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 370 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 303 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 35 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in § 1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was

delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A),* 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule

provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3-year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[1]

As such, the period for over three-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application. It is incorrect to treat the relevant period as starting on August 5, 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, August 5, 2005, to the date the patent issued on December 23, 2008. Prior to the issuance of the patent, 370 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 140 days for Office delay in issuing the patent overlap with the 370 days of Office delay. During that time, the issuance of the patent was delayed by 370 days, not 370 + 140 days. The Office took 14 months and 370 days to issue a first Office action. Otherwise, the Office took all actions set forth in 37 CFR 1.702(a) within the prescribed time frames. Nonetheless, given the initial 370 days of Office delay and the time allowed within the time frames for processing and examination, as of the date the patent issued, the

[1] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

application was pending three years and 140 days. The Office did not delay 370 days and then an additional 140 days. Accordingly, 370 days of patent term adjustment (not 370 and 140 days) was properly entered since the period of delay of 140 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 370 days attributable to grounds specified in § 1.702(a)(1). Entry of both periods is not warranted. Thus, 370 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 140 days over three years to the issuance of the patent.

Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment for the Office taking in excess of three years to issue the patent.

In view thereof, no adjustment to the patent term will be made.

Patentees remain under a duty to disclose to the Office entry of additional patent term adjustment that is not warranted.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Kery A. Fries

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Examination Policy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Masao YAMAGUCHI

Title: OPTICAL BEAM SCANNING DEVICE, IMAGE FORMING APPARATUS AND LENS

Appl. No.: 11/197,451

Filing Date: 08/05/2005

Patent No.: 7,468,823

Grant Date: 12/23/2008

Examiner: James Phan

Art Unit: 2872

Confirmation Number: 7616

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request reconsideration of the Patent Term Adjustment (PTA) determined for the captioned patent, which issued on 12/23/2008 as U.S. Patent No. 7,468,823.

The Patent Office determined that the patent was entitled to 370 days of PTA. Applicants believe that this PTA determination was made in accordance with 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)" published at 69 Fed. Reg. 34238 (Jun. 21, 2004). Under that interpretation of the PTA statute, any PTO delay under 35 U.S.C. § 154(b)(1)(A) is deemed to overlap with any 3-year maximum pendency delay under 35 U.S.C. § 154(b)(1)(B), and so, as a practical effect, PTA may be awarded under §154(b)(1)(A) or §154(b)(1)(B), but not both.

On September 30, 2008, the United States District Court for the District of Columbia issued a decision finding that the U.S. Patent and Trademark Office's interpretation of the

PTA statute is incorrect. *Wyeth v. Dudas*, Civ. Action No. 07-1492 (JR) (Sep. 30, 2008). The court determined that, under the correct interpretation of the PTA statute, periods of "overlap" are limited to "periods of time . . . [that] occur on the same day." *Wyeth*, slip op. at 8. Thus, 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." *Id.*

Applicants have recalculated PTA for the captioned patent under the court's interpretation of the PTA statute, and have determined that the patent is entitled to 510 days PTA, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702(a) and (b), and under 37 CFR §§1.703(a) and (b).

There were no circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704.

(a) Total of non-overlapping PTO delay under §154(b)(1)(A) & (B):	510 days
(b) Total Applicant delay:	0 days
Final PTA Determination:	510 days

Applicants therefore respectfully request that the patent be accorded 510 days PTA.

The patent is not subject to a terminal disclaimer.

Payment of the requisite fee is submitted herewith. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

However, because this PTA error is due to a Patent Office error in interpreting and applying the PTA statute, a refund of the fee is respectfully requested.

Respectfully submitted,

Date February 20, 2009

By

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

Pavan K. Agarwal
Attorney for Applicant
Registration No. 40,888

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Patent Term Adjustment Calculation System

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Docket Number: 036741-0152
Application Number: 11/197451
Patent Number: N/A

	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Application Filing Date	08/05/2005	0		
Edit Delete	Notice to File Missing Parts	09/19/2005	45		
Edit Delete	Response to Notice to File Missing Parts	11/17/2005	104		
	14 month From Application date	10/05/2006	426		
Edit Delete	Non-Final Office Action	10/10/2007	796	370	
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	01/10/2008	888		
Edit Delete	Final Office Action	04/30/2008	999		
Edit Delete	Final Office Action Response Received at PTO	07/29/2008	1,089		
	3 Year Period Starts	08/05/2008	1,096		
Edit Delete	Notice of Allowance	08/22/2008	1,113		
Edit Delete	Issue Fee Paid	11/19/2008	1,202		
Edit Delete	Patent Grant Date	12/23/2008	1,236	140	
			Totals:	510	0
			PTA:	510	

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PO BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215

In re application of	:	**DECISION ON PETITION**
Vera Litvak	:	**TO MAKE SPECIAL**
Application No. 11/197,467	:	**(APPLICANT'S AGE)**
Filed: August 5, 2005	:	
For: SECTIONAL NON-SLIP MATTRESS	:	

This is a decision on the petition submitted on August 5, 2005 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a declaration signed by Vera Litvak indicating that he/she is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(571) 272-6611

SNM/dew: 09/12/05

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Martin Lambert	: DECISION ON REQUEST FOR
Patent Number	: 7605342	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,540	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/05/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1111** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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GAUTHIER & CONNORS, LLP
225 FRANKLIN STREET
SUITE 2300
BOSTON, MA 02110

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MAY 03 2010

OFFICE OF PETITIONS

In re Application of Egbert Helmig Application No. 11/197,567 Filed: August 4, 2005 Attorney Docket No. 8001	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 30, 2009, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the final Office action mailed on December 11, 2008. A Notice of Abandonment was mailed August 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) along with the $405 fee and the submission under 37 CFR 1.114; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 1793 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

Mail Date: 04/21/2010

Applicant	: Jae-Sang Lee	: DECISION ON REQUEST FOR
Patent Number	: 7581845	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,570	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **90** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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	: Allen L. Carl	: DECISION ON REQUEST FOR
Patent Number	: 7611526	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,573	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1005** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 201
MENLO PARK CA 94025

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OFFICE OF PETITIONS

In re Application of	:	
Ho et al.	:	DECISION ON PETITION
Application No. 11/197575	:	
Filed: 08/03/2005	:	
Atty Docket No. TPLAB-P009	:	

This is a decision on the petition, filed on 1 June, 2007, which is treated as a petition under 37 CFR 1.137(f) to revive the above-identified nonprovisional application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on 29 June, 2006. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The present petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded.

The application is being referred to Technology Center Art Unit 3621 for further processing.

Any inquiries concerning this decision may be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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102006

TOWNSEND and TOWNSEND and CREW, LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834

OCT 12 2006

In re Application of:
Bausan Yuan et al.
Serial No.: 11/197,576
Filed: August 3, 2005
For: LOW SPRING CONSTANT, PNEUMATIC SUSPENSION WITH VACUUM CHAMBER, AIR BEARING, ACTIVE FORCE COMPENSATION, AND SECTIONED VACUUM CHAMBERS

DECISION ON PETITION
TO CONVERT APPLICATION

This is a decision on the petition under 37 C.F.R. § 1.53(b)(2)(ii), filed July 17, 2006, to convert the above-identified application to a provisional application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(b)(2).

The petition is **GRANTED.**

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing as a PROVISIONAL application under 35 U.S.C. § 111(b) and 37 C.F.R. § 1.53(b)(2), including the assignment of a new provisional application number.

The new provisional application number will be communicate to the applicant by OIPE in due course.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/197,576	08/03/2005	Bausan Yuan	011720-002700US

CONFIRMATION NO.

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 02/16/2007

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/17/2006,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/813,634.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

PART 2 - OFFICE COPY

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SAN FRANCISCO CA 94111-3834

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OFFICE OF PETITIONS

In re Application of
Yuan et al.
Application No. 11/197,576
Filed: August 3, 2005
Attorney Docket No. 011720-002700US

DECISION ON PETITION

In re Application of
Yuan et al.
Application No. 60/813,634
Filed: August 3, 2005
For: Low spring constant, pneumatic suspension with vacuum chamber, air bearing, active force compensation, and sectioned vacuum chambers

This is a decision on the "PETITION TO NULLIFY GRANT(S) OF PETITION TO CONVERT PROVISIONAL APPLICATION UNDER 37 C.F.R. §1.53 AND THEREFORE TO REINSTATE NONPROVISIONAL APPLICATION WITH ORIGINAL FILING DATE," filed March 23, 2007, which is being treated as a petition under 37 CFR 1.182.

On August 3, 2005, applicants filed nonprovisional Application No. 11/197,576. On July 17, 2006, applicants filed a petition under 37 CFR 1.53(c)(2), requesting that the Office convert nonprovisional Application No. 11/197,576 to a provisional application with the original filing date of the nonprovisional application. The request for conversion was granted by the decision of Richard K. Seidel, Director of Technology Center 2800, on October 12, 2006.

On February 5, 2007, the Examiner mailed a Restriction Requirement in Application No. 11/197,576, which set an extendable period of thirty-days to reply. On February 8, 2007, the Office mailed a Notice of Publication of Application, stating that nonprovisional Application No. 11/197,576 would be

electronically published as a patent application pursuant to 37 CFR 1.211, et seq. Thereafter, nonprovisional Application No. 11/197,576 published as 2007-0030462/A1 on February 8, 2007.

On February 16, 2007, the Office mailed a second decision, signed by John S. Dill of the Office of Initial Patent Examination, granting the petition of July 17, 2006, to covert nonprovisional Application No. 11/197,576 to a provisional application. The decision indicated that the papers had been assigned provisional Application No. 60/813,634. Subsequently, nonprovisional Application No. 11/197,576 became an inactive application.

On March 23, 2007, applicants filed the present petition and an authorization to charge any necessary fees. Applicants explained that after filing the initial nonprovisional application, they determined that the subject matter was best maintained as a trade secret. For this reason, applicants filed a petition on July 17, 2006, to convert nonprovisional Application No. 11/197,576 to a provisional application with the original filing date of the nonprovisional application. Applicants stated that despite the granting of their petition to convert on October 12, 2006, nonprovisional Application No. 11/197,576 published as 2007-0030462 and is searchable on the USPTO website. Applicants requested the following relief: "1. nullify the granted petitions, 2. reinstate the subject nonprovisional application number under Patent Application No. 11/197,576 and original filing date, and 3. grant leave to continue prosecution of the U.S. Patent Application No. 11/197,576." *Petition dated 03/23/07, p. 1.*

Under the circumstances, it is concluded that in the interest of justice, and to avoid loss of patent rights, the requested relief should be provided. Accordingly, the petition under 37 CFR 1.182 is **granted**.

The decisions of October 12, 2006, and February 16, 2007, granting applicants' request under 37 CFR 1.53(c), to convert nonprovisional Application No. 11/197,576 to provisional Application No. 60/813,634, are hereby **vacated**.

Provisional Application No. 60/813,634 will become an inactive application. The pertinent fees and papers will be closed in the Image File Wrapper of provisional Application No. 60/813,634, and be placed in nonprovisional Application No. 11/197,576. A copy of the present petition and decision will remain in provisional Application No. 60/813,634 to complete the record therein.

Nonprovisional Application No. 11/197,576 is now an active application. All future correspondence should be directed to nonprovisional Application No. 11/197,576, not provisional Application No. 60/813,634. The Office acknowledges receipt on March 28, 2007, of the response to the outstanding Restriction Requirement, the request for a one-month extension of time, and the authorization to charge any necessary fees. The $400.00 petition fee and the $120.00 extension of time fee will be charged to the Deposit Account as authorized.

This matter is being referred to the Office of Initial Patent Examination for further processing of nonprovisional Application No. 11/197,576 as an active application, with the filing date of August 3, 2005. Thereafter, the matter will be referred to Technology Center Art Unit 2851 for processing of the reply and the extension of time filed on March 28, 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

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DAVID W. HIGHET, VP & CHIEF IP COUNSEL
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(PATTON BOGGS)
1 BECTON DRIVE MC 110
FRANKLIN LAKES, NJ 07417-1880

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OFFICE OF PETITIONS

In re Application of	:	
Tobin J. Hellyer, et al.	:	
Application No. 11/197,594	:	DECISION ON PETITION
Filed: August 5, 2005	:	
Attorney Docket No. P-6092	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 5, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 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 July 26, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1110 extension of time fee submitted with the petition on February 5, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card..

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. 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 1634 for appropriate action by the Examiner in the normal course of business on the reply received February 5, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

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David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(Lerner David Littenberg)
1 Becton Drive , MC 110
Franklin Lakes, NJ 07417-1880

Mail Date: 08/04/2010

Applicant	: Tobin J. Hellyer	: DECISION ON REQUEST FOR
Patent Number	: 7662562	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/197,594	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/05/2005	: 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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BOEHRINGER INGELHEIM USA
CORPORATION
900 RIDGEBURY ROAD
P.O. BOX 368
RIDGEFIELD CT 06877-0368

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OFFICE OF PETITIONS

In re Application of	:	
Linz et al.	:	
Application No. 11/197,634	:	ON APPLICATION FOR
Filed: August 4, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 01-1758	:	

This is in response to the PETITION FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b) filed August 12, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is two hundred seventy (270) days, not zero (0) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment.

It appears that applicants seek this correction solely on the basis that the Office will take in excess of three years to issue this patent. However, applicants state that the "A delay" is 36 days. The Office notes that in addition to the 36 days of "A delay" observed by applicants, the Office was assessed a period of delay of 28 days pursuant to 37 CFR 1.702(a)(2). Although applicants do not indicate any disagreement with the entry of 28 days of Office delay, the Office reminds applicants that they continue to be under a duty to advise the Office of any error in according too much patent term adjustment.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of

the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

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[1] For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton, NJ 08543-5312

Mail Date: 04/21/2010

Applicant	: Marco Wiinter	: DECISION ON REQUEST FOR
Patent Number	: 7590330	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,663	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: 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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Alexandria, VA 22313-1450
www.uspto.gov

AMGEN INC.
MAIL STOP 28-2-C
ONE AMGEN CENTER DRIVE
THOUSAND OAKS CA 91320-1799

COPY MAILED
MAR 19 2010

In re Application of	:	
Li, et al.	:	
Application No. 11/197,665	:	ON APPLICATION FOR
Filed: August 4, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No. A-941-US-NP	:	

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT 37 CFR 1.705(d)" filed August 26, 2009, which is properly treated pursuant to 37 CFR 1.705(b). Applicants submit that the correct patent term adjustment to be indicated on the patent is fourteen (14) days, not zero (0) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction, in part, on the basis that the Office will take in excess of three years to issue this patent.

Relative to the any assertion that the Office will take in excess of 3 years of the filing date to issue this patent, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the

initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

It is noted that any period of adjustment will be entered in light of 35 U.S.C. 154(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

> Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including —

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

It is further noted that a Request for Continued Examination (RCE) was filed in this application on March 2, 2009.

To the extent that applicants 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**.[2]

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 zero (0) days. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On June 1, 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 0 days. On August 26, 2009, applicants submitted the instant comment. Applicants disclose, via the chart that accompanied the instant comment, that the reduction to the patent term adjustment for applicant delay should be increased by 64 days for the filing of a supplemental reply on October 18, 2007.

A review of the application history reveals that on February 27, 2007, a restriction/election requirement was mailed, to which applicants responded on August 14, 2007. On October 18, 2007, applicant filed a supplemental reply to the reply filed August 14, 2007. 37 CFR 1.704(c)(8) provides that:

(c) Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude

---

[2] It is noted that this "Application for Patent Term Adjustment 37 CFR 1.705(d)" was served, in part, as an advisement to the Office of an error in the calculation of the Patent Term Adjustment relative to a period of applicant delay. The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office. It is noted that the Office is not assessing the $200.00 application fee under 37 1.18(e) for the portion of the "Application for Patent Term Adjustment 37 CFR 1.705(d)" that is akin to a candor letter, but must assess the $200.00 fee for the treatment of the "Application for Patent Term Adjustment 37 CFR 1.705(d)" under 37 CFR 1.705(b).

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.

It is undisputed that the supplemental response filed October 18, 2007, was filed 64 days after the response to the restriction/election requirement was filed on August 14, 2007. The record does not support a conclusion that the Examiner expressly requested the filing of the supplemental reply. Accordingly, pursuant to 37 CFR 1.704(c)(8), a period of reduction of sixty-four (64) days will be entered with said period being calculated beginning on the day after the date the initial reply was filed, August 15, 2007, and ending on the date the supplemental reply was filed October 18, 2007.

It is also noted that an Information Disclosure Statement (IDS) was filed on March 5, 2009, 3 days after a Request for Continued Examination under 37 CFR 1.114 and amendment were filed on March 2, 2009. The record does not support a conclusion that the Examiner expressly requested the filing of the IDS. Further review of the Information Disclosure Statement filed March 5, 2009, did not reveal a proper statement under 37 CFR 1.704(d).[3]

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[3] 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

Accordingly, pursuant to 37 CFR 1.704(c)(8), a period of reduction of three (3) days will be entered with said period being calculated beginning on the day after the date the initial reply was filed, March 3, 2009, and ending on the date the supplemental reply was filed March 5, 2009.

In view thereof, the determination of the patent term adjustment at the time of the mailing of the notice of allowance is zero (0) days (146 days of Office delay - 344 (79 + 10 + 64 + 90 + 65 + 3 + 33) 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.

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.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this specific matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

for

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

---

the filing of the information disclosure statement. This thirty-day period is not extendable.

Day : Wednesday

PALM INTRANET

Date: 3/17/2010
Time: 13:26:03

PTA Calculations for Application: 11/197665			
Application Filing Date:	08/04/2005	PTO Delay (PTO):	146
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	277
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-67		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
80	03/17/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		64	
79	03/17/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		3	
69	06/01/2009	MAIL NOTICE OF ALLOWANCE			
68	05/28/2009	ISSUE REVISION COMPLETED			
67	05/28/2009	DOCUMENT VERIFICATION			
66	05/28/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
65	05/28/2009	CASE DOCKETED TO EXAMINER IN GAU			
64	05/26/2009	EXAMINER'S AMENDMENT COMMUNICATION			
63	05/26/2009	NOTICE OF ALLOWABILITY			
62	05/21/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
61	03/05/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
58	03/05/2009	REFERENCE CAPTURE ON IDS			
57	03/05/2009	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
56	03/13/2009	DATE FORWARDED TO EXAMINER			
55	03/02/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
54	03/13/2009	DATE FORWARDED TO EXAMINER			
53	03/02/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)		33	47
52	03/13/2009	DISPOSAL FOR A RCE / CPA / R129			
51	03/02/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
50	03/05/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

49	03/02/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
48	11/04/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
47	10/28/2008	MAIL FINAL REJECTION (PTOL - 326)			
46	10/27/2008	FINAL REJECTION			
45	08/14/2008	DATE FORWARDED TO EXAMINER			
44	07/17/2008	RESPONSE AFTER NON-FINAL ACTION		65	41
43	06/30/2008	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
42	06/28/2008	DATE FORWARDED TO EXAMINER			
41.1	05/13/2008	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
41	05/13/2008	RESPONSE AFTER NON-FINAL ACTION		90	39
40	05/13/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
39	11/13/2007	MAIL NON-FINAL REJECTION			
38	11/09/2007	NON-FINAL REJECTION			
37	10/26/2007	DATE FORWARDED TO EXAMINER			
36	10/18/2007	RESPONSE AFTER NON-FINAL ACTION			
35	10/18/2007	MAIL NON-FINAL REJECTION			
34	10/15/2007	NON-FINAL REJECTION			
33	08/24/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	07/03/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
31	08/24/2007	REFERENCE CAPTURE ON IDS			
30	08/24/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		10	27
29	08/24/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	08/21/2007	DATE FORWARDED TO EXAMINER			
27	08/14/2007	RESPONSE TO ELECTION / RESTRICTION FILED		79	24
26	08/14/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
25	07/11/2007	CASE DOCKETED TO EXAMINER IN GAU			
24	02/27/2007	MAIL RESTRICTION REQUIREMENT	146		-1
23	02/21/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
22	01/24/2007	CASE DOCKETED TO EXAMINER IN GAU			
21	07/03/2006	REFERENCE CAPTURE ON IDS			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

20.7	07/03/2006	FILED			
20	07/03/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	03/06/2006	RECEIPT OF ALL ACKNOWLEDGEMENT LETTERS			
18	03/06/2006	RECEIPT OF ACKNOWLEDGMENT LETTER			
17	12/28/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	12/28/2005	CASE DOCKETED TO EXAMINER IN GAU			
15	12/12/2005	APPLICATION RETURN FROM OIPE			
14	12/13/2005	APPLICATION IS NOW COMPLETE			
13	12/12/2005	APPLICATION RETURN TO OIPE			
12	12/12/2005	APPLICATION DISPATCHED FROM OIPE			
11	12/12/2005	APPLICATION IS NOW COMPLETE			
10	12/01/2005	ADDITIONAL APPLICATION FILING FEES			
9	12/01/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
8	09/14/2005	AGENCY REFERRAL LETTER MAILED			
7	09/13/2005	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
6	09/01/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
5	08/26/2005	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
4	08/19/2005	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	08/16/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	08/04/2005	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	08/04/2005	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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Paper No.

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JUN 20 2008

OFFICE OF PETITIONS

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

In re Application of	:	
Yue Jun Jiang et al.	:	
Application No. 11/197,676	:	DECISION ON PETITION
Filed: August 4, 2005	:	PURSUANT TO
Attorney Docket No.: 028327-00008	:	37 C.F.R. § 1.181
Title: VIDEO RINGBACK TONE	:	

This is a decision on the petition filed May 15, 2008, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed September 18, 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 December 19, 2007. A notice of abandonment was mailed on March 31, 2008.

The electronic file has been reviewed, and it is clear that a combined "Declaration and Power of Attorney for U.S. Patent Application" was received on February 24, 2006, and the correspondence address that appears on this declaration differs from the address that is contained on the application transmittal sheet that was included on filing. However it does not appear that the power of attorney and change in

correspondence address that is contained within this declaration were entered in a timely manner. As such, it is clear that the non-final Office action was mailed to the wrong address.

The petition pursuant to 37 C.F.R. § 1.181 is **GRANTED.**

The change in correspondence address and power of attorney have been entered and made of record.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the non-final Office action of September 18, 2007, 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 revival or 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[1]. 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

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/197,676	08/04/2005	Yue Jun Jiang	028327-00008

CONFIRMATION NO. 7164

POA ACCEPTANCE LETTER

4372
ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

OC000000030502325

Date Mailed: 06/19/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/24/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/pashanoski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/197,676	08/04/2005	Yue Jun Jiang	028327-00008

CONFIRMATION NO. 7164

POWER OF ATTORNEY NOTICE

OC000000030502270

Roamware, Inc.
Attn: Legal Department
Suite 1000
3031 Tisch Way
San Jose, CA 95126

Date Mailed: 06/19/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/24/2006.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/pashanoski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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PALO ALTO CA 94304-1050

RECEIVED

MAR 30 2007

OFFICE OF PETITIONS

CANCELLED

In re Application of	:	
REILEY, Mark A. et al.	:	
Application No. 11/197,679	:	DECISION ON PETITION
Filed: August 03, 2005	:	TO WITHDRAW
Attorney Docket No. **29914-701.304**	:	FROM RECORD
	:	

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 08, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Wilson Sonsini Goodrich & Rosati has been revoked by the assignee of the patent application on January 05, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **SHAY LAW GROUP, LLP**
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/197,679	08/03/2005	Mark A. Reiley	29914-701.304

CONFIRMATION NO. 7161

OC000000023174455

21971
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

Date Mailed: 03/29/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/05/2007.

- 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).

Michelle R. Eason
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/197,679	08/03/2005	Mark A. Reiley	29914-701.304

CONFIRMATION NO. 7161

OC000000023174495

66854
SHAY LAW GROUP, LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

Date Mailed: 03/29/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/05/2007.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Michelle R. Eason

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
ATTORNEY/APPLICANT COPY

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Meyertons, Hood, Kivlin, Kowert, Goetzel/Symantec
P.O. Box 398
Austin, TX 78767-0398

Mail Date: 04/20/2010

Applicant	: Paul Cram	: DECISION ON REQUEST FOR
Patent Number	: 7657582	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,694	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **293** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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

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MAY 01 2009

OFFICE OF PETITIONS

In re Application of :

Anja MUELLER, et al. :
Application No. 11/197,711 : DECISION ON PETITION TO MAKE
Filed: August 4, 2005 : SPECIAL UNDER 37 CFR 1.102(c)(1)
Attorney Docket No. **DX01087KB** :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 14, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED** as moot.

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.

A review of the file record discloses that the above-identified application issued into patent 7,521,045 on April 21, 2007. As this application has already issued, "special" status is no longer necessary.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
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

LOWRIE LANDO & ANASTASI, LLP
RIVERFRONT OFFICE PARK
ONE MAIN STREET
CAMBRIDGE, MA 02142

COPY MAILED
JUN 30 2006
OFFICE OF PETITIONS

In re Application of :
William T. Clark :
Application No. 11/197,718 : ON PETITION
Filed: August 4, 2005 :
Attorney Docket No. M0506-703324

This is a decision on the petition filed, June 28, 2006 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 5, 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 2831 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BINGHAM MCCUTCHEN LLP
3000 K STREET, NW
BOX IP
WASHINGTON DC 20007

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MAY 24 2006
OFFICE OF PETITIONS

In re Application of	:	
Wild and Leavy	:	DECISION REFUSING STATUS
Application No. 11/197,731	:	UNDER 37 CFR 1.47(b)
Filed: August 5, 2005	:	
Attorney Docket No. 19944.0001	:	

This is in response to the petition under 37 CFR 1.47(b), filed March 24, 2006. Applicant obtained an extension of time for response within the fifth month. Accordingly, the petition is filed timely.

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 item (6) as set forth above. Accordingly, the petition is **dismissed**.

Applicant is given **TWO (2) MONTHS** from the mailing date of this decision to respond, correcting the noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)." Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

Applicant showed that the joint inventors were deceased and that applicant was unable to locate their legal representatives to sign the declaration as set forth in the following statement by the practitioner:

> The assignee has determined that one inventor, Mr. Leavy, a resident of Massachusetts, died in February 1974 and that his estate was closed many years ago. See Declaration of Pamela Hart, Exhibit B, and accompanying documents. Also, the assignee has determined that the other inventor, Mr. Wild, a resident of New Hampshire, died on March 1971 and that his estate has also been closed for many years. *Id.* Also, the inventors are not available to sign a reissue declaration. Moreover, because the inventors assigned all of their rights in the invention at the time of filing the original patent application in 1967, which matured into the '134 patent, the '134 patent was not

part of the estates of the inventors at their death. Therefore, the inventors' legal representatives cannot open the estate because they can only address assets in the decedent's estate at the time of death. *See, e.g.,* New Hampshire Code, Title LVI, Probate Courts And Decedents' Estates, Chapter 554 Inventory, Accounts, And Dealing With Assets, Section 554:1, Exhibit C. *See also,* Massachusetts General Laws, Part II. Real And Personal Property And Domestic Relations, Title II. Descent And Distribution, Wills, Estates Of Deceased Persons And Absentees, Guardianship, Conservatorship And Trusts, Chapter 205. Bonds Of Executors, Administrators, Guardians, Conservators, Trustees And Receivers, §1 ¶7, Exhibit D. Because the '134 patent was not owned by the inventors at the time of their death, the reissue application cannot form the basis for reopening the estate of the inventors because it was never part of the estate of the inventors in the first instance. Moreover, due to their assignment of their patent rights to the Assignee's predecessor in title, the inventors (nor their estates or survivors) have any ownership interest in the '134 patent or the instant reissue application. A copy of the inventors' assignment is included as Exhibit E.

Additionally, applicant showed the assignee has a proprietary interest in the above-identified application with the submission of a copy of an assignment previously signed by the joint inventors. Lastly, applicant submitted an acceptable declaration and paid the requisite petition fee.

However, applicant did not provide proof of irreparable damage. The Office notes that applicant may establish irreparable damage by providing the USPTO with a statement that the filing of the application is necessary to preserve the rights of the party or to prevent irreparable damage. MPEP 409.03(g).

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 T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BINGHAM MCCUTCHEN LLP
3000 K STREET, NW
BOX IP
WASHINGTON DC 20007

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JUN 07 2006
OFFICE OF PETITIONS

In re Application of	:	
Wild and Leavy	:	DECISION REFUSING STATUS
Application No. 11/197,731	:	UNDER 37 CFR 1.47(b)
Filed: August 5, 2005	:	
Attorney Docket No. 19944.0001	:	

This is in response to the renewed petition under 37 CFR 1.47(b), filed May 30, 2006.

Applicant showed that the joint inventors were deceased and that applicant was unable to locate their legal representatives to sign the declaration as set forth in the following statement by the practitioner:

> The assignee has determined that one inventor, Mr. Leavy, a resident of Massachusetts, died in February 1974 and that his estate was closed many years ago. See Declaration of Pamela Hart, Exhibit B, and accompanying documents. Also, the assignee has determined that the other inventor, Mr. Wild, a resident of New Hampshire, died on March 1971 and that his estate has also been closed for many years. *Id.* Also, the inventors are not available to sign a reissue declaration. Moreover, because the inventors assigned all of their rights in the invention at the time of filing the original patent application in 1967, which matured into the '134 patent, the '134 patent was not part of the estates of the inventors at their death. Therefore, the inventors' legal representatives cannot open the estate because they can only address assets in the decedent's estate at the time of death. *See, e.g.,* New Hampshire Code, Title LVI, Probate Courts And Decedents' Estates, Chapter 554 Inventory, Accounts, And Dealing With Assets, Section 554:1, Exhibit C. *See also,* Massachusetts General Laws, Part II. Real And Personal Property And Domestic Relations, Title II. Descent And Distribution, Wills, Estates Of Deceased Persons And Absentees, Guardianship, Conservatorship And Trusts, Chapter 205. Bonds Of Executors, Administrators, Guardians, Conservators, Trustees And Receivers, §1 ¶7, Exhibit D. Because the '134 patent was not owned by the inventors at the time of their death, the reissue application cannot form the basis for reopening the estate of the inventors because it was never part of the estate of the inventors in the first instance. Moreover, due to their assignment of

> their patent rights to the Assignee's predecessor in title, the inventors (nor their estates or survivors) have any ownership interest in the '134 patent or the instant reissue application. A copy of the inventors' assignment is included as Exhibit E.

Additionally, applicant established the assignee has a proprietary interest in the above-identified application with the submission of a copy of an assignment previously signed by the joint inventors. Applicant stated that the reissue application was necessary to preserve the rights of the Assignee and to prevent irreparable damage. 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.

Pursuant to 37 CFR 1.47(c), the Office will send notice of the filing of the application to all inventors who have not joined in the application at the addresses provided in the petition, and publish notice of the filing of the application in the Official Gazette. Due to the circumstance in this case, the Office will dispense with this notice provision as to the deceased non-signing inventors.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

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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FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI
& BIANCO P.L.
ONE BOCA COMMERCE CENTER
551 NORTHWEST 77TH STREET, SUITE 111
BOCA RATON FL 33487

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SEP 15 2006

OFFICE OF PETITIONS

In re Application of :
Frank Genevaux :
Application No. 11/197,737 :
Filed: August 4, 2005 :
Attorney Docket No. 04-GR1-141 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.10(i), filed November 11, 2005, to accord the response to the Notice of Missing of Nonprovisional Application a filing date of October 26, 2005.

The petition is **granted**.

The record reflects that a Notice to File Missing Parts of Non-Provisional Application was mailed on August 26, 2005, allowing an extendable period for reply of two-months from its mailing date. A response Notice is on record as having been filed on November 11, 2005. Petitioner now files the petition requesting that the response be accorded a filing date of October 26, 2005, as that is allegedly the date the response would have been deposited with the United States Postal Service (USPS), Express Mail service had it not been for the postal service interruption caused by Hurricane Wilma. It is noted that the Director designated the interruption in service of the USPS in the areas affected by Hurricane Wilma a postal service emergency.

Title 37, Section 1.10(i) of the Code of Federal Regulations reads, in pertinent part:

> Any person attempting to file correspondence under this section that was unable to be deposited with the USPS due to an interruption or emergency in "Express Mail" service which has been so designated by the Director, may petition the Director, may petition the Director to consider such correspondence as filed on a particular date in the Office, provided that:
>
> (1) The petition is filed in a manner designated by the Director promptly after the person becomes aware of the designated interruption or emergency in "Express Mai" service;
>
> (2) The petition includes the original correspondence or a copy of the original correspondence"; and
>
> (3) The petition includes a statement which establishes to the satisfaction of the Director, that the correspondence would have been deposited with the USPS but for the designated interruption or emergency in "express Mail" service and that the correspondence is the original correspondence or a true copy of the correspondence originally attempted to be deposited with the USPS on the requested filing date.

All of the above requirements have been met. The response to Notice to File Missing Parts of Nonprovisional Application will be accorded a filing date of October 26, 2005.

The application file is being forwarded to the Office of Initial Patent Examination where the declaration, surcharge, and filing fee application will be recognized as having been received on October 26, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

In re Application of
Cay Uwe PINNOW
Application No. 11/197,746
Filed: December 1, 2005
Attorney Docket No. 543822016700

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 9, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Deborah S. Gladstein on behalf of all attorneys of record who are associated with customer No. 25227.

All attorneys/agents associated with Customer Number 25227 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: CAY-UWE PINNOW
EGGENFELDENER STR. 51
81929 MUNCHEN
GERMANY

cc: GERO G. MCCLELLAN,
PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD,
SUITE 1500
HOUSTON, TX 77056

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/197,746	08/05/2005	Cay-Uwe Pinnow	543822016700

CONFIRMATION NO. 5740

OC000000025719778

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 09/07/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/09/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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Nixon Peabody LLP
401 9th Street N.W.
Suite 900
Washington, DC 20004

Mail Date: 04/21/2010

Applicant	: Muthiah Manoharan	: DECISION ON REQUEST FOR
Patent Number	: 7632932	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,753	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **389** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Nixon Peabody LLP
401 9th Street N.W.
Suite 900
Washington, DC 20004

Mail Date: 05/18/2010

Applicant : Muthiah Manoharan
Patent Number : 7632932
Issue Date : 12/15/2009
Application No : 11/197,753
Filed : 08/04/2005

: 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 **412** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DLA PIPER US LLP
153 TOWNSEND STREET, SUITE 800
SAN FRANCISCO, CA 94107-1957

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JUL 15 2009

OFFICE OF PETITIONS

In re Application of
Stephanie J. Fox et al
Application No. 11/197,762
Filed: August 3, 2005
Attorney Docket No. 125-4357

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 10, 2009.

The request is **APPROVED**.

The request was signed by Gerald T. Sekimura on behalf of all the practitioners of record associated with customer No. 29585.

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 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: Stephanie J. Fox
1275 S. Winchester Blvd., Suite E
San Jose, CA 95128-3910

cc: Lisa M. Chapman
200 Page Mill Road, Suite 200
Palo Alto, CA 94306-2022

cc: Gerald T. Sekimura
555 Mission Street, Suite 2400
San Francisco, CA 94105

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
11/197,762	08/03/2005	Stephanie J. Fox	125-4357

CONFIRMATION NO. 7143

POWER OF ATTORNEY NOTICE

29585
DLA PIPER US LLP
153 TOWNSEND STREET
SUITE 800
SAN FRANCISCO, CA 94107-1957

OC000000036909824

Date Mailed: 07/15/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/10/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/197,762	08/03/2005	Stephanie J. Fox	125-4357

CONFIRMATION NO. 7143

POA ACCEPTANCE LETTER

Stephanie J. Fox
1275 S. Winchester Blvd., Suite E
San Jose, CA 95128-3910

OC000000036909856

Date Mailed: 07/15/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/10/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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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	: Patrick S. Stayton	: DECISION ON REQUEST FOR
Patent Number	: 7625764	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,771	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Paper No.

DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK NY 10008-0770

MAILED

MAR 11 2010

OFFICE OF PETITIONS

In re Application of	:	
Richard Franklin	:	DECISION ON LETTER
Application No. 11/197,775	:	REGARDING
Filed: August 3, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	
20342/1202534-US1	:	

This letter is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed on November 10, 2009. Applicant requests that the patent term adjustment be reduced by 42 days from 618 days to 576 days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED**. The determination of PTA at the time of the mailing of the Notice of Allowance is five hundred seventy-six (576) days.

The Office has updated the PAIR and PALM screens to reflect that the Patent Term Adjustment at the time of the mailing of the Notice of Allowance is 576 days (625 days of PTO delay less 49 (7 + 42) days of applicant delay). A copy of the updated PALM screen, showing the correct determination, is enclosed.

On August 10, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 USC 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 618 days.

Applicant states that the patent term adjustment should be reduced by 42 days for applicant delay in filing an Information Disclosure Statement (IDS) on April 30, 2009, 42 days after the filing, on March 19, 2009, of a response to a non-final Office action.

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.

After filing a response on March 19, 2009, on April 30, 2009, applicants filed an Information Disclosure Statement (IDS). The IDS filed on April 30, 2009, did not include a statement in accordance with 37 CFR 1.704(d). Further, the IDS was not expressly requested by the examiner within the meaning of 37 CFR 1.704(c)(8).

Accordingly, the IDS filed on April 30, 2009 is considered a failure to engage in reasonable efforts to conclude processing or examination of an application. The patent term adjustment will therefore be reduced 42 days.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is **five hundred seventy-six (576) days** (625 days of PTO delay, reduced by 49 (7 + 42) days of Applicant delay).

As the instant letter was submitted to advise the Office of an error in Applicant's favor, the $200.00 application fee under 37 CFR 1.705(b) was not required, and will be credited to counsel's deposit account.

Applicants state that the patent is subject to a terminal disclaimer.

The Office thanks Applicants for their good faith and candor in bringing this matter to the attention of the Office.

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Douglas I. Wood, Senior Petitions Attorney, at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of revised PALM screen

Day : Wednesday

PALM INTRANET

Date: 3/10/2010
Time: 12:31:56

PTA Calculations for Application: 11/197775			
Application Filing Date:	08/03/2005	PTO Delay (PTO):	625
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	7
Post-Issue Petitions:	0	Total PTA (days):	576
PTO Delay Adjustment:	-42		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
70	03/10/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		42	
59	08/10/2009	MAIL NOTICE OF ALLOWANCE	22		47
58	08/07/2009	ISSUE REVISION COMPLETED			
57	08/07/2009	DOCUMENT VERIFICATION			
56	08/07/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
55	08/07/2009	CASE DOCKETED TO EXAMINER IN GAU			
54	08/03/2009	EXAMINER'S AMENDMENT COMMUNICATION			
53	08/03/2009	NOTICE OF ALLOWABILITY			
52	07/27/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
51	02/24/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
50	04/30/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
49	04/30/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
48	05/02/2009	DATE FORWARDED TO EXAMINER			
47	03/19/2009	RESPONSE AFTER NON-FINAL ACTION		7	44
46	03/19/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
45	02/24/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	12/12/2008	MAIL NON-FINAL REJECTION			
43	12/11/2008	NON-FINAL REJECTION			
42	08/27/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
41	05/21/2008	INFORMATION DISCLOSURE STATEMENT (IDS)			

		FILED			
40	10/06/2008	PARALEGAL TD ACCEPTED			
39	08/28/2008	TERMINAL DISCLAIMER FILED		0	37
38	10/05/2008	DATE FORWARDED TO EXAMINER			
37	08/28/2008	RESPONSE AFTER NON-FINAL ACTION			
36	08/28/2008	TERMINAL DISCLAIMER FILED			
35	08/27/2008	REFERENCE CAPTURE ON IDS			
34	08/27/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	08/27/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
32	05/28/2008	MAIL NON-FINAL REJECTION	603		-1
31	05/27/2008	NON-FINAL REJECTION			
30	05/17/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	06/28/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
28	06/22/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
27	05/21/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	05/21/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20.7	06/22/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	06/22/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	06/28/2006	REFERENCE CAPTURE ON IDS			
18.7	06/28/2006	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
18	06/28/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	05/17/2006	REFERENCE CAPTURE ON IDS			
14.7	05/17/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	05/17/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	12/02/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	12/02/2005	CASE DOCKETED TO EXAMINER IN GAU			
11	12/01/2005	APPLICATION DISPATCHED FROM OIPE			

10	12/01/2005	APPLICATION IS NOW COMPLETE			
9	11/18/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
8	11/18/2005	SMALL ENTITY STATEMENT (37 CFR 1.27)			
7	11/18/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	09/19/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
5	09/15/2005	CLEARED BY L&R (LARS)			
4	08/22/2005	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	08/22/2005	CASE CLASSIFIED BY OIPE			
2	08/18/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/03/2005	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page

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KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: Hosam A. Khalil	: DECISION ON REQUEST FOR
Patent Number	: 7590531	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,792	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: 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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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS, TN 38132

Mail Date: 04/21/2010

Applicant	: Fred J. Molz IV	: DECISION ON REQUEST FOR
Patent Number	: 7625394	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,799	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/05/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **825** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TROP, PRUNER & HU, P.C.
1616 S. VOSS RD., SUITE 750
HOUSTON, TX 77057-2631

Mail Date: 05/05/2010

Applicant	: Bret L. Toll	: DECISION ON REQUEST FOR
Patent Number	: 7617382	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/197,805	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **559** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12-11-08

TO SPE OF : ART UNIT 2874

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/197832 Patent No.: 7340129

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch
703-308-9390 ext. 123

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

Correction of inventorship request (originally filed 2/29/08) satisfies the requirement set forth in 37 CFR 1.48.

/Sung Pak/ Primary Examiner, AU 2874

/UYEN-CHAU LE/ — **SPE**

2874 — **Art Unit**

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AMY HOFFMAN
KAGAN BINDER PLLC
STE. 200, 221 MAIN ST. N
STILLWATER, MN 55082

COPY MAILED
JAN 14 2009

In re Application of	:	
Erick SCHILLING, et al	:	
Application No. 11/197,847	:	DECISION ON PETITION
Filed: August 4, 2005	:	TO WITHDRAW
Attorney Docket No. SCH0002/US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 1, 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 Mark W. Binder on behalf of the attorneys of record associated with Customer No. 33072.

The attorneys of record associated with Customer No. 33072 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ERIC SCHILLING
3970 DONEGAL WAY
EAGAN, MN 55122

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Tyco Healthcare Group L.P.
c/o I.P Legal Department Mark Kertz Esq.
15 Hampshire Street
Mansfield, MA 02048

Mail Date: 04/20/2010

Applicant	: Brady D. Esch	: DECISION ON REQUEST FOR
Patent Number	: 7625372	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,849	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/05/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **667** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:	
Peyman	:	
Serial No.: 11/197,869	:	PETITION TO MAKE SPECIAL
Filed: 05 August 2005	:	
Attorney Docket No. PMAN-44	:	

This is in response to applicant's petition filed on August 5, 2005, to make the above-identified application special under the provisions 37 CFR 1,102(c), based on the age of applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there by any questions with regard to this letter please contact William Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 572-272-0519 or by facsimile transmission to the general Office facsimile number.

William Dixon, Jr.
Special Program Examiner
Technology Center 1600

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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

G. Donald Weber, Jr.
18442 Taft Avenue
Villa Park CA 92861

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SEP 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Truman Aubrey	:	
Application No. 11/197,871	:	
Filed: August 8, 2005	:	DECISION ON PETITION
Attorney Docket No. JI-30	:	UNDER 37 C.F.R. § 1.181(A)
Title: FLOATING MIRROR	:	

This is a decision on the petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on July 23, 2007.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed January 9, 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 April 10, 2007.

With the present petition, Petitioner has alleged that the mailing was not received, and has included a copy of the docket report.

CONCLUSION

Petitioner has met the requirements of Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), in that he has asserted that the mailing

was not received, that he has searched the file jacket and the docket report, and he has included a copy of the latter.

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 mailing was not received.

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 re-mail the non-final action of January 9, 2007, and will set a new period for response.

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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RatnerPrestia
P.O. Box 980
Valley Forge, PA 19482-0980

Mail Date: 04/26/2010

Applicant	: Hector Guzman	: DECISION ON REQUEST FOR
Patent Number	: 7642287	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/197,880	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/05/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **333** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

STEVEN A. GARNER, ESQ.
CONAIR CORPORATION
ONE CUMMINGS POINT ROAD
STAMFORD CT 06902

COPY MAILED

DEC 3 0 2005

OFFICE OF PETITIONS

In re Application of	:	
ANTHONY KIT LUN LEUNG et al	:	
Application No. 11/197,903	:	DECISION ON PETITION
Filed: August 5, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No.1030/CON2	:	37 CFR 1.102(d)
	:	

This is a decision on the petition under 37 CFR §1.102(d), filed September 30, 2005, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3742 for action on the merits commensurate with this decision.

Amelia Au
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

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OCT 1 5 2008

OFFICE OF PETITIONS

In re Application of :
Bassam B. Damaj :
Application No.: 11/197,909 : ON PETITION
Filed: August 5, 2005 :
Attorney Docket No.: 2936-7404.1US :

This is a decision on the petition, filed October 8, 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 September 3, 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 1655 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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Alexandria, Virginia 22313-1450
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Morgan, Lewis & Bockius LLP/Google
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306

Mail Date: 04/20/2010

Applicant	: Sanjay Ghemawat	: DECISION ON REQUEST FOR
Patent Number	: 7668846	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,923	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/05/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1001** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MORGAN, LEWIS & BOCKIUS, LLP.
(PA)
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO CA 94306

MAILED

JUN 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Burrows et al.	:	DECISION ON PETITION
Application No. 11/197924	:	
Filing or 371(c) Date: 08/05/2005	:	
Attorney Docket Number:	:	
060963-5148US	:	

This is a decision on the Petition Pursuant to 37 CFR 1.137(b) and (f) to Revive an Unintentionally Abandoned Patent Application," filed April 21, 2009. The petition is properly treated as a Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing under 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of a foreign or international application filed on July 19, 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 present petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing accompanies this Decision.

The application will be referred to the Office of Data Management to await Applicant's response to the Notice of Allowance and Issue Fee Due, mailed April 10, 2009.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

Attachment: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

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
11/197,924	08/05/2005	Michael Burrows	060963-5148US

CONFIRMATION NO. 7708

24341
MORGAN, LEWIS & BOCKIUS, LLP. (PA)
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO, CA 94306

NONPUBLICATION RESCISSION LETTER

OC000000036241889

Date Mailed: 06/01/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is WDNP.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/dlwoods/

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
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Alexandria, VA 22313-1450
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INTERNATIONAL BUSINESS MACHINES CORPORATION
RUCARD KAY
IPLAW DEPARTMENT/BLDG 008-2
2455 SOUTH ROAD – MS P386
POUGHKEEPSIE NY 12601

MAILED

NOV 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Brian D. Goodman et al	:	
Application No. 11/197,933	:	DECISION GRANTING PETITION
Filed: August 5, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. POU920020088US4	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 24, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 6, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2444 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOSHUA D. ISENBERG
JDI PATENT
809 CORPORATE WAY
FREMONT CA 94539

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JAN 1 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Tremaine, Brian P.	:	
Application No. 11/197,934	:	DECISION ON PETITION
Filed: August 3, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. CAP-002	:	

This is a decision on the petition, filed October 4, 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 October 4, 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

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

JOSHUA D. ISENBERG
JDI PATENT
809 CORPORATE WAY
FREMONT CA 94539

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APR 0 3 2007

OFFICE OF PETITIONS

In re Application of	:	
Tremaine, Brian P.	:	
Application No. 11/197,934	:	DECISION GRANTING PETITION
Filed: August 3, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. CAP-002	:	

This is a decision on the renewed petition, filed January 12, 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 June 21, 2006. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of July 12, 2007, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 2613 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

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/197,934	08/03/2005	Brian P. Tremaine	CAP-002

CONFIRMATION NO. 8280

27652
JOSHUA D. ISENBERG
JDI PATENT
809 CORPORATE WAY
FREMONT, CA 94539

Date Mailed: 04/02/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 07/12/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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OFFICE OF PETITIONS

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

In re Application of

LIU, Gang et al.
Application No. 11/197,959
Filed: August 04, 2005
Attorney Docket No. **0274-6526.1US**

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 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 G. Allen C. Turner on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

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: **GANG LIU**
2213 E 2100 S #4
SALT LAKE CITY, UT 84109

cc: **GARDNER GROFF GREENWALD & VILLANUEVA, P.C.**
2018 POWERS FERRY ROAD, PARKWOOD POINT
SUIT 800
ATLANTA, GA 30339

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/197,959	08/04/2005	Gang Liu	0274-6526.1US

CONFIRMATION NO. 7903

OC000000025741138

24247
TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Date Mailed: 09/10/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/19/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Michelle R. Eaves

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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INTERNATIONAL BUSINESS MACHINES CORPORATION
RICHARD LAU
IPLAW DEPARTMENT/BLDG 008-2
2455 SOUTH ROAD – MS P386
POUGHKEEPSIE NY 12601

COPY MAILED

AUG 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Brian D. Goodman et al	:	
Application No. 11/197,964	:	DECISION ON PETITION
Filed: August 5, 2005	:	
Attorney Docket No.	:	
POU920020088US3		

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 23, 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 January 27, 2009, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

INTERNATIONAL BUSINESS MACHINES CORPORATION
RICHARD LAU
IPLAW DEPARTMENT / Bldg 008-2
2455 SOUTH ROAD - MS P386
POUGHKEEPSIE, NY 12601

MAILED

AUG 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Brian D. GOODMAN, et al.	:	
Application No. 11/197,964	:	DECISION GRANTING PETITION
Filed: August 5, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **POU920020088US3**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 25, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 8, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2444 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.*

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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INTERNATIONAL BUSINESS MACHINES CORPORATION
RICHARD LAU
IPLAW DEPARTMENT/BLDG 008-2
2455 SOUTH ROAD – MS P386
POUGHKEEPSIE NY 12601

MAILED

NOV 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Brian D. Goodman et al	:	
Application No. 11/197,964	:	DECISION DISMISSING PETITION
Filed: August 5, 2005	:	UNDER 37 CFR 1.313(a)
Attorney Docket No. POU920020088US3	:	

This is a decision on the petition under 37 CFR 1.313(a), filed November 24, 2009, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on September 23, 2009, with the issue fee being due on or before December 23, 2009. The petition states that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

The matter is being referred to Technology Center AU 2444 for appropriate processing of the RCE filed November 24, 2009, and for consideration of the concurrently filed IDS.

/KOC/
Karen Creasy
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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INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: David C. Mossman	: DECISION ON REQUEST FOR
Patent Number	: 7630798	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/197,977	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/05/2005	: 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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MERCK
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH, NJ 07033-0530

MAILED

JUL 08 2010

OFFICE OF PETITIONS

In re Patent of Richard J. Friary et al.	:	DECISION ON REQUEST
Patent No. 7,645,774	:	FOR RECONSIDERATION OF
Issue Date: January 12, 2010	:	PATENT TERM ADJUSTMENT
Application No. 11/197,979	:	AND NOTICE OF INTENT TO
Filing Date: August 5, 2005	:	ISSUE CERTIFICATE OF
Attorney Docket No. IN01405KB US	:	

This is a decision on the petition filed January 20, 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 one thousand thirty (1030) 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 one thousand thirty (1030) 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 **one thousand thirty (1030)** 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.	:	7,645,774 B2
APPLICATION NO.	:	11/197,979
DATED	:	January 12, 2010
INVENTOR(S)	:	Richard J. Friary 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 506 days.

Delete the phrase "by 506 days" and insert -- by 1030 days--

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BRIAN MASHKIN
SALUGEN, INC.
SUITE 500
4460 LE JOLLA VILLAGE DRIVE
SAN DIEGO, CA 92122

COPY MAILED
AUG 29 2008

In re Application of Blum et al. Application No. 11/197,980 Filed: August 5, 2005 Title: Composition and Method to Optimize and Customize Nutritional Supplement Formulations by Measuring Genetic and Metabolomic Contributing Factors to Disease Diagnosis, Stratification, Prognosis, Metabolism, and Therapeutic Outcomes	: : : : :	ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 11, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

The instant petition lacks none of the above items. However, papers filed in an application must be signed by:

---

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

[2] See MPEP 711.03(c)(III)(C) and (D).

(1) An attorney or agent of record appointed in compliance with § 1.34(b);
(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or
(5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

As to item (5), all applicants must sign the petition to revive. Only one of the three listed inventors signed the instant petition.

The concurrently filed Change of Correspondence Address will also not be entered until it is signed by all three inventors. A courtesy copy of this decision will be mailed to the address listed on the petition; however, all future correspondence will be mailed to the current address of record until properly notified.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

cc:

KENNETH BLUM
700 WEST E ST., STE 3801
SAN DIEGO, CA 92101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SALUGEN, INC.
SUITE 500
4460 LE JOLLA VILLAGE DRIVE
SAN DIEGO, CA 92122

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Blum et al. :
Application No. 11/197,980 : ON PETITION
Filed: August 5, 2005 :
Title: Composition and Method to Optimize :
and Customize Nutritional Supplement
Formulations by Measuring Genetic and
Metabolomic Contributing Factors to Disease
Diagnosis, Stratification, Prognosis,
Metabolism, and Therapeutic Outcomes

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed September 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 a Response to the Restriction Requirement, (2) the petition fee, and (3) a proper statement of unintentional delay.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 1600 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

cc:

STANLEY KIM
700 WEST E. STREET, STE. 3801
SAN DIEGO, CA 92101

UNITED STATES PATENT AND TRADEMARK OFFICE

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SAN FRANCISCO CA 94111-3834

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In re Application of:	:	
Weichert et al.	:	DECISION DISMISSING
Application No. 11/197988	:	PETITION UNDER
Filing or 371(c) Date: 08/05/2005	:	37 CFR 1.47(a)
Title of Invention:	:	
DIRECT PAYMENT WITH TOKEN	:	

This Decision is in response to the "Petition Under 37 C.F.R. § 1.47(a)," filed November 26, 2008, 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 [insert the applicable code section]"; 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).

Background

The above-identified application was filed on August 5, 2005, and included a copy of a Combined Declaration and Power of Attorney from parent application 10/350,153, of which the present application is a continuation. Applicant files the present petition to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). Applicant states that accompanying this petition is a declaration that is signed on behalf of Margaret Morgan Weichert, with the signature block of Margaret Morgan Weichert blank while a separate declaration is enclosed containing the signature of the other joint inventor.

A review of the petition papers reveals that neither an oath or declaration in compliance with 37 CFR 1.63, that is signed on behalf of Margaret Morgan Weichert, with the signature block of Margaret Morgan Weichert blank, nor a separate declaration in compliance with 37 CFR 1.63 containing the signature of the other joint inventor, have been included with the petition.

Applicable Law, Rules and MPEP

As provided in 37 CFR 1.63(d)

> (1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that:
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
> (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
> (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
> (iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.
> (2) The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.

A review of the present application reveals that the application is a continuation of application serial no. 10/350,153. Applicant has not referred to the present applications' status as a continuation of the prior application and the copy of the oath/declaration from the prior application having been filed in the present application. In view of the filing of the present petition, the petition will be addressed on its merits; however, Applicant is advised that no petition or oath or declaration is required where Applicant is able to comply with 37 CFR 1.63(d) above.

As to the present petition, the following is provided:

Applicable law, Rules and/or MPEP

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

The MPEP 409.03(a), At Least One Joint Inventor Available, provides in relevant part:

> All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning joint

> inventor as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated. (Emphasis supplied).

As to item (2), Applicant has not provided an oath/declaration in compliance with compliance with 35 U.S.C. §§ 115 and 116 and 37 CFR 1.63. An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank, is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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OFFICE OF PETITIONS

In re Application of:	:	
Weichert et al.	:	
Application No. 11/197988	:	DECISION GRANTING
Filing or 371(c) Date: 08/05/2005	:	PETITION UNDER
Title of Invention:	:	37 CFR § 1.183
DIRECT PAYMENT WITH TOKEN	:	

This Decision is in response to the "Renewed Petition Under 37 C.F.R. § 1.[1]83, Requesting Waiver of Rules Under 37 CFR § 1.[1]31" filed February 9, 2009.

The petition is **granted**.

The application as-filed identified six inventors as the inventive entity: Margaret M. Weichert and John J. Mascavage III. A nonfinal Office action was mailed on July 28, 2008. In response to the Office action, Applicant filed an Amendment and a Declaration Pursuant to 37 C.F.R. § 1.131, executed by inventor John J. Mascavage III only. Applicant files the present petition and states that the inventor Margaret M. Weichert refuses to execute the Declaration. In support of this assertion, applicant provides a copy of a letter from inventor Margaret M. Weichert, expressly refusing to sign the Declaration filed under 37 C.F.R. § 1.131.

The MPEP 715.04, Swearing back of Reference, Affidavit or Declarant Under 37 CFR 1.131, provides in relevant part

> Where one or more of the named inventors of the subject matter of the rejected claim(s) (who had originally signed the oath or declaration for patent application under 37 CFR 1.63) is now unavailable to sign an affidavit or declaration under 37 CFR 1.131, the affidavit or declaration under 37 CFR 1.131 may be signed by the remaining joint inventors provided a petition under 37 CFR 1.183 requesting waiver of the signature of the unavailable inventor be submitted with the affidavit or declaration under 37 CFR 1.131. Proof that the non-signing inventor is unavailable or cannot be found similar to the proof required for a petition under 37 CFR 1.47 must be submitted with the petition under 37 CFR 1.183 (see MPEP § 409.03(d)). Petitions under 37 CFR 1.183 are decided by the Office of Petitions (see MPEP § 1002.02(b)).

This section states that a party qualified under 37 CFR 1.42, 1.43 or 1.47 may make the affidavit when it is not possible to produce the affidavit or declaration of the inventor, and that waiver of the signature requirement of the unavailable inventor may be demonstrated by proof similar to that required in a petition under 37 CFR 1.47. In discussing waiver requirements under 37 CFR 1.183, the Office is guided by proof similar to that required when an Applicant is unavailable. In this instance, Applicant asserts that the inventors refuse to join in the Declaration.

Analysis and Conclusion

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). Petitioner has shown that the non-signing inventor, Margaret M. Weichert, refuses to execute the Affidavit. Accordingly, it is concluded that petitioner has demonstrated that this is an extraordinary situation requiring waiver of the rules.

The petition is granted. The application is being referred to Technology Center Art Unit 3693 for processing continued examination in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EITHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
Margaret M. Weichert et al	:	
Application No. 11/197,988	:	DECISION ON PETITION
Filed: August 5, 2005	:	
Attorney Docket No. 026595-013310US	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed February 4, 2010, which requests that the terminal disclaimer filed on June 10, 2008, be withdrawn.

The petition is **granted.**

The terminal disclaimer filed on June 10, 2008 is withdrawn.

Per the examiner, the terminal disclaimer does not apply to any claim currently of record because applicant has agreed to an Examiner's Amendment which is part of the Notice of Allowance which overcomes any Obvious type double patenting rejections.

Telephone inquiries should be directed to the undersigned at (571)272-3208.

This matter is now being referred to Technology Center Art Unit 3693 for correction of PALM and file records consistent with this decision.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

Robert E. Krebs
Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640

In re Application of	:	
Gregory A. Unruh	:	
Application No. 11/198,011	:	DECISION ON PETITION
Filed: August 4, 2005	:	TO WITHDRAW
Attorney Docket No. 036263-000702	:	FROM RECORD
	:	

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 24, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Robert E. Krebs and the attorney(s) and/or agent(s) associated with the firm Thelen Reid & Priest LLP have been revoked by the assignee of the patent application on September 7, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

David Bucci
Petitions Examiner
Office of Petitions

cc: **Law Office of Mark J. Spolyar**
2200 Cesar Chavez Street
Suite 8
San Francisco, CA 94124

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2200 CESAR CHAVEZ STREET
SUITE 8
SAN FRANCISCO CA 94124

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OFFICE OF PETITIONS

In re Application of Gregory A. Unruh Application No. 11/198011 Filed: 08/04/2005 Attorney Docket No. 036263-000702	: : : : :	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed on February 29, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 31, 2006. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of July 10, 2008, accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

This application is being referred to Technology Center Art Unit 2112 for examination in due course.

D Wood

Douglas Wood
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/198,011	08/04/2005	Gregory A. Unruh	036263-000702

CONFIRMATION NO. 6729

Law Office of Mark J. Spolyar
2200 Cesar Chavez Street
Suite 8
San Francisco, CA 94124

NONPUBLICATION RESCISSION LETTER

OC000000029216638

Date Mailed: 04/02/2008

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 07/10/2008.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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BRINKS, HOFER, GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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JUL 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Lars Russlies, et al.	:	
Application No. 11/198,012	:	DECISION ON PETITION
Filed: August 5, 2005	:	TO WITHDRAW
Attorney Docket No. 11336-1082 (P01135US)	:	FROM RECORD
	:	

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 15, 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. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

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 July 2, 2009 does not include the reel and frame number or a proper chain in title.

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. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

Attachment: Blank copy of PTOL/SB/83 Form

cc: ROBERT P. HART, ESQ.
HARMAN INTERNATIONAL INDUSTRIES, INCORPORATED
8500 BALBOA BOULEVARD
NORTHRIDGE, CA 91329

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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

Mail Date: 04/21/2010

Applicant	: Cynthia B. Perz	: DECISION ON REQUEST FOR
Patent Number	: 7627153	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/198,018	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1154** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

Mail Date: 04/26/2010

Applicant	: Janne T. Kilpinen	: DECISION ON REQUEST FOR
Patent Number	: 7594299	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/198,020	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/04/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **387** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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ROPES & GRAY LLP
PATENT DOCKETING 39/41
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

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In re Application of	:	
MCALLISTER, et al.	:	
Application No. 11/198,024	:	DECISION ON PETITION
Filed: August 5, 2005	:	TO WITHDRAW
Attorney Docket No. BVTP-P01-037	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 9, 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 Yu Lu on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The 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 the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: MARK LEWIS
VALERITAS, LLC
800 BOSTON TURNPIKE
SHREWSBURY, MA 01545

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OFFICE OF PETITIONS

Steven Thrasher
391 Sandhill Dr.
Richardson TX 75080

In re Application of :
McBrian : DECISION ON PETITION
Application No. 11/198,025 :
Filed: August 6, 2005 :
Docket No.: 13012.00011 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed October 15, 2008.

The Notice of Abandonment mailed September 3, 2008 indicates that the application is abandoned for failure to timely reply to the non-final Office action mailed February 26, 2008.

Petitioners assert that a response to the non-final Office action (including three month extension of time) was timely submitted on August 26, 2008 and have provided as proof of mailing and proof of USPTO receipt a copy of the reply to the non-final Office action. The copy of the reply submitted herewith bears a certificate of mailing date of August 26, 2008 in accordance with 37 CFR 1.8.

The reply to the non-final Office action, filed September 2, 2008, has been located in the official application file.

In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

The application file is being forwarded to Technology Center Group Art Unit 3635 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

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DEC 16 2008

In re Patent No. 7,330,183	:	
Issue Date: February 12, 2008	:	
Application No. 11/198,050	:	DECISION ON PETITION
Filed: August 5, 2005	:	
Attorney Docket No. AUTO/0613	:	

This is a decision on the Request for Certificate of Correction, filed November 10, 2008, to correct errors concerning the assignee on the Title Page on the above-identified patent by way of a Certificate of Correction. The present Request has been treated as a Petition under 37 CFR 3.81.

The petition is **GRANTED**.

Petitioner, in effect, urges that incorrect assignee information was inadvertent entered on the form PTOL-85, PART B, FEE(S) TRANSMITTAL, that was submitted with payment of the Issue Fee on December 14, 2007. Accordingly, petitioner requests that a Certificate of Correction be issued to correct the erroneously identified assignee information on the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The Petition was accompanied by a Certificate of Correction (PTO/SB/44) and the requisite $100.00 fee (Fee Code 1811), as set forth under in 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i). Office assignment records reflect AUTODESK, INC. as being the sole assignee of record. Accordingly, as the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the PTO/SB/44 that accompanied the present Petition.

Inquiries related to this communication should be directed to Brian W. Brown at (571) 272-5338.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

The matter is being referred to the Certificate of Corrections Branch for processing of a Certificate of Correction in US Patent 7,330,183.

Brian W. Brown
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: RUSSO et al.	§	Serial No.: 11/198,050
Patent No.: 7,330,183 B1	§	Group Art Unit: 2628
Issued: February 12, 2008	§	Examiner: Joseph D. Barnes
Filed: August 5, 2005	§	Confirmation No.: 8964
For: TECHNIQUES FOR PROJECTING DATA MAPS	§	

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION

Dear Sir:

Attached is a Certificate of Correction for correcting errors made in the Assignee portion of the printed patent. An Assignment was submitted and recorded, prior to issuance of the patent on August 5, 2005. A copy of the Recordation of Assignment is attached hereto.

The fees of $100.00 for the Certificate of Correction and $130.00 for the Request for Voluntary Publication or Replication are due in connection with this response and are being paid by credit card.

Although Applicant believes that no additional fees are due in connection with this response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/AUTO/0613/JCC for any additional fees, including extension of time fees, required to make this response timely and acceptable to the Office.

Respectfully submitted,

Adjustment date: 12/16/2008 CKHLOK
11/12/2008 INTEFSW 00005544 11198050
02 FC:1803 -130.00 OP

12/16/2008 CKHLOK 00000003 11198050
01 FC:1464 130.00 OP

John C. Carey
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3040 Post Oak Blvd. Suite 1500
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Attorney for Applicant

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IRELL & MANELLA LLP
1800 AVENUE OF THE STARS
SUITE 900
LOS ANGELES CA 90067

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OFFICE OF PETITIONS

In re Patent No. 7,503,511	:	
Issue Date: March 17, 2009	:	
Application No. 11/198,053	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: August 04, 2005	:	
Attorney Docket No. **158918-0017**	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 01, 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 Michelle R. Eason at (571) 272-4231.

Thurman Page
Petitions Examiner
Office of Petitions

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/22/2010

Applicant	: David A. Fertell	: DECISION ON REQUEST FOR
Patent Number	: 7634571	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/198,059	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/05/2005	: 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.