



William F. Ryann
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115 E. Travis St.
San Antonio TX 78205

COPY MAILED
DEC 30 2005
OFFICE OF PETITIONS

In re Application of: :
Ryann :
Application No. 11/218,860 : ON PETITION
Filed: September 2, 2005 :
Attorney Docket No.: P500-003 :
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This is a decision on the petition filed October 21, 2005, requesting under 37 CFR 1.10(e) that the USPTO accord the above-identified application papers a filing date of August 29, 2005, instead of the currently accorded filing date of September 2, 2005.

The petition is **dismissed**. This is not a final agency action. Any request for reconsideration of this decision must be filed within TWO MONTHS of the above-given mail date. See 37 CFR 1.181(g). This time period is not extendable under the provisions of 37 CFR 1.136(a) or (b).

Petitioner asserts that the earlier filing date is warranted in that papers for the above-captioned application, along with papers for 2 other applications were each deposited with the Express Mail Service of the USPS Express Mail to Addressee Service of the USPS, purportedly in compliance with 37 CFR 1.10, on August 29, 2005, but addressed to the USPTO at its former Washington DC 20231 correspondence address. While the other 2 sets of application papers, which each contained the disclosures of the other 2 as part of an IDS were delivered to the USPTO and accorded the requested filing date, the USPS returned the Express Mail package containing the instant papers to petitioner on September 2, 2005. On the same date petitioner remailed the instant application papers by Express Mail, this time, however, using the PO Box 1490 Alexandria Va 22313 correspondence address. Petitioner points to the facts that (1) the instant disclosure was in fact present at the USPTO as part of an IDS in the other 2 applications that have been accorded a filing date of August 29, 2005, and (2) the USPS treatment of the other 2 applications reasonably establishes that the Washington DC address was a viable address within the meaning of 37 CFR 1.10(a)

Petitioner's reliance on 37 CFR 1.10(e) is misplaced. The remedial provisions of 37 CFR 1.10(e) only apply to correspondence that: (1) has the Express Mail label affixed thereto, (2) was addressed as required by 37 CFR 1.1(a), and (3) was not received at the USPTO.

Taking the last item noted above first, clearly the correspondence in question for the above-identified application deposited with the USPS as Express Mail on September 2, 2005, was received by the USPTO and as such 1.10(e) is inapposite to the question for the correspondence deposited with the USPS on that date. 1.10(e) only applies when the correspondence in question was never received by the USPTO.

As to the correspondence for the above-identified application that was deposited with the USPS on August 29, 2005, but returned to petitioner, 1.10(e) is likewise inapposite to the question. Here, the correspondence was admittedly not addressed as required by 37 CFR 1.1(a), but

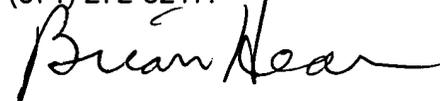
rather was addressed to an obsolete correspondence address. On May 1, 2003, the USPTO changed its correspondence address for, as here, filing of patent applications to P.O. Box 1450, Alexandria, VA 22313-1450. See 37 CFR 1.1 and "Correspondence with the United States Patent and Trademark Office," 68 *Fed. Reg.* 14332 (March 25, 2003), 1269 *Off. Gaz. Pat. Office* 159 (Apr. 22, 2003). To allow applicants time to become accustomed to the new address in Alexandria, VA, the USPTO waived the provisions of 37 CFR 1.8 and 1.10 such that correspondence addressed to Washington, DC 20231 would be treated as acceptable under 37 CFR 1.8 and 1.10 for otherwise compliant Certificates of Mailing and "Express Mail".

However, on March 29, 2005, members of the public and registered practitioners were advised that effective on April 4, 2005, the provisions of 37 CFR 1.8 (Certificate of Mailing) and 1.10 ("Express Mail") would no longer be waived for correspondence addressed to the United States Patent and Trademark Office (USPTO), Washington, DC 20231. See notice entitled "Termination of the Waiver of Provisions of 37 CFR 1.8 and 1.10 for Correspondence Intended for the United States Patent and Trademark Office but Addressed to Washington, DC 20231," 1292 *Off. Gaz. Pat. Office* 186 (March 29, 2005).¹ Thus, the correspondence that was returned to petitioner by the USPS will not be considered proof of prior filing or mailing under 37 CFR 1.8(b) or 1.10(e) since that correspondence was not mailed in accordance with 37 CFR 1.1. Id.

As to the correspondence for the other 2 applications that was deposited with the USPS on August 29, 2005, and which each included a copy of the papers for this application in the two IDS's, § 1.10(e) is also inapposite to the question. Here, again, the correspondence (1) was received such that 1.10(e) is inapposite, (2) was not addressed as set forth in §1.1(a) as required by 37 CFR 1.10(e), and (3) the Express Mailing Label number that was affixed to the copy of the instant application papers in each of the 2 IDS's was *not* the Express Mail Label number that was affixed to either set of the application papers that were accorded a filing date of August 29, 2005.

This application is being referenced to the Office of Initial Patent Examination for further processing with the currently accorded filing date of September 2, 2005.

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



Brian Hearn
Petitions Examiner
Office of Petitions

¹This notice is also available on the USPTO web site at:
<http://www.uspto.gov/web/offices/com/sol/og/2005/week13/patcfr2.htm>



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FEB 10 2006

OFFICE OF PETITIONS

In re Application of:
Ryann
Application No. 11/218,860
Filed: September 2, 2005
Attorney Docket No.: P500-003

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: ON PETITION
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:
:

This is a decision on the renewed petition filed January 23, 2006, requesting under 37 CFR 1.10(e) that the USPTO accord the above-identified application papers a filing date of August 29, 2005, instead of the currently accorded filing date of September 2, 2005.

The petition is **denied**.

STATUTE AND REGULATION

35 U.S.C. § 21(a) provides:

The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Director.

37 CFR 1.1(a) states:

In general. Except as provided in paragraphs (a)(3)(i), (a)(3)(ii) and (d)(1) of this section, all correspondence intended for the United States Patent and Trademark Office **must be addressed to either "Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450"** or to specific areas within the Office as set out in paragraphs (a)(1), and (a)(3)(iii) of this section. When appropriate, correspondence should also be marked for the attention of a particular office or individual(emphasis added).

37 CFR 1.10(a) states:

(1) 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 with the USPTO on the date of deposit with the USPS.

(2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the

correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a)(emphasis added).

37 CFR 1.10(e) states:

(e) Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Director to consider such correspondence filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

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

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS(emphasis added.).

PREVIOUS OPINION

Petitioner asserts that the earlier filing date is warranted in that papers for the above-captioned application, along with papers for 2 other applications were each deposited with the Express Mail Service of the USPS Express Mail to Addressee Service of the USPS, purportedly in compliance with 37 CFR 1.10, on August 29, 2005, but addressed to the USPTO at its former Washington DC 20231 correspondence address. While the other 2 sets of application papers, which each contained the disclosures of the other 2 as part of an IDS were delivered to the USPTO and accorded the requested filing date, the USPS returned the Express Mail package containing the instant papers to petitioner on September 2, 2005. On the same date petitioner remailed the instant application papers by Express Mail, this time, however, using the PO Box 1490 Alexandria Va 22313 correspondence address. Petitioner points to the facts that (1) the instant disclosure was in fact present at the USPTO as part of an IDS in the other 2 applications that have been accorded a filing date of August 29, 2005, and (2) the USPS treatment of the other 2 applications reasonably establishes that the Washington DC address was a viable address within the meaning of 37 CFR 1.10(a).

Petitioner's reliance on 37 CFR 1.10(e) is misplaced. The remedial provisions of 37 CFR 1.10(e) only apply to correspondence that: (1) has the Express Mail label affixed thereto, (2) was addressed as required by 37 CFR 1.1(a), and (3) was not received at the USPTO.

Taking the last item noted above first, clearly the correspondence in question for the above-identified application deposited with the USPS as Express Mail on September 2, 2005, was received by the USPTO and as such 1.10(e) is inapposite to the question for the correspondence deposited with the USPS on that date. 1.10(e) only applies when the correspondence in question was never received by the USPTO.

As to the correspondence for the above-identified application that was deposited with the USPS on August 29, 2005, but returned to petitioner, 1.10(e) is likewise inapposite to the question. Here, the correspondence was admittedly not addressed as required by 37 CFR 1.1(a), but rather was addressed to an obsolete correspondence address. On May 1, 2003, the USPTO changed its correspondence address for, as here, filing of patent applications to P.O. Box 1450, Alexandria, VA 22313-1450. *See* 37 CFR 1.1 and "Correspondence with the United States Patent and Trademark Office," 68 *Fed. Reg.* 14332 (March 25, 2003), 1269 *Off. Gaz. Pat. Office* 159 (Apr. 22, 2003). To allow applicants time to become accustomed to the new address in Alexandria, VA, the USPTO waived the provisions of 37 CFR 1.8 and 1.10 such that correspondence addressed to Washington, DC 20231 would be treated as acceptable under 37 CFR 1.8 and 1.10 for otherwise compliant Certificates of Mailing and "Express Mail".

However, on March 29, 2005, members of the public and registered practitioners were advised that effective on April 4, 2005, the provisions of 37 CFR 1.8 (Certificate of Mailing) and 1.10 ("Express Mail") would no longer be waived for correspondence addressed to the United States Patent and Trademark Office (USPTO), Washington, DC 20231. *See* notice entitled "Termination of the Waiver of Provisions of 37 CFR 1.8 and 1.10 for Correspondence Intended for the United States Patent and Trademark Office but Addressed to Washington, DC 20231," 1292 *Off. Gaz. Pat. Office* 186 (March 29, 2005).¹ Thus, the correspondence that was returned to petitioner by the USPS will not be considered proof of prior filing or mailing under 37 CFR 1.8(b) or 1.10(e) since that correspondence was not mailed in accordance with 37 CFR 1.1. *Id.*

As to the correspondence for the other 2 applications that was deposited with the USPS on August 29, 2005, and which each included a copy of the papers for this application in the two IDS's, § 1.10(e) is also inapposite to the question. Here, again, the correspondence (1) was received such that 1.10(e) is inapposite, (2) was not addressed as set forth in §1.1(a) as required by 37 CFR 1.10(e), and (3) the Express Mailing Label number that was affixed to the copy of the instant application papers in each of the 2 IDS's was *not* the Express Mail Label number that was affixed to either set of the application papers that were accorded a filing date of August 29, 2005.

OPINION RE RENEWED PETITION

Petitioner seeks reconsideration and a "consistent" filing date based on the alleged uniform and simultaneous deposit of this and 2 other applications with the USPS.

Petitioner appears to overlook that the filing dates accorded herein and in the 2 other applications are entirely consistent with 37 CFR 1.10(a)(1). Each of the three applications,

¹This notice is also available on the USPTO web site at:
<http://www.uspto.gov/web/offices/com/sol/og/2005/week13/patcfr2.htm>

upon their being delivered by the USPS to the USPTO, has been given as the filing date, their date of deposit with the USPS in the Express Mail to Addressee Service. That is, per 37 CFR 1.10(a)(1), each is considered filed with the USPTO on the date of deposit (the "date-in") with the USPS. That they have received different filing dates is simply due to the fact that *petitioner* deposited them with the USPS on different dates. Since the other 2 referenced applications were delivered to the USPTO upon their deposit with the USPS Express Mail to Addressee service on August 29, 2005, that is the proper filing date accorded to those applications. See 37 CFR 1.10(a)(1). Since the correspondence for this application that was asserted to have been deposited with the USPS on August 29, 2005, was *not* delivered to the USPTO, then 37 CFR 1.10(a)(1) does not apply to that correspondence.

Furthermore, as noted above, petitioner knew or should have known, that any correspondence addressed to the obsolete USPTO address that was returned to petitioner, is not considered proof of prior filing or mailing under 37 CFR 1.10(e), since that correspondence was not mailed in accordance with 37 CFR 1.1(a). As noted above, however, since the instant correspondence was *properly* deposited with the USPS on September 2, 2005 and was received by the USPTO, then the remedial provisions of 37 CFR 1.10(e) do not apply to this application. Likewise, for the reasons given above, since the correspondence for this application that was deposited with the USPTO on August 29, 2005, did not then comply with the applicable provisions of the relevant rules, then, again, the remedial provisions of 37 CFR 1.10(e) do not apply to that correspondence either. See notice at 1292 *Off. Gaz. Pat. Office* 186 (March 29, 2005). Petitioner's lack of attention to the regulations and published procedures before the USPTO was unfortunate, but that does not entitle this application to a filing date of other than September 2, 2005. See e.g., *Vincent v. Mossinghoff*, 230 USPQ 621, 625 (D.D.C. 1985)(petitioner's failure to take adequate notice of USPTO published procedures will not be permitted to shift his lack of diligence onto the USPTO); *Nitto Chem. Indus. Co. v. Comer*, 39 USPQ2d 1778, 1782 (D.D.C. 1994)(petitioner not entitled to any relief under 37 CFR 1.10 as petitioner's failure to comply with the requirements of that rule is an avoidable oversight); *Honigsbaum v. Lehman*, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995)(same).

Since, however, the correspondence for this application that was properly deposited within the meaning of 37 CFR 1.10 with the USPS Express Mail to Addressee Service on September 2, 2005, and was delivered to the USPTO, then, again, per 37 CFR 1.10(a)(1), that is the filing date properly accorded to the instant application. The alleged discrepancy in filing dates for the 3 applications arises not from any error or inconsistency on the part of the USPTO; rather it arises from petitioner's failure on August 29, 2005, to address the correspondence for this application in the manner required by 37 CFR 1.1(a).²

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

DECISION

The petition is granted to the extent that the prior decision has been reconsidered, but is **denied** as to any modification of that decision or any change in the instant filing date. The filing date remains September 2, 2005, the earliest date the instant application papers were entrusted to the USPS in compliance with the requirements of 37 CFR 1.10 (and § 1.1(a)).

This decision may be considered a final agency action within the meaning of 5 U.S.C. § 704 for purposes of seeking judicial review. See MPEP 1002.02.

The USPTO will not further consider or reconsider this matter.

This application is being referenced to the Technology Center for examination in due course with the currently accorded filing date of September 2, 2005.

Telephone inquiries related to this communication should be directed to Petitions Examiner Brian Hearn at (571) 272-3217.

A handwritten signature in black ink, appearing to read "Charles Pearson", with a long horizontal flourish extending to the right.

Charles Pearson
Director, Office of Petitions



ISIS PHARMACEUTICALS, INC
1896 RUTHERFORD ROAD
CARLBAD CA 92008

COPY MAILED

OCT 30 2006

OFFICE OF PETITIONS

In re Application of
Vasulinga Ravikumar et al.
Application No. 11/218,875
Filed: September 2, 2005
Attorney Docket No. ISIC0032-100 (DVCM0016US)

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

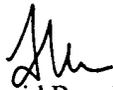
This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed July 12, 2006.

The request is **NOT APPROVED**.

A review of the file record indicates that Paul K. Legaard does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Furthermore, there is no evidence that Paul K. Legaard has authority to act on behalf of all attorneys in Customer number 34138 to withdraw them of record in this application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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


David Bucci
Petitions Examiner
Office of Petitions

Cc: WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA, PA 19103



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
DW Dec-05

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

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DEC 07 2005

OFFICE OF PETITIONS

In re Application of :
Motonishi et al. :
Application No. 11/218,882 : DECISION GRANTING PETITION
Filed: 26 August, 2005 :
Atty Dckt No. 9261-5176 :

This is a decision in reference to the petition filed on 17 October, 2005, which is treated as a petition filed under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of 26 August, 2005, rather than the currently-accorded filing date of 29 August, 2005.

The petition is granted.

Petitioners assert that the application was deposited in Express Mail Service on 26 August, 2005. In support, petitioners have provided a copy of Express Mail Customer Label EV463629495US. (the same Express Mail number found on the itemized utility application transmittal sheet accompanying the original application papers located in the official file) showing a "date-in" of "8 26 05".

As such, the showing of record is that the correct date of deposit in Express Mail is 26 August, 2005.

In view of the above, the petition is granted. No fee is required, and the \$130.00 fee submitted with the petition will be credited to counsel's deposit account, No. 23-1925.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to 26 August, 2005, and for issuance of a corrected Filing Receipt.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



TOKYO ELECTRON US HOLDING INC
4350 WEST CHANDLER BLVD
SUITE 10/11
CHANDLER AZ 85226

MAILED

SEP 29 2009

OFFICE OF PETITIONS

In re Application of
Li, et al. :
Application No. 11/218,884 : DECISION ON
Filed: September 2, 2005 : PETITION
Attorney Docket No. TTI-086 US1 :

This is in response to the petition to revive under 37 CFR 1.137(a), filed August 11, 2009.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed on January 15, 2009. This Office action set a shortened statutory period for reply of three (3) months. Applicants filed an Amendment on March 13, 2009. However, by Advisory Action mailed April 29, 2009, the Examiner informed Applicants that the Amendment would not be entered because it failed to place the application in condition for allowance. No further reply having been received, the application became abandoned by operation of law on April 16, 2009. The Office mailed a Notice of Abandonment on August 19, 2009.

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

unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). The instant petition has not satisfied requirements (1) and (3) above.

With respect to item (1), petitioner has not submitted a proper reply to the final Office action. A proper reply consists of an RCE, a Notice of Appeal, or a continuing application.

With respect to item (3), decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.¹

Moreover, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."²

Here, petitioner explains that the instant application was part of over 100 applications that were decided to be transferred inhouse. According to petitioner, the "status of the final office action response, subsequent communications of the final adjudication of the claim amendments was not completely explained during the transfer of responsibility." The assignee was under the impression that an appeal had been filed.

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

² Haines v. Quiqq, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

A misunderstanding does not constitute unavoidable delay within the meaning of 37 CFR 1.137(a). While the delay at issue may have been unintentional, petitioner has not demonstrated that it was unavoidable.

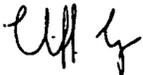
While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is **not** precluded from obtaining relief by filing a request for reconsideration pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) Any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

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

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

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

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



Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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WAGNER, ANDERSON & BRIGHT, LLP
3541 OCEAN VIEW BLVD
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JUN 19 2007

OFFICE OF PETITIONS

In re Application of :
Fawaz Assariri :
Application No. 11/218891 : ON PETITION
Filing Date: 09/02/2005 :
Attorney Docket Number: :
RLA35.089 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 21, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 18, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). 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 October 19, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee, 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 3612 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.


Derek L. Woods
Attorney
Office of Petitions



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MAY 11 2009

OFFICE OF PETITIONS

In re Application of :
John Landy, III, et al. :
Application No. 11/218,896 : **DECISION ON PETITION**
Filed: September 2, 2005 :
Attorney Docket No. B-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 2, 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, August 13, 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 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 \$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. 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 3753 for appropriate action by the Examiner in the normal course of business on the reply received April 2, 2009.

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


UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/218,905	09/01/2005	3761	565	81421-4051	7	18	1

 28765
 WINSTON & STRAWN LLP
 1700 K STREET, N.W.
 WASHINGTON, DC 20006

CONFIRMATION NO. 2249
CORRECTED FILING RECEIPT


OC000000018507217

Date Mailed: 04/12/2006

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)

 Martin Johansson, Kungsbacka, SWEDEN;
 Robert Axelsson, Granna, SWEDEN;
 Anette Johnsson, Jonkoping, SWEDEN;
 Bjorn Edwin, Saetre, NORWAY;
 Erik Fosse, Oslo, NORWAY;

Power of Attorney: The patent practitioners associated with Customer Number **28765**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/615,576 10/05/2004

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 04077475.4 09/06/2004

If Required, Foreign Filing License Granted: 09/27/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/218,905**
Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Implant

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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



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Paper No. None

IPSOLON LLP
111 SW COLUMBIA
SUITE 710
PORTLAND OR 97201

COPY MAILED

SEP 11 2006

OFFICE OF PETITIONS

In re Application of	:	
Kevin Hlas et al.	:	
Application No. 11/218,910	:	DECISION ON PETITION
Filing Date: September 1, 2005	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket Number: 1006-189/JRD	:	
Title: PERSONAL AUDIO-SET WITH ADJUSTABLE SLIDING EAR CLIP MOUNT	:	

This is a decision on the petition under 37 CFR §1.137(b)¹, filed June 21, 2006, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed October 3, 2005, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on December 4, 2005. A notice of abandonment was mailed on June 12, 2006.

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

With the present petition, Petitioner has submitted the petition fee, the proper statement of unintentional delay, an executed declaration along with the surcharge associated with the late submission of the same, and the filing, search, examination fees. A terminal disclaimer is not necessary.

Petitioner has met all requirements for a grantable petition under 37 C.F.R. §1.137(b). As such, the petition is **GRANTED**.

The Office of Initial Patent Examination will be notified of this decision.

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



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



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IPSOLON LLP
111 SW COLUMBIA
SUITE 710
PORTLAND, OR 97201

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SEP 13 2006
OFFICE OF PETITIONS

In re Application of :
Slamka et al. :
Application No. 11/218,914 :
Filed: September 1, 2005 :
Attorney Docket No. :
1006-186/JRD :

This is a decision in response to the petition under 37 CFR 1.137(b), filed June 21, 2006, to revive the above-identified application.

This Petition is hereby **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 (hereinafter "Notice"), mailed October 3, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on December 4, 2005. A Notice of Abandonment was mailed on June 12, 2006.

With the instant petition Petitioner has filed the necessary documents and paid the requisite fees.

The Oath/declaration has been entered and made of record.

This application is being forwarded to the Office of Initial Patent Examination for continued processing in due course.

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


Derek L. Woods
Attorney
Office of Petitions



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

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AUG 30 2007

OFFICE OF PETITIONS

In re Application of :

ROVERI, Francisco E. et al. :

Application No. 11/218,926 :

Filed: September 01, 2005 :

Attorney Docket No. **3089-7451US** :

**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 21, 2007.

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

A review of the file record indicates that the power of attorney to TRASK BRITT has been revoked by the assignee of the patent application on August 14, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

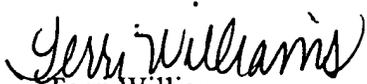
All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

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


Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **SUGHRUE MION, PLLC**
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

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



Terri Williams
Petitions Examiner
Office of Petitions

cc: **Sam Schwartz**
21133 Superior Street
Chatsworth, CA 91311



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/218,939	09/01/2005	Sam Schwartz	73605-010200

33717
GREENBERG TRAUIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

CONFIRMATION NO. 2137
POWER OF ATTORNEY NOTICE



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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OFFICE OF PETITIONS

**DUANE MORRIS LLP - Chicago
IP DEPARTMENT
190 South LaSalle Street
Suite 3700
CHICAGO IL 60603-3433**

In re Application of	:	
Loren Miles	:	
Application No. 11/218,947	:	DECISION ON PETITION
Filed: September 2, 2005	:	TO WITHDRAW
Attorney Docket No. E7814-00011	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 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 Richard T. Ruzich on behalf of attorney/agents associated with customer number 76223. All attorneys/agents associated with customer number 76223 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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


Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Loren Miles
11155 Massachusetts Avenue
Los Angeles, CA 90025



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/218,947	09/02/2005	Loren Miles	E7814-00011

76223
DUANE MORRIS LLP - Chicago
IP DEPARTMENT
190 South LaSalle Street
Suite 3700
CHICAGO, IL 60603-3433

CONFIRMATION NO. 2114
POWER OF ATTORNEY NOTICE



Date Mailed: 09/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/05/2009.

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

/kainabinet/

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



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Lynn Schwenning
1600 West Hill Street
Louisville, KY 40210

Mail Date: 04/20/2010

Applicant : Vladimir Fridman : DECISION ON REQUEST FOR
Patent Number : 7622623 : RECALCULATION of PATENT
Issue Date : 11/24/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/218,949 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/02/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1000** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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VARIAN MEDICAL SYSTEMS
TECHNOLOGIES, INC.
c/o BINGHAM MCCUTCHEN LLP
THREE EMBARCADERO CENTER
SAN FRANCISCO, CA 94111-4067

COPY MAILED
OCT 02 2006
OFFICE OF PETITIONS

In re Application of

Hassan Mostafavi

Application No. 11/218,960

Filed: September 1, 2005

Attorney Docket No. VM7010733003

:
:
: DECISION ON PETITION
:

This is a decision on the petition under 37 CFR §1.137(b), July 31, 2006, to revive the above-identified application.

The petition is **granted**.

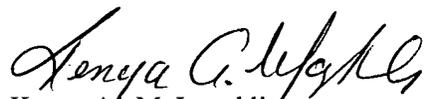
This application became abandoned for failure to timely remit the issue fee of \$1400.00, and publication fee of \$300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed April 24, 2006. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on July 25, 2006. A Notice of Abandonment was mailed on June 27, 2006.

The issue fee was received on July 31, 2006.

Form PTOL-85B, filed July 31, 2006, is noted and made of record.

The application is being directed to the Office of Patent Publications for further processing.

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


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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Michael G. Fletcher
FLETCHER YODER
P. O. Box 692289
Houston, TX 77269-2289

Mail Date: 04/21/2010

Applicant	: Larry Kinsman	: DECISION ON REQUEST FOR
Patent Number	: 7600314	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/218,995	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **341** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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15

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Michael G. Fletcher
FLETCHER YODER
P.O. Box 692289
Houston TX 77269-2289

JUL 25 2007

In re Application of:	:	
Christopher K. Morzano et al.	:	DECISION ACCEPTING PAPERS
Serial No.: 11/218,997	:	UNDER 37 C.F.R. § 1.8(b)
Filed: September 1, 2005	:	
Attorney Docket No.: MICS:0136 (04-0730)	:	

This is a decision on the petition under 37 C.F.R. § 1.181(a) filed on October 16, 2006 via facsimile transmission. The petition requests that the Response to Office Action filed concurrently with the petition be considered as timely filed on August 23, 2006. The petition is being treated as a request to accept papers as timely filed pursuant to 37 C.F.R. § 1.8(b) for the above-identified application.

The request is **GRANTED**.

A non-final Office action was mailed on May 24, 2006, setting a three month shortened statutory period for filing a response. During a telephone call with the examiner on October 16, 2006, the requester learned that the Office had no record of having received a response to the Office action of May 24, 2006. Requester asserts that a response to the Office action mailed May 24, 2006 was deposited with the U.S. Postal Service on August 23, 2006.

In support of the assertion that a response was timely filed, requester submitted the following papers as evidence of timely submission: 1) a copy of the response which bears a Certificate of Transmission under 37 C.F.R. § 1.8(a) dated August 23, 2006; and 2) a statement under 37 C.F.R. § 1.8(b)(3) which attests on a personal knowledge basis to the previous mailing. The Certificate of Mailing dated August 23, 2006 would have made the response timely if received in the Patent and Trademark Office.

The file record does not include the originally submitted response.

The request satisfies the conditions set forth under 37 C.F.R. § 1.8(b) for accepting a response, filed using a certificate of mailing under 37 C.F.R. § 1.8(a) but not received by the USPTO, as being timely filed. Accordingly, the request is granted.

The copy of the response filed October 16, 2006, via facsimile transmission, is accepted as being timely filed since the USPTO apparently did not receive the originally submitted response.

The examiner of record will consider the response filed October 16, 2006 and prepare an Office action based upon the response.

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin
Quality Assurance Specialist/Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



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IntraPace, Inc. & Townsend & Townsend & Crew LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Mir A. Imran	: DECISION ON REQUEST FOR
Patent Number	: 7616996	: RECALCULATION OF PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/219,004	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **687** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

Mail Date: 04/21/2010

Applicant	: Robert K. Rowe	: DECISION ON REQUEST FOR
Patent Number	: 7668350	: RECALCULATION OF PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/219,006	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1135** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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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CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

Mail Date: 04/21/2010

Applicant	: Amr Salahieh	: DECISION ON REQUEST FOR
Patent Number	: 7648518	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/219,033	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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OFFICE OF PETITIONS

Paper No.

DUKE W. YEE
P.O. BOX 802333
YEE & ASSOCIATES, P.C.
DALLAS TX 75380

In re Application of :
Amaru et al. :
Application No. 11/219,039 : DECISION ON PETITION
Filed: September 1, 2005 : PURSUANT TO
Attorney Docket No.: : 37 C.F.R. § 1.137(B)
SVL920060533US1 :
Title: BUSINESS RULES FOR :
CONFIGURABLE METAMODELS AND :
ENTERPRISE IMPACT ANALYSIS :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed November 4, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed April 2, 2009, which set a shortened statutory period to reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 3, 2009. A notice of abandonment was mailed on November 4, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);

- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, an election of species, and the proper statement of unintentional delay.

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission that was received on November 4, 2009 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-

¹ See Rule 1.137(d).

identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Rudolf O. Siegesmund
4100 Alpha Road, Suite 1100
Dallas, TX 75244

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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Shumaker & Sieffert. P.A.
1625 Radio Drive, Suite 300
Woodbury, MN 55125

Mail Date: 04/20/2010

Applicant	: Brian D. Findlay	: DECISION ON REQUEST FOR
Patent Number	: 7660812	: RECALCULATION OF PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/219,044	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **462** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND OR 97204

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MAR 17 2006

OFFICE OF PETITIONS

In re Application of :
Majors et al. : ON
Application No. 11/219,052 : PETITION
Filed: September 1, 2005 :
Atty Docket No. CMV 301 :

This is in response to the "PETITION UNDER 37 C.F.R. § 1.47(a)"
filed October 25, 2005.

Pursuant to 37 CFR 3.73(b), a party must be established as the
assignee by satisfying the requirements of that subsection, in
order to be recognized as an owner or part owner, for purposes
of taking action in patent matters before the Office.

§ 3.73 Establishing right of assignee to take action.

(a) The inventor is presumed to be the owner of a patent
application, and any patent that may issue therefrom, unless
there is an assignment. The original applicant is
presumed to be the owner of a trademark application or
registration, unless there is an assignment.

(b)(1) In order to request or take action in a patent or
trademark matter, the assignee must establish its ownership of
the patent or trademark property of paragraph (a) of this
section to the satisfaction of the Director. The establishment
of ownership by the assignee may be combined with the paper
that requests or takes the action. Ownership is established by
submitting to the Office a signed statement identifying the
assignee, accompanied by either:

(i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). The documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office; or

(ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

(2) The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:

- (i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or
- (ii) Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.

The action taken by the assignee, and the 37 CFR 3.73(b) submission establishing that the assignee is the appropriate assignee to take such action, can be combined in one paper. The establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted. 37 CFR 3.73(c). If the submission establishing ownership is not present, the action sought to be taken will not be given effect. If the submission establishing ownership is submitted at a later date, that date will be the date of the request for action or the date of the assignee's action taken.

The instant petition was filed by the assignee. However, the assignee has not filed a 3.73(b) statement establishing their right to take action in this application (and identifying the individual authorized to file this petition on behalf of the assignee).

In view thereof, the petition is DISMISSED.

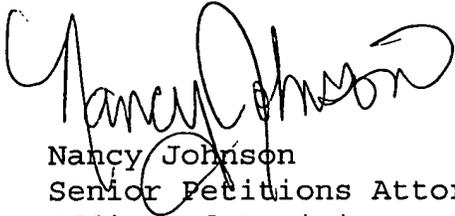
Further correspondence with respect to this decision should be addressed as follows:

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

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

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

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is written in a cursive, flowing style with a large initial "N".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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VMWARE, INC.
DARRYL SMITH
3401 Hillview Ave.
PALO ALTO, CA 94304

Mail Date: 04/20/2010

Applicant	: Edouard Bugnion	: DECISION ON REQUEST FOR
Patent Number	: 7665088	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/219,070	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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



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July 9, 2010

Patent No. : 7,697,942 B2
Appl. No. : 11/219,082
Inventor(s) : Gilman R. Stevens
Issued : April 13, 2010
Title : **LOCATION BASED RULES ARCHITECTURE SYSTEMS AND METHODS**
Docket No. : **020366-095700US**

Re: Request for Certificate of Correction

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

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

Additionally, inspection of the application reveals that the remaining errors requested to be corrected are printed in accordance with the record in the Patent and Trademark Office as passed through issue by the examiner. There being no fault on the part of the Patent and Trademark Office, it has no authority to issue a certificate of correction under the provision of 1.322.

In view of the foregoing, your request, in this matter, is hereby denied. However, further consideration will be given to these matters, upon receipt of a request for certificate of correction under the provision of 1.323, accompanied by the appropriate fee which is presently \$100. (Request for certificate of correction fee = \$100, Petition to correct assignee = \$130)

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

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

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

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

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

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

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

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

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

Qwest Communications International Inc.
1801 California Street, # 900
Denver CO 80202



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

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OFFICE OF PETITIONS

In re Application of
Loeb
Application No. 11/219,092
Filed: September 1, 2005
Attorney Docket No. J103U015US11

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed February 12, 2007 (certificate of mailing date February 8, 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 Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED AS MOOT**.

A review of the application papers reveals that a nonpublication request under 35 U.S.C. 122(b)(2)(B)(i) was not filed in this application, even though the transmittal letter states that one was. Therefore, the application was published on April 13, 2006.

As such, the filing of a petition to revive is unnecessary and is dismissed as involving a moot issue.

Since this application is not in fact abandoned, for the reason stated above, the petition fee of \$1,500.00 is being refunded to petitioner's credit card.

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.

This application is being forwarded to Technology Center A.U. 2624 for consideration of the amendment filed on June 27, 2007.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script that reads "Shirene Willis Brantley".

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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



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CORRECTION OF INVENTORSHIP

Application No.: 11/219,107

On petition requesting issuance of a certificate for correction of inventorship pursuant to 37 C.F.R. 1.48(A), it has been found that the above-identified non-provisional patent application, through error and without any deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this non-provisional patent application is:

Alexander M. Zeltser

Jinshan Li

Brian York

/Derris H. Banks/

Derris H. Banks, SPE
Technology Center 3700, Art Unit 3729
Telephone: (301) 292-9796

JOHN J. OSKOREP
ONE MAGNIFICENT MILE CENTER
980 N. MICHIGAN AVENUE, SUITE 1400
CHICAGO, ILLINOIS 60611
TELEPHONE : (312) 222-1860



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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

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AUG 11 2009

OFFICE OF PETITIONS

In re Application of
John E. DEENEN
Application No. 11/219,111
Filed: September 2, 2005
Attorney Docket No. **10623-00004-US**

DECISION ON PETITION TO
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 6, 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 Patricia S. Rogowski on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding non-final Office action mailed April 1, 2009 that requires a reply from the applicant.

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

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **JOHN E. DENEEN**
1731 COUNTY LINE ROAD
VILLANOVA, PA 19805



MICHAEL S. HEAGERTY
19861 HOLLYGRAPE STREET
BEND OR 97702

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APR 14 2008

OFFICE OF PETITIONS

In re Application of :
MICHAEL S. HEAGERTY :
Application No. 11/219112 :
Filing or 371(c) Date: 10/24/2005 :
Title of Invention: DUAL ACTION LOCKING PLIERS :

**DECISION
ON PETITION**

This is a decision on the "Petition to Revive Patent Application Unintentionally Abandoned Under 37 CFR 1.137(b), filed march 7, 2008, to revive the above-identified application.

This Petition is hereby **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 "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed October 30, 2006. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned January 31, 2007.

Applicant filed an Issue Fee Transmittal Form authorizing this Office to charge deposit account 50-2232 any deficient fee; however, there were insufficient fees in the deposit account on February 5, 2007. No other form of payment (i.e. check) was been received on February 5, 2007.

The present petition

Applicant files the present petition and petition fee, and includes the issue fee; however, the publication fee required by the Notice of Allowance and Issue Fee Due, has not been included.

A Grantable Petition Under 37 CFR 1.137(b)

A grantable petition pursuant to this paragraph 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 publication fee

As to item (1), the publication fee, \$300.00, is required.

The petition is dismissed without prejudice. Applicant should file a request for reconsideration of petition and include the publication fee.

The revocation of power of attorney and correspondence address change have been entered and made of record.

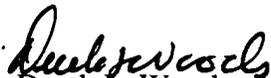
Further correspondence with respect to this matter should be addressed as follows:

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.


Derek L. Woods
Attorney
Office of Petitions



MICHAEL S. HEAGERTY
19861 HOLLYGRAPE STREET
BEND OR 97702

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MAY 14 2008

OFFICE OF PETITIONS

In re Application of :
MICHAEL S. HEAGERTY :
Application No. 11/219112 :
Filing or 371(c) Date: 10/24/2005 :
Title of Invention: DUAL ACTION LOCKING PLIERS :

DECISION
ON PETITION

This is a decision on the renewed "Petition to Revive Patent Application Unintentionally Abandoned Under 37 CFR 1.137(b), filed May 1, 2008, to revive the above-identified application.

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed October 30, 2006. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned January 31, 2007.

Applicant filed an Issue Fee Transmittal Form authorizing this Office to charge deposit account 50-2232 any deficient fee; however, there were insufficient fees in the deposit account on February 5, 2007. No other form of payment (i.e. check) was been received on February 5, 2007.

The March 7, 2008 petition

Applicant filed a petition to revive the application on March 7, 2008 and petition fee, and included the issue fee; however, the publication fee required by the Notice of Allowance and Issue Fee Due, was not included.

The petition was dismissed in a Decision mailed April 14, 2008, for failing to meet the requirements of a grantable petition under 37 CFR 1.137(b).

The present renewed petition

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee (filed March 7, 2008), and publication fee; (2) the

petition fee (filed March 7, 2008); and (3) a proper statement of unintentional delay (filed March 7, 2008).

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

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



Derek L. Woods
Attorney
Office of Petitions



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

HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE,
7TH FLOOR
SAN DIEGO, CA 92122

COPY MAILED
AUG 15 2008

In re Application of :
Sherman FONG, et al :
Application No. 11/219,121 :
Filed: September 2, 2005 :
Attorney Docket No. GNE-0268 R1 :
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, 2008.

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

A review of the file record indicates that the power of attorney to Heller Ehrman LLP, has been revoked by the assignee of the patent application on July 23, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105



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Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park CA 94025-1105

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Patent No. 7,528,236	:	
Fong et al.	:	DECISION ON REQUEST FOR
Issue Date: May 5, 2009	:	RECONSIDERATION OF
Application No. 11/219,121	:	PATENT TERM ADJUSTMENT
Filed: September 2, 2005	:	AND NOTICE OF INTENT
Attorney Docket No. GNE-0268 R1	:	TO ISSUE CERTIFICATE OF
Title: HUMANIZED ANTI-BETA7	:	CORRECTION
ANTAGONISTS AND USES THEREFOR	:	

This is a decision on the petition filed on June 25, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by ninety-eight (98) days.

Submission of the patent term adjustment application fee is a prerequisite prior to treatment on the merits of any application submitted pursuant to 37 CFR 1.705. The instant application was filed without the required \$200.00 fee. Attorney Gao is not an authorized user on deposit account no. 50-4634. As such the Office was unable to obtain the required fee.

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

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


Anthony Knight
Director
Office of Petitions



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DAVID I. ROCHE
BAKER & MCKENZIE LLP
130 EAST RANDOLPH DRIVE
CHICAGO, IL 60601

COPY MAILED

OCT 08 2008

OFFICE OF PETITIONS

In re Application of
Adrian A. Bruno
Application No. 11/219,125
Filed: September 2, 2005
Attorney Docket No. WEB-103

:
:
:
:
:
:

ON PETITION

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

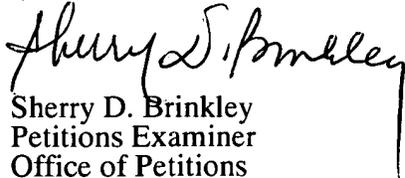
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 3, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 4, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of \$1,540; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 3749 for appropriate action by the Examiner in the normal course of business on the reply received March 18, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions


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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/219,138	09/02/2005	2655	1900	M-15984 US	4	22	7

CONFIRMATION NO. 2374

 32605
 MACPHERSON KWOK CHEN & HEID LLP
 1762 TECHNOLOGY DRIVE, SUITE 226
 SAN JOSE, CA 95110

CORRECTED FILING RECEIPT


OC000000017450872

Date Mailed: 11/14/2005

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)

Richard W. Guthrie, Moorpark, CA;

Power of Attorney: The patent practitioners associated with Customer Number 32605.

Domestic Priority data as claimed by applicant
Foreign Applications
Projected Publication Date: To Be Determined - pending completion of Security Review

Non-Publication Request: No

Early Publication Request: No

Title

Relayed pupil optical control system

Preliminary Class

369

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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Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

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MAY 03 2007

OFFICE OF PETITIONS

In re Application of :
Michael S. Mendelovich et al :
Application No. 11/219,142 :
Filed: September 1, 2005 :
Attorney Docket No. 21297-10689 :

DECISION ON REQUESTS
TO WITHDRAW
FROM RECORD

This is a decision on the requests to withdraw as attorney or agent under 37 C.F.R. § 1.36(b), filed December 1, 2006, February 2, 2006, and July 19, 2006.

The requests are **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the attorneys associated with Customer Number 00758 has been revoked by the assignee of the patent application on March 7, 2007. Accordingly, the requests to withdraw under 37 C.F.R. § 1.36(b) are moot.

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

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


Frances Hicks
Petitions Examiner
Office of Petitions

cc:

Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/219,142	09/01/2005	Michael S. Mendelovich	21297-10689

CONFIRMATION NO. 2385



OC000000023544728

758
 FENWICK & WEST LLP
 SILICON VALLEY CENTER
 801 CALIFORNIA STREET
 MOUNTAIN VIEW, CA 94041

Date Mailed: 04/26/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/07/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervned as provided by 37 CFR 3.71. 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

FORMER ATTORNEY/AGENT COPY



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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

Mail Date: 04/20/2010

Applicant	: Scott C. McLeod	: DECISION ON REQUEST FOR
Patent Number	: 7622903	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/219,151	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1118** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Chief IP Counsel
Bridgestone Americas Holding, Inc.
1200 Firestone Parkway
Akron, OH 44317

Mail Date: 04/21/2010

Applicant	: Jie Jin	: DECISION ON REQUEST FOR
Patent Number	: 7624779	: RECALCULATION OF PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/219,160	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **422** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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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
11/219,182	09/02/2005	1637	1000	YPL-0156	8	15	2

CONFIRMATION NO. 2733

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

CORRECTED FILING RECEIPT



OC000000017399907

Date Mailed: 11/07/2005

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)

You-seop Lee, Gyeonggi-do, KOREA, REPUBLIC OF;
 Keon Kuk, Gyeonggi-do, KOREA, REPUBLIC OF;
 Yong-soo Oh, Gyeonggi-do, KOREA, REPUBLIC OF;
 Su-ho Shin, Gyeonggi-do, KOREA, REPUBLIC OF;
 Min-soo Kim, Seoul, KOREA, REPUBLIC OF;

Power of Attorney: The patent practitioners associated with Customer Number **23413**.

Domestic Priority data as claimed by applicant

Foreign Applications

REPUBLIC OF KOREA 10-2004-0073920 09/15/2004

If Required, Foreign Filing License Granted: 10/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/219,182**

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

Title

Polymer chain reaction apparatus using marangoni convection and polymer chain reaction method using the same

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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



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AGILENT TECHNOLOGIES, INC.
INTELLECTUAL PROPERTY ADMINISTRATION, M/S DU404
P.O. BOX 7599
LOVELAND, CO 80537-0599

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OFFICE OF PETITIONS

In re Application of :
Rainer Jaeger :
Application No. 11/219,184 : **ON PETITION**
Filed: September 2, 2005 :
Attorney Docket No. 20041575-2 :

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

The application became abandoned for failure to respond to the Notice to File Corrected Application Papers mailed September 26, 2005. A Notice of Abandonment was mailed on June 6, 2006.

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. Also, 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 petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of a substitute specification; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

While the assignee attempted to intervene in the above-identified application, the Power of Attorney and Correspondence Indication Form filed on August 21, 2006 does not comply with the requirements of 37 CFR §§ 3.28 and 3.31. Since petitioner has failed to provide a completed assignment cover sheet and \$40 for the recordation fee, the power of attorney and Statement under 37 CFR 3.73(b) cannot be accepted. A courtesy copy of this decision is being mailed to the address

noted below. Thereafter, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

37 CFR 3.28 states that:

Each document submitted to the Office for recording must include a single cover sheet (as specified in § 3.31) referring either to those patent applications and patents, or to those trademark applications and registrations, against which the document is to be recorded. If a document to be recorded includes interests in, or transactions involving, both patents and trademarks, then separate patent and trademark cover sheets, each accompanied by a copy of the document to be recorded, must be submitted. If a document to be recorded is not accompanied by a completed cover sheet, the document and the incomplete cover sheet will be returned pursuant to § 3.51 for proper completion, in which case the document and a completed cover sheet should be resubmitted.

Further, 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 \$1,590 extension of time fee submitted on June 26, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application file is being referred to 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: Joseph V. Gamberdell, Jr.
Perman & Green
425 Post Road
Fairfield, CT 06824



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

Mail Date: 04/20/2010

Applicant	: Lubomir D. Bourdev	: DECISION ON REQUEST FOR
Patent Number	: 7580563	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/219,191	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1012** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION, M/S DU404
P.O. BOX 7599
LOVELAND CO 80537-0599

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OFFICE OF PETITIONS

In re Application of :
Falk-Jordan, et al. :
Application No. 11/219,192 : ON PETITION
Filed: September 2, 2005 :
Attorney Docket No. US 20041312 :
For: MICROFLUIDIC SYSTEM WITH :
ADJUSTMENT FOR AN OPTICAL :
DETECTION :

This is a decision on the petition under 37 CFR 1.137(b), filed June 23, 2006 (certificate of mailing date June 20, 2006), to revive the above-identified application.

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

This application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers, mailed September 23, 2005, which set a two month shortened statutory period for reply. No valid extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no timely reply being received in the Office, this application became abandoned on November 24, 2005. A Notice of Abandonment was mailed on March 31, 2006.

Applicants have submitted a proper reply to the September 23, 2005 Notice in the form of a substitute and the petition fee. The statement of unintentional delay presented in the petition does not comply with the current rule. 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" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, practitioner is required to provide a statement to that effect.

Accordingly, the petition under 37 CFR 1.137(b) is granted.

Regarding fees, 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 \$1590.00 extension of time submitted with the petition on June 23, 2006 (certificate of mailing date June 20, 2006) was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioners' deposit account.

The Power of Attorney and Correspondence Address Indication Form, filed August 21, 2006, will not be entered and made of record at this time because the Office has no record of that an assignment was submitted for recordation. A courtesy copy of this decision will be mailed to customer number 2512.

After the mailing of this decision, the file will be returned to the Office of Initial Patent Examination for further processing.

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


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824



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WALTER A. RODGERS
RODGERS & RODGERS
6100 LAKE FORREST DRIVE
SUITE 340
ATLANTA GA 30328

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AUG 27 2007

OFFICE OF PETITIONS

In re Application of
John Devincenzo et al.
Application No. 11/219,212
Filed: September 6, 2005
Attorney Docket No. 250.25

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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 June 6, 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 statement from one of the applicants declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3637 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions



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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 : Larry D. Kinsman : DECISION ON REQUEST FOR
Patent Number : 7569418 : RECALCULATION of PATENT
Issue Date : 08/04/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/219,214 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/01/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **571** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 05/17/2010

Applicant : Larry D. Kinsman : NOTICE CONCERNING IMPROPER
Patent Number : 7569418 : CALCULATION OF PATENT TERM
Issue Date : 08/04/2009 : ADJUSTMENT BASED UPON USPTO
Application No : 11/219,214 : IMPROPERLY MEASURING REDUCTION
Filed : 09/01/2005 : 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 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 **586** 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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ROSSI, KIMMS & McDOWELL LLP.
20609 Gordon Park Square, Suite 150
Ashburn VA 20147

In re Application of: Tadashi HAGIUDA.
Application No. 11/219215
Filed: September 6, 2005
For: DATA PROCESSING SYSTEM, CONTROL
METHOD THEREFOR, DOCUMENT INPUT
APPARATUS, CONTROL METHOD THEREFOR,
DOCUMENT MANAGING APPARATUS,
CONTROL METHOD THEREFOR, PROGRAMS
FOR IMPLEMENTING THE CONTROL
METHODS, AND STORAGE MEDIA STORING
THE CONTROL PROGRAMS

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY PILOT
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 27, 2008 to make the above- identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:

A. Item 3 above. Specifically,

1) Claims of the instant application differ in scope from the corresponding claims of the Japanese allowed application, because many of the limitations listed in the instant US application differ from the corresponding limitations of the allowed Japanese claims:

For instance, Claim 21 of the instant application recites in part:

21. (New) A data processing system comprising: a document input apparatus **adapted to input** document data; and a document managing apparatus **adapted to store** templates each defining therein an input format for document data, said document input apparatus and said document managing apparatus being connected to each other for communication therebetween, wherein: said document input apparatus comprises:
a first transmission unit **adapted to transmit** information used for selecting a template to said document managing apparatus;...

Whereas the corresponding claim in the allowed Japanese application recites

1. A data processing system that includes a document input apparatus **that inputs** document data; and a document managing apparatus **that stores** templates each defining therein an input format for document data, said document input apparatus and said document managing apparatus being connected to each other for communication therebetween, characterized in that: said document input apparatus comprises:
a first transmission unit **that transmits** information used for selecting a template to said document managing apparatus;... etc.

This is just an example of how the claims differ in scope. Applicant is required to review all the claims in view of the comments above to make sure that all the claims are in compliance with guidelines set forth above for a grantable petition to make special.

The Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/219,215	09/02/2005	Tadashi Hagiuda	CANO:236	2444
37013	7590	12/17/2008	EXAMINER	
ROSSI, KIMMS & McDOWELL LLP. 20609 Gordon Park Square, Suite 150 Ashburn, VA 20147			PATTERSON, YASIN K	
			ART UNIT	PAPER NUMBER
			4112	
			MAIL DATE	DELIVERY MODE
			12/17/2008	PAPER

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

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



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ROSSI, KIMMS & McDOWELL LLP.
20609 Gordon Park Square, Suite 150
Ashburn VA 20147

In re Application of: Tadashi HAGIUDA.
Application No. 11/219215
Filed: September 6, 2005
For: DATA PROCESSING SYSTEM,
CONTROL METHOD THEREFOR,
DOCUMENT INPUT APPARATUS,
CONTROL METHOD THEREFOR,
DOCUMENT MANAGING APPARATUS,
CONTROL METHOD THEREFOR,
PROGRAMS FOR IMPLEMENTING THE
CONTROL METHODS, AND STORAGE
MEDIA STORING THE CONTROL
PROGRAMS

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY PILOT
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 2, 2008, and the request for reconsideration of adverse decision filed October 29, 2008, to make the above-identified application special.

The petition is **DENIED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition failed item (4) above, since a First Action on the Merits was mailed to applicants on December 16, 2008.

Therefore, the Petition is **DENIED**.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210



**INTELLECTUAL PROPERTY LAW
OFFICE OF JOEL VOELZKE
24772 SADDLE PEAK ROAD
MALIBU CA 90265**

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JUN 27 2008

OFFICE OF PETITIONS

In re Application of :
Hickling, Ronald M. :
Application No. 11/219,238 : **DECISION ON PETITION**
Filed: September 6, 2005 :
Attorney Docket No. 106-013 :

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

The petition is **GRANTED**.

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

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

This matter is being referred to Technology Center 2817 for further examination on the merits.


Liana Walsh
Petitions Examiner
Office of Petitions

DATE 10-5-07

APPLICATION NUMBER 11/219247

DOC CODE Ref. Doc.
TC

DOC DATE 10/9/07

DELIVER THE ATTACHED FILE/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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PATENT DOCKET ADMINISTRATION
CA/LA/A109
PO BOX 956
EL SEGUNDO CA 90245-0956

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OCT 09 2007

OFFICE OF PETITIONS

In re Application of :
Thomas H. James et al :
Application No. 11/219,247 :
Filed: September 2, 2005 :
Attorney Docket No. PD-205018 :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed May 1, 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 August 30, 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 January 17, 2008 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 2623 for examination in due course.



Karen Creasy
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.
11/219,247	09/02/2005	Thomas H. James	PD-205018

CONFIRMATION NO. 1416

20991
 THE DIRECTV GROUP, INC.
 PATENT DOCKET ADMINISTRATION
 CA / LA1 / A109
 P O BOX 956
 EL SEGUNDO, CA 90245-0956

Date Mailed: 10/09/2007

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

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

The projected publication date is 01/17/2008.

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 pgsub@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".



33249
RESOLUTION PERFORMANCE PRODUCTS LLC
Attn: Lisa Jones
1600 Smith Street, P.O. Box 4500
Houston, TX 77210-4500

In re Application of
WANTLING, Steven
Application No.: 11/219,276
Filing Date: September 2, 2005
Docket No.: B22-2559
For: WAX EMULSION PRESERVATIVE
COMPOSITIONS AND METHOD OF
MANUFACTURE

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OFFICE OF PETITIONS

DECISION

ON PETITION UNDER

37 CFR 1.137(b)

This is a decision on the petition to revive under 37 CFR 1.137(b) filed via facsimile on August 17, 2006. The petition under 1.137(b) is hereby **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to a Notice of Allowance and Fee(s) Due mailed May 15, 2006. The Office Action set a non-extendable three (3) month period for reply.

Petitioner has met the requirements for revival under 37 CFR 1.137(b). Petitioner submitted the required issue and publication fee, paid the \$1,500.00 petition fee and made the required statement of unintentional delay. No terminal disclaimer is required. Accordingly, all requirements of 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to Art Unit 1755 for continued processing.


James Thomson
Attorney Advisor

Office of PCT Legal Administration

Tel: 571-272-3302



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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EDWARD H. OLDHAM
20 JAMESON DRIVE
DUNDAS ON L9H 5A2
CANADA

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OFFICE OF PETITIONS

In re Application of :
Mario Fabris :
Application Number: 11/219280 : ON PETITION
Filing Date: 09/06/2005 :
Attorney Docket Number: EHO :
04176 :

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

The petition is **DISMISSED**.

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

This application became abandoned on 9 February, 2007, for failure to timely file a response to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 8 January, 2007, which set a one (1) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 17 July, 2007.

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

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for

failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;

(2) the petition fee as set forth in § 1.17(1);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3) above.

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

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.¹

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise

¹ In re Mattullath, 38 App. D.C. 497, 514-15 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."

reliable employees, the response is not timely received in the Office.²

Petitioner has not explained why the delay in filing the response was unavoidable.

It is noted that the petition states that the amendment is filed in response to the examiner's "faxed communication of the Notice of Non-Compliant Amendment". Petitioner's counsel's statement suggests that counsel may not have received the Notice mailed on 8 January, 2007. If, in fact, the Notice was never received, petitioner may wish to file a renewed petition requesting withdrawal of the holding of abandonment based on the failure to receive an Office action.³

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay.⁴ A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action.⁵

As the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Thus, the petition will be dismissed.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),⁶ which now provides that where the delay in

² Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

³ See MPEP 711.03(c), see also Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

⁴ Id.

⁵ See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994) (while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

⁶ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or

reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

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

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's convenience.

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

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

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

By hand: Customer Service Window
 Mail Stop Petition
 401 Dulany Street
 Alexandria, VA 22314

lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

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

Application No. 11/219280

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64
Privacy Act Statement



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EDWARD H. OLDHAM
20 JAMESON DRIVE
DUNDAS ON L9H 5A2
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OFFICE OF PETITIONS

In re Application of :
Mario Fabris :
Application Number: 11/219280 : ON PETITION
Filing Date: 09/06/2005 :
Attorney Docket Number: EHO :
04176 :

This is a decision on the renewed petition under 37 CFR 1.137(a),¹ filed on October 19, 2007, to revive the above-identified application.

The petition is again **DISMISSED**.

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

This application became abandoned on February 9, 2007, for failure to timely file a response to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on January 8, 2007, which set a one (1) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained.

¹ It is noted that the first page of petitioner's petition form is the form used for a petition under 37 CFR 1.137(b), while the second and third pages of petitioner's petition are those used for a petition under 37 CFR 1.137(a). As the petition states that "An adequate showing of the cause of the delay...was unavoidable, is enclosed," and the petition fee previously paid was paid in the amount required for a petition under 37 CFR 1.137(a), the petition will be treated as a petition under 37 CFR 1.137(a).

Notice of Abandonment was mailed on July 17, 2007. The petition under 37 CFR 1.137(a) filed on August 13, 2007, was dismissed on October 2, 2007.

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

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

(2) the petition fee as set forth in § 1.17(1);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3) above.

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

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be

unavoidable, all other conditions of promptness in its rectification being present.²

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.³

Petitioner states that the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on January 8, 2007, was never received.

A review of the record indicates no irregularity in the mailing of the Notice mailed on January 8, 2007, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner, stating that the practitioner did not receive the Office communication and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.⁴ For example, if a three month period for reply was set in the non-received Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action.

The showing of record is insufficient to warrant withdrawal of the holding of abandonment at this time. The Notice mailed on January 8, 2007, set a one (1)-month shortened statutory period for reply. Therefore, the practitioner must submit a copy of the

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."

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

⁴ M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

docket report showing all replies docketed for one (1) month from the mail date of the Notice.

Further, petitioner has not provided a statement from the practitioner stating that the practitioner did not receive the Office communication and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay.⁵ A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action.⁶

As the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a), the petition will be dismissed.

If petitioner is unable to provide the required showing that the Office communication was not received, it is recommended that a petition under 37 CFR 1.137(b) be filed.

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

⁵ Id.

⁶ See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994) (while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

Application No. 11/219280

5

By hand: Customer Service Window
Mail Stop Petition
401 Dulany Street
Alexandria, VA 22314

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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OFFICE OF PETITIONS

In re Application of :
Mario Fabris :
Application Number: 11/219280 : ON PETITION
Filing Date: 09/06/2005 :
Attorney Docket Number: EHO :
04176 :

This is a decision on the twice renewed petition under 37 CFR 1.137(a), filed on November 30, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on February 9, 2007, for failure to timely file a response to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on January 8, 2007, which set a one (1) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on July 17, 2007. The petition under 37 CFR 1.137(a) filed on August 13, 2007, was dismissed on October 2, 2007. The renewed petition filed on October 19, 2007, was dismissed on November, 19, 2007.

The application is restored to pending status.

The application is being referred to Technology Center Art Unit 3725 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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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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JUN 11 2009

OFFICE OF PETITIONS

In re Application of :
Mark J. Zdeblick :
Application No. 11/219,305 :
Filed: September 1, 2005 :
Attorney Docket No. PRTS-002 (PRO-11) :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 7, 2006.

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

A review of the file record indicates that the power of attorney to practitioners associated with Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on April 27, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: PROTEUS BIOMEDICAL, INC.
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE, SUITE 200
EAST PALO ALTO, CA 94303



FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN, TX 78701

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OFFICE OF PETITIONS

In re Application of	:	
Liu and Weiss	:	
Application No. 11/219,307	:	Decision on Petition
Filed: September 2, 2005	:	
Attorney Docket No. MAXC:029US	:	
For: Loading of Cells With Antigens	:	
By Electroporation	:	

This is a decision on the petition filed November 23, 2005, to accord the above-identified application a filing date of September 2, 2005.

The application was filed on September 2, 2005.

On September 21, 2005, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of drawings.

In response, the present petition was filed alleging that drawings were deposited on September 2, 2005. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 7 sheets of drawings on September 2, 2005.¹

Upon review of the record, the originally filed drawings have not been located. However, the evidence is convincing that the application papers deposited on September 2, 2005, included 7 sheets of drawings and that the drawings were subsequently misplaced in the PTO. Therefore, the application is complete and entitled to a filing date of September 2, 2005.

In view of the above, the petition is **granted**. The copy of the drawings submitted with the petition will be used for examination purposes.

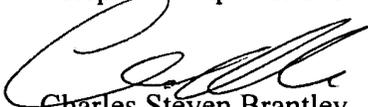
Petitioner submitted \$130 for the petition fee. The petition fee for a petition under 37 CFR 1.53 is \$400. Instead of charging the remaining fee due to petitioner's deposit account, the Office incorrectly charged the full \$400. The \$130 and the \$400 will be credited to petitioner's deposit account.

The Notice mailed September 21, 2005, was sent in error and is hereby vacated.

¹ Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

The Office of Initial Patent Examination will be informed of the instant decision and will further process the application with a filing date of September 2, 2005, using the application papers filed on September 2, 2005, and the copy of the 7 sheets of drawings filed on November 23, 2005.

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



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



PETER K. TRZYNA, ESQ.
P O BOX 7131
CHICAGO IL 60680

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AUG 11 2008

In re Reexamination Proceeding :
Fendelmen et al. :
Application No. 11/219,336 : **DECISION DISMISSING PETITION**
Filed: September 1, 2005 :
Attorney Docket No. JMYT-302US :

This is a decision on the petition under 37 CFR 1.183 filed on March 9, 2006, to waive the requirement under 37 CFR 1.52(e) that all files on a disk be of the ASCII format.

The petition has just been forwarded to the Office of Patent Legal Administration (OPLA) for decision. Any delay in considering the petition is regretted.

37 CFR 1.52(e) states:

(e)Electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application or reexamination proceeding.

(1)The following documents may be submitted to the Office on a compact disc in compliance with this paragraph:

- (i)A computer program listing (see §1.96);
- (ii)A "Sequence Listing" (submitted under § 1.821(c)); or
- (iii)Any individual table (see § 1.58) if the table is more than 50 pages in length, or if the total number of pages of all of the tables in an application exceeds 100 pages in length, where a table page is a page printed on paper in conformance with paragraph (b) of this section and § 1.58(c).

(2)A compact disc as used in this part means a Compact Disc-Read Only Memory (CD-ROM) or a Compact Disc-Recordable (CD-R) in compliance with this paragraph. A CD-ROM is a "read-only" medium on which the data is pressed into the disc so that it cannot be changed or erased. A CD-R is a "write once" medium on which once the data is recorded, it is permanent and cannot be changed or erased.

(3)(i) Each compact disc must conform to the International Standards Organization (ISO) 9660 standard, and the contents of each compact disc must be in compliance with the American Standard Code for Information Interchange (ASCII). CD-R discs must be finalized so that they are closed to further writing to the CD-R.

(ii)Each compact disc must be enclosed in a hard compact disc case within an unsealed padded and protective mailing envelope and accompanied by a transmittal letter on paper in accordance with paragraph (a) of this section. The transmittal letter must list for each compact disc the machine format (e.g., IBM-PC, Macintosh), the operating system compatibility (e.g., MS-DOS, MS-Windows, Macintosh, Unix), a list of files contained on the compact disc including their names, sizes in bytes, and dates of creation, plus any other special information that is necessary to identify, maintain, and interpret (e.g., tables in landscape orientation should be identified as landscape orientation or be identified when inquired about) the information on the compact disc. Compact discs submitted to the Office will not be returned to the applicant.

(4)Any compact disc must be submitted in duplicate unless it contains only the "Sequence Listing" in computer readable form required by § 1.821(e). The compact disc and duplicate copy must be labeled "Copy 1" and "Copy 2," respectively. The transmittal letter which accompanies the compact disc must include a statement that the two compact discs are identical. In the event that the two compact discs are not identical, the Office will use the compact disc labeled "Copy 1"

for further processing. Any amendment to the information on a compact disc must be by way of a replacement compact disc in compliance with this paragraph containing the substitute information, and must be accompanied by a statement that the replacement compact disc contains no new matter. The compact disc and copy must be labeled "COPY 1 REPLACEMENT MM/DD/YYYY" (with the month, day and year of creation indicated), and "COPY 2 REPLACEMENT MM/DD/YYYY," respectively.

(5) The specification must contain an incorporation-by-reference of the material on the compact disc in a separate paragraph (§ 1.77(b)(5)), identifying each compact disc by the names of the files contained on each of the compact discs, their date of creation and their sizes in bytes. The Office may require applicant to amend the specification to include in the paper portion any part of the specification previously submitted on compact disc.

(6) A compact disc must also be labeled with the following information:

(i) The name of each inventor (if known);
 (ii) Title of the invention;
 (iii) The docket number, or application number if known, used by the person filing the application to identify the application; and

(iv) A creation date of the compact disc.

(v) If multiple compact discs are submitted, the label shall indicate their order (e.g. "1 of X").

(vi) An indication that the disk is "Copy 1" or "Copy 2" of the submission. See paragraph (b)(4) of this section.

(7) If a file is unreadable on both copies of the disc, the unreadable file will be treated as not having been submitted. A file is unreadable if, for example, it is of a format that does not comply with the requirements of paragraph (e)(3) of this section, it is corrupted by a computer virus, or it is written onto a defective compact disc.

37 CFR 1.183 Suspension of rules states the following:

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 Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

Petitioners state that the above-identified application was filed along with an appendix containing a disc. Petitioners further state that while 37 CFR 1.52(e) requires that all files on the disc be ASCII, all of the computer code on the disc is in all ways compliant with 37 CFR 1.52(e), except that the disc also contains some non-ASCII files that cooperate with the code. The non-ASCII files are graphic files, which are not readily converted into ASCII files. Petitioners argue that the application of 37 CFR 1.52(e) would require deletion of the files on the disc and disable a portion of the description of the invention. Petitioners request waiver of 37 CFR 1.52(e) to the extent necessary to accept the disc as filed including non-ASCII files in the above-identified application. The petition includes a general authorization to charge counsel's deposit account for any fees associated with the above-identified application.

37 CFR 1.52(e) governs the submission of electronic documents that are to be come part of the permanent record in an application file. The rule allows for submission of limited material on either a CD-R or CD-ROM.

A review of the record reveals there appears to be no reason why petitioners could not print out the non-ASCII files and submit them separately to the Office via EFS-Web or by paper, as the case may be, and to have one disk for the ASCII files, which would appear to comply with 37 CFR 1.52(e). Petitioners have made no showing as to why the present situation would be deemed to be an "extraordinary" situation where "justice requires" waiver of the rule to permit entry of a disk containing non-ASCII files. Accordingly, petitioners have not demonstrated an entitlement to relief under 37 CFR 1.183. No waiver of the rule is appropriate.

In view of the above, the petition is DISMISSED.

The \$400.00 petition fee under 37 CFR 1.17(f) has been charged to counsel's deposit account no. 50-0235 in accordance with the present petition.

Jurisdiction over the above-identified application is being returned to Technology Center (TC) Art Unit 3623 for examination, in due course.

Any further communications as to the merits of the above-identified application should be directed to the examiner, Neil Kardos, in TC Art Unit 3623, who can be reached at 571-270-3443.

Telephone inquiries related to this decision should be directed to Pinchus Laufer at 571-272-7726.



Fred A. Silverberg

Senior Legal Advisor

Office of Patent Legal Administration

Office of the Deputy Commissioner for Patent Examination Policy



McDermott, Will & Emery
11682 El Camino Real
Suite 400
San Diego, CA 92130-2047

COPY MAILED

APR 29 2009

In re Application of	:	OFFICE OF PETITIONS
Ji-Won Yoon	:	
Application No. 11/219,339	:	DECISION ON PETITION
Filed: September 1, 2005	:	TO WITHDRAW
Attorney Docket No. 61359-014 (BIOJ-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 December 22, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed for items (1) and (2).

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

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


 Kimberly Inabinet
 Petitions Examiner
 Office of Petitions

cc: Biotech Institute for International
Innovation, Inc.
TraPalace, Suite 343
Sunae-dong 10-1
Bundang-gu, Korea 463 854



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Commissioner for Patents
United States Patent and Trademark Office
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SCHWEGMAN, LUNDBERG,
WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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MAY 21 2007

In re Application of
Thomas C. GOODMAN
Application No. 11/219,343
Filed: September 2, 2005
Attorney Docket No. 2206.001US1

:
:
:
:
:
:

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 24, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney given to Schwegman, Lundberg, Woessner & Kluth, P.A. has been revoked by the assignee of the patent application on September 15, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the first copied address indicated below.

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

April Wise
Petitions Examiner
Office of Petitions

cc: VIKSNINS HARRIS & PADYS PLLP
7900 INTERNATIONAL DRIVE
SUITE 870
BLOOMINGTON, MN 55425



FLEIT GIBBONS GUTMAN
BONGINI & BIANCO P.L.
ONE BOCA COMMERCE CENTER
551 NORTHWEST 77TH STREET, SUITE 111
BOCA RATON FL 33487

COPY MAILED

MAR 10 2009

OFFICE OF PETITIONS

In re Application of :
Plourde :
Application No. 11/219,345 : DECISION
Filed: 1 September, 2005 :
Attorney Docket No. 04-RO-194 :

This is a decision on the petition, filed on 31 December, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

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

As to the Request to Withdraw
the Holding of Abandonment

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. Petitioners must, *inter alia*, provide statements and documentary support as set forth in the Commentary at MPEP §711.03(c)(I).

BACKGROUND

The record reflects as follows:

This application was held abandoned for Petitioner's failure to reply timely and properly to the non-final Office action mailed on 14 March, 2008, with reply due absent extension of time on or before 14 June, 2008.

The application went abandoned by operation of law after midnight 14 June, 2008.

The Office mailed the Notice of Abandonment on 8 October, 2008.

On 31 December, 2008, Petitioner filed a petition, with, *inter alia*, an averment that a reply in the form of an amendment was timely and properly filed with a request and fee for extension of time (which is now charged as authorized to Deposit Account 50-1556) over a certificate of mailing pursuant to 37 C.F.R. §1.8, and provided therewith:

- a copy of the reply in the form of an amendment bearing a Monday 15 September, 2008, certificate of mailing, with a request and fee for an extension of time to make timely the reply; and
- Petitioner, as the signer of the certificate of mailing provided a statement,

consistent with the required showing described in the guidance in the Commentary at MPEP §711.03(c)(I), which provides in pertinent part:

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as “Express Mail.” A petition to withdraw the holding of abandonment relying upon a timely reply placed in “Express Mail” must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the “Express Mail” procedures, the paper must be entered in PALM with the “Express Mail” date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to

have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.¹

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office 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.

It is noted that Petitioner's reply to the Notice of Abandonment is late under the rule (37 C.F.R. §1.181), and Petitioner is reminded of the guidance set forth in the Commentary at MPEP §711.03(c) (in pertinent part):

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. §1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. §1.181(f).

¹ See: MPEP §711.03(c) (I)(B).

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. §1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

3.Utility and Plant Applications Filed on or After May 29, 2000

In utility and plant applications filed on or after May 29, 2000, a terminal disclaimer should **not** be required as a condition of granting an untimely petition to withdraw the holding of abandonment. This is because any patent term adjustment is automatically reduced under the provisions of 37 C.F.R. §1.704(c)(4) in applications subject to the patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) if a petition to withdraw a holding of abandonment is not filed within two months from the mailing date of the notice of abandonment, and if applicant does not receive the notice of abandonment, any patent term adjustment is reduced under the provisions of 37 C.F.R. §1.704(a) by a period equal to the period of time during which the applicant "failed to engage in reasonable efforts to conclude prosecution" (processing or examination) of the application.

Where the record indicates that the applicant intentionally delayed the filing of a petition to withdraw the holding of abandonment, the Office may simply dismiss the petition as untimely (37 C.F.R. §1.181(f)) solely on the basis of such intentional delay in taking action in the application without further addressing the merits of the petition. Obviously, intentional delay in seeking the revival of an abandoned application precludes relief under 37 C.F.R. §1.137(a) or (b) (***).

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.

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.)

Allegations as to the Request to
Withdraw the Holding of Abandonment

The record evidences a satisfactory presentation of the showing requirements under the Rule. It is noted, however, that the timing requirements were not satisfied.

CONCLUSION

The petition as considered under 37 C.F.R. §1.181 is **granted**, and the 10 October, 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Technology Center/AU 2116 for further processing as necessary in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁵) 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

⁵ 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/219,349	09/01/2005	2827	1830	MICRON.305A	15	44	6

CONFIRMATION NO. 8697

CORRECTED FILING RECEIPT



OC000000017367822

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

Date Mailed: 11/03/2005

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)

Gordon A. Haller, Residence Not Provided;
 David K. Hwang, Residence Not Provided;
 Sanh Dang Tang, Residence Not Provided;
 Ceredig Roberts, Residence Not Provided;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/219,349**

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

Non-Publication Request: No

Early Publication Request: No

Title

Memory cell layout and process flow

Preliminary Class

365

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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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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Table with 7 columns: APPL NO., FILING OR 371 (c) DATE, ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, DRAWINGS, TOT CLMS, IND CLMS. Row 1: 11/219,352, 09/01/2005, 2661, 1480, 010327-010000US, 5, 27, 3

CONFIRMATION NO. 8680

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

UPDATED FILING RECEIPT



OC000000017449007

Date Mailed: 11/14/2005

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)

Tony Hardie, Fremont, CA;

Assignment For Published Patent Application

Network Equipment Technologies, Inc., Union City, CA

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

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/219,352

Projected Publication Date: 03/01/2007

Non-Publication Request: No

Early Publication Request: No

Title

Compensation for independent clocks in relayed communication over packet-based networks

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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

NOT GRANTED

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GRAYBEAL JACKSON HALEY LLP
Suite. 350
155-108th Avenue N.E.
Bellevue, WA 98004-5973

Mail Date: 05/07/2010

Applicant : Daniele Lo Iacono : DECISION ON REQUEST FOR
Patent Number : 7668193 : RECALCULATION of PATENT
Issue Date : 02/23/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/219,358 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/02/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1159** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 5/14/10

TO SPE OF : ART UNIT 2463 (2400)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/219,358 Patent No.: 7,668,193

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

*Ernest C. White, LRE
Randolph Sq. Ste 9D62A
703-756-1590*

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.

SPE /Derrick W. Ferris/ ART UNIT 2463

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/14/10

TO SPE OF : ART UNIT 2463 (2400)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/219,358 Patent No.: 7,668,193

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

*Ernest C. White, LPE
Randolph Sq. Ste 9D62A
703-756-1590*

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.

SPE /Derrick W. Ferris/ ART UNIT 2463



MCKELLAR IP LAW, PLLC
784 SOUTH POSEYVILLE ROAD
MIDLAND MI 48640

MAILED

FEB 02 2009

In re Application of	:	OFFICE OF PETITIONS
Robert S. Musselman	:	
Application No. 11/219,362	:	DECISION ON PETITION
Filed: September 6, 2005	:	
Attorney Docket No. MSH(S)-412	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 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 file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 7, 2007. A Notice of Abandonment was mailed July 11, 2008.

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

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).

The Examiner has responded to the Amendment After Final with an Advisory Action (copy enclosed).

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

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

By 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 Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Examiner's Advisory Action

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

11/219,362

Applicant(s)

MUSSELMAN, ROBERT S.

Examiner

KIP T. KOTTER

Art Unit

3617

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

THE REPLY FILED 22 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

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

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

NOTICE OF APPEAL

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

AMENDMENTS

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

NOTE: See 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: _____.

/KIP T KOTTER/
Examiner, Art Unit 3617

/Russell D. Stormer/
Primary Examiner, Art Unit 3617

Continuation of 3. NOTE: Claims 36-40 are not present in the proposed amendment. Also, claims 27-34 have not been provided with the proper status identifier.

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.



Commissioner for Patents
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MCKELLAR IP LAW, PLLC
784 SOUTH POSEYVILLE ROAD
MIDLAND MI 48640

MAILED

OCT 15 2009

OFFICE OF PETITIONS

In re Application of :
Robert S. Musselman :
Application No. 11/219,362 : DECISION ON PETITION
Filed: September 6, 2005 :
Attorney Docket No. MSH(S)-412 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to properly and timely reply to the final Office action mailed December 7, 2007. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on March 8, 2008. A Notice of Abandonment was mailed July 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 \$405.00 and the submission required by 37 CFR 1.114 (previously submitted August 22, 2008); (2) the petition fee of \$770.00 (previously submitted August 22, 2009); and (3) a proper statement of unintentional delay.

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

This matter is being referred to Technology Center 3617 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment previously filed on August 22, 2008.

Joan Olszewski
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

**HECTOR M. REYES RIVERA
FERRAMAR BUILDING, SUITE 1
#1060 ASHFORD AVENUE
CONDADO
SAN JUAN, PR 00907**

COPY MAILED

AUG 02 2006

OFFICE OF PETITIONS

In re Application of :
Santini, Luis A. :
Application No. 11/219,367 : **ON PETITION**
Filed: September 2, 2005 :
Attorney Docket No. FTMR-013 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 5, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1761 for action on the merits commensurate with this decision.


Liana Chase
Petitions Examiner
Office of Petitions



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

HECTOR M. REYES RIVERA
FERRAMAR BUILDING, SUITE 1
#1060 ASHFORD AVENUE
CONDADO
SAN JUAN PR 00907

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OCT 30 2008

OFFICE OF PETITIONS

In re Application of :
Luis A. Santini :
Application No. 11/219,367 : **DECISION ON PETITION**
Filed: September 2, 2005 :
Attorney Docket No. FTMR-013 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 27, 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 28, 2006. A Notice of Abandonment was mailed May 21, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$810.00, and (3) an adequate statement of unintentional delay.

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.¹

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

¹ 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).

unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office. Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. While, a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

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

This application is being referred to Technology Center AU 1761 for appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Eugenio J. Torres-Oyola
Ferraiuoli Torres Marchand & Rovira Law Offices, P.S.C.
221 Plaza
221 Ponce de Leon Ave
Suite 403-404
Hato Rey, San Juan
Puerto Rico, 00917



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APR 29 2009

OFFICE OF PETITIONS

**Pabst Patent Group LLP
1545 Peachtree Street NE
Suite 320
Atlanta, GA 30309**

In re Application of	:	
Frank J. Slack et al.	:	
Application No. 11/219,379	:	DECISION ON PETITION
Filed: September 2, 2005	:	TO WITHDRAW
Attorney Docket No. YU 1738	:	FROM RECORD
	:	

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 29, 2008.

The request is moot because a revocation of power of attorney has been filed.

A review of the file record indicates that the power of attorney to Patrea L. Pabst and all attorneys/agents of record have been revoked by the assignee of the patent application on February 13, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
 Kimberly Inabinet
 Petitions Examiner
 Office of Petitions

cc: Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
One Financial Center
Boston, MA 02111

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/01/09

TO SPE OF : ART UNIT 3679

SUBJECT : Request for Certificate of Correction for Appl. No.: 11219383 Patent No.: 7481465 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)

South Tower - 9A22

Palm Location 7580

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

LAMONTE NEWSOME

Certificates of Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: The certificate of correction supplied by applicant fails to make clear for claim 14 that it is the second occurrence of "claimed" that is to be changed to --claim--. Further, the supplied line location pertains to the line number of the column instead of the line number of the claim. Accordingly, for clarification purposes, the locations of the respective changes are: Col. 10, line 41, change "radial" to --radially-- and Col. 11, line 20, change the second occurrence of "claimed" to --claim--.

/Daniel P. Stodola/

SPE

3679

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JUN 18 2007

OFFICE OF PETITIONS

THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
P O BOX 956
EL SEGUNDO CA 90245-0956

In re Application of :
James et al. :
Application No. 11/219,407 : DECISION ON PETITION
Filed: September 2, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. Pd-205017 :

This is a decision on the petition, filed May 1, 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 August 30, 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 statement of unintentional delay presented in the petition does not comply with the current rule. Pursuant to 37 CFR 1.137(b)(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” is required. However, the statement presented will be accepted and construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

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 accompanies this decision on petition.

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

This application is being forwarded to Technology Center Art Unit 2623 for examination in due course.



Charlema R. Grant
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
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/219,407	09/02/2005	Thomas H. James	PD-205017

CONFIRMATION NO. 1354

20991
 THE DIRECTV GROUP INC
 PATENT DOCKET ADMINISTRATION RE/R11/A109
 P O BOX 956
 EL SEGUNDO, CA 90245-0956

Date Mailed: 06/15/2007

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

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

The projected publication date is 09/20/2007.

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

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

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

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

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



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KING & SPALDING
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-4003

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APR 14 2009

OFFICE OF PETITIONS
ON PETITION

In re Application of
Daniela Brunner et al
Application No. 11/219,416
Filed: September 2, 2005
Attorney Docket No. 13565-105003US3

This is a decision on the petition, filed April 13, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 18, 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 1618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement and Amendment.


Irvin Dingle
Petitions Examiner
Office of Petitions

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



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EL SEGUNDO, CA 90245-0956

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JUL 20 2007

OFFICE OF PETITIONS

In re Application of :
James, et al. :
Application No. 11/219,418 : **DECISION GRANTING PETITION**
Filed: September 2, 2005 : **UNDER 37 CFR 1.137(b)**
Attorney Docket No. PD-205016 :

This is a decision on the petition, filed May 1, 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 August 30, 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:

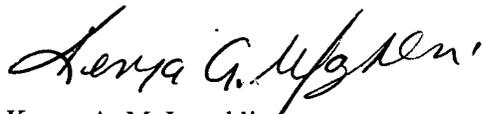
- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing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

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

This application is being forwarded to Technology Center Art Unit 2131 for examination in due course.



Kenya A. McLaughlin
Petitions Attorney
Office of Petition

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/219,418	09/02/2005	Thomas H. James	PD-205016

CONFIRMATION NO. 1342

20991

THE DIRECTV GROUP INC
 PATENT DOCKET ADMINISTRATION RE/R11/A109
 P O BOX 956
 EL SEGUNDO, CA 90245-0956

Date Mailed: 07/19/2007

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 10/25/2007.

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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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/28/2010

Applicant : Keith D. Martin : DECISION ON REQUEST FOR
Patent Number : 7670213 : RECALCULATION of PATENT
Issue Date : 03/02/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/219,422 : OF WYETH
Filed : 09/02/2005 :
:
:

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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LAW OFFICES OF RAYMOND A. NUZZO, LLC
579 THOMPSON AVENUE
EAST HAVEN CT 06512

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JAN 24 2007

OFFICE OF PETITIONS

In re Application of :
Veronica Flores :
Application No. 11/219,429 : **DECISION ON PETITION**
Filed: September 2, 2005 : **UNDER 37 CFR 1.137(b)**
Attorney Docket No. FLO 10100 :

This is a decision on the petition, filed October 28, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on August 30, 2006. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

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

The petition 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 3, 2007 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 3728 for examination in due course.


Sherry D. Brinkley
Petitions 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.
11/219,429	09/02/2005	Veronica Flores	FLO 10100

CONFIRMATION NO. 1334

25306
 LAW OFFICES OF RAYMOND A. NUZZO, LLC
 579 THOMPSON AVENUE
 EAST HAVEN, CT 06512

Date Mailed: 01/23/2007

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 05/03/2007.

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".

PART 1 - ATTORNEY/APPLICANT COPY



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MAY 24 2010

OFFICE OF PETITIONS

**Frank L. Kubler
Oltman, Flynn & Kubler
915 Middle River Drive
Suite 403
Ft. Lauderdale FL 33304**

In re Application of :
Veronica Flores :
Application No. 11/219,429 : **DECISION ON PETITION**
Filed: September 2, 2005 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 28, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 1, 2008. A Notice of Abandonment was mailed on July 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 \$810, (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the attorney signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

This application is being referred to Technology Center AU 3728 for appropriate action by the Examiner in the normal course of business on the reply received February 16, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/219,429	09/02/2005	Veronica Flores	

Frank L. Kubler
Oltman, Flynn & Kubler
915 Middle River Drive
Suite 403
Ft. Lauderdale, FL 33304

CONFIRMATION NO. 1334
POA ACCEPTANCE LETTER



Date Mailed: 05/12/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/16/2010.

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

/kainabinet/

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



Rex Medical
1011 High Ridge Road
Stamford CT 06905

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DEC 19 2006

OFFICE OF PETITIONS

In re Application of
James F. McGuckin, Jr.
Application No. 11/219,433
Filed: 09/02/2005
Attorney Docket No. 1275

DECISION ON PETITION

This is decision on the petition under 37 CFR 1.181, filed June 6, 2006, to withdraw the holding of abandonment in the above-identified application.

On September 21, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set an extendable period of two months to reply. In the apparent absence of a timely filed response, the application was held abandoned on November 22, 2005. The Office mailed a Notice of Abandonment on May 31, 2006.

In the present petition, petitioner asserted that the Office issued the Notice of Abandonment in error because petitioner submitted a timely response accompanied by a certificate of mailing dated November 9, 2005. With the present petition, petitioner submitted a copy of the following documents: 1. Response to Notice to File Missing Parts; 2. Certificate of Mailing dated November 9, 2005; 3. Executed Declaration; 4. Assignment Recordation Form Cover Sheet; and, 5. Executed Assignment. The certificate of mailing of November 9, 2005, would have rendered the reply timely filed if received in the USPTO; however, the application file does not include the original response or the certificate of mailing.

Pursuant to 37 CFR 1.8(b):

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

terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

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

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

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

The present petition satisfies the requirements of 37 CFR 1.8(b). The petition is **granted**. Accordingly, the holding of abandonment for failure to file a timely reply to the Notice to File Missing Parts of September 21, 2005, is withdrawn and the application is restored to pending status. The Office will accept the copy of the reply submitted with the petition in place of the reply mailed on November 9, 2005.

This matter is being referred to the Office of Initial Patent Examination for appropriate action on the reply submitted on June 6, 2006 (certificate of mailing dated November 9, 2005).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination process should be directed to the Technology Center.



Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



MAXWELL TECHNOLOGIES, INC.
9244 BALBOA AVENUE
SAN DIEGO CA 92123

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SEP 16 2008

In re Application of
THRAP et al.
Application No. 11/219,438
Filed: 09/02/2005
Attorney Docket No. M164US

OFFICE OF PETITIONS
DECISIONS ON PETITIONS

This is a decision on the petition under 37 CFR 1.48(a), filed July 21, 2008, to add persons as inventors in the above-identified application. This is also a decision on the petition under 37 CFR 1.47(a),¹ filed July 21, 2008, which is being treated as a petition under 37 CFR 1.183 requesting waiver of the requirement that each of the actual inventors execute the oath or declaration.

On September 2, 2005, petitioner filed the above-identified application, including a declaration properly executed by inventor, Mark Wardas. On petition, petitioner requests that the Office add Adrian Schenuwly and Philippe Lauper as a joint inventors in the above-identified application and to accept the new declaration without Mr. Wardas' signature.

Petition Under 37 CFR 1.183

Petitioner asserts that inventor Wardas, who executed the original declaration, constructively refused to execute the declaration submitted with the petition pursuant to 37 CFR 1.48(a)(3). Thus, petitioner seeks waiver of the requirement of 37 CFR 1.48(a)(3).

Pursuant to 37 CFR 1.183, in an extraordinary situation, when justice requires, any requirement of the regulations, which is not a requirement of the statutes, may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party. In support, petitioner states that a package was mailed via FedEx to Mr. Wardas, containing a copy of the application as filed, a copy of the original executed declaration, a copy of the new declaration, and a letter requesting that Mr. Wardas sign the declaration. Petitioner asserts that the package

¹ The Office notes that a petition under 37 CFR 1.47 is only applicable to an original oath or declaration and is not applicable to the reexecution of another oath or declaration. In such circumstances, an applicant should file a petition under 37 CFR 1.183 requesting waiver of the requirement of 37 CFR 1.64 that each of the actual inventors execute the oath or declaration, particularly where assignee consent is given to the requested correction.

was delivered to Mr. Wardas on July 17, 2008; however, he has not responded to the request to sign the declaration as of the filing of the petition.

In view of the fact that Mr. Wardas has constructively refused to sign the declaration, it is agreed that justice would be served by waiving the requirement that Mr. Wardas execute the new declaration.

Accordingly, the petition under 37 CFR 1.183 is **granted**.

Petition Under 37 CFR 1.48(a)

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioner has met the requirements of 37 CFR 1.48(a). Accordingly, the petition under 37 CFR 1.48 is **granted**. A corrected filing receipt accompanies this decision.

The current fee for filing a petition under 37 CFR 1.183 is \$400.00. The Office will charge the Deposit Account for the balance due of \$200.00.

This matter is being referred to Technology Center Art Unit 2831.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination process should be directed to the Technology Center.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected filing receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/219,438, 09/02/2005, 2831, 1700, M164US, 28, 3

CONFIRMATION NO. 1296

CORRECTED FILING RECEIPT

61807
MAXWELL TECHNOLOGIES, INC.
9244 BALBOA AVENUE
SAN DIEGO, CA 92123



Date Mailed: 09/09/2008

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

Applicant(s)

- Guy C. Thrap, Del Mar, CA;
James L. Borkenhagen, Spring Valley, CA;
Mark Wardas, Carlsbad, CA;
Adrian Schneuwly, 3185 Schmitten, SWITZERLAND;
Philippe Lauper, 1752 Villars-sur-Glane, SWITZERLAND;

Assignment For Published Patent Application

Maxwell Technologies, Inc., San Diego, CA

Power of Attorney: The patent practitioners associated with Customer Number 61807

Domestic Priority data as claimed by applicant

- This appln claims benefit of 60/690,255 06/14/2005
and claims benefit of 60/662,113 03/14/2005
and claims benefit of 60/705,385 08/04/2005

Foreign Applications

If Required, Foreign Filing License Granted: 09/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/219,438

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

THERMAL INTERCONNECTS FOR COUPLING ENERGY STORAGE DEVICES

Preliminary Class

361

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : June 17, 2008

TO SPE OF : ART UNIT 3671

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/219443 Patent No.: 7318480 B2

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

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

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

DO NOT SENT TO ATTORNEY

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

**Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580**

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

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply:

Denied

State the reasons for denial below.

Comments: _____

Thomas E. Williams 3671

AR 3671



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SENNIGER POWERS LLP (SMX)
100 NORTH BROADWAY
17TH FLOOR
ST. LOUIS, MO 63102

Mail Date: 04/20/2010

Applicant : Peter J. Desrosiers : DECISION ON REQUEST FOR
Patent Number : 7597852 : RECALCULATION of PATENT
Issue Date : 10/06/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/219,445 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/02/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1069** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



01-039

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Paper No. None

Walker Digital Corporation
Five High Ridge Park
Stamford CT 06905



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SEP 16 2005

OFFICE OF PETITIONS

In re Application of
Jay S. Walker, James A. Jorasch, and Thomas
M. Sparico
Application No. 09/962,065
Filed: September 25, 2001
Attorney Docket Number: 01-039
Title: METHOD AND SYSTEM FOR
ADAPTING CASINO GAMES TO PLAYING
PREFERENCES

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 July 18, 2005.

On September 25, 2001, the application was deposited, identifying Jay S. Walker, James A. Jorasch, and Thomas M. Sparico as joint inventors, along with a fully executed copy of the declaration from the parent application.

With this petition, Petitioner has included the petition fee, a declaration which has been executed by the first two named joint inventors, and several statements of fact.

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

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

Petitioner has met requirements (1) – (5) above.

The petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

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

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


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



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WALKER DIGITAL
2 HIGH RIDGE PARK
STAMFORD CT 06905

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OCT 27 2006

OFFICE OF PETITIONS

In re Application of :
Jay S. Walker et al :
Application No. 11/219,447 : DECISION GRANTING PETITION
Filed: September 2, 2005 : UNDER 37 CFR 1.137(b) AND
Attorney Docket No. 01-039-C1 : TO ACCORD 1.47(a) STATUS

This is a decision on the petition under 37 CFR 1.137(b), filed June 8, 2006, to revive the above-identified application. This is also being treated as a request to accord 37 C.F.R. 1.47(a) status for the above application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Missing Parts Of Nonprovisional Application of September 21, 2005, is accepted as having been unintentionally delayed.

Where status under 37 CFR 1.47 is granted in a first application and the nonsigning inventor does not later join in the filing by executing an oath or declaration for the application, and another application (a child application) is later filed claiming the benefit of the filing date of the first application and using the declaration of the prior application, status under 37 CFR 1.47 continues to exist in the child application. Prior Application of which the instant application claims priority benefits under 35 USC 120, were accorded 37 CFR 1.47 status.

37 CFR 1.63(d)(3) states:

Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:

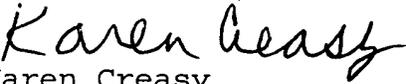
(i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c).

The application papers were not accompanied by a copy of the decision granting a petition under 37 CFR 1.47(a) in the prior application. However, as noted above, a copy of the decision granting 37 CFR 1.47(a) status in the parent application has been supplied.

The above-identified application and papers are now 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), no notice of this application's filing will be forwarded to the nonsigning inventor nor will such notice be published in the Official Gazette¹ since notice regarding the filing of the prior application was given to the nonsigning inventor.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3218.

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


Karen Creasy
Petitions Examiner
Office of Petitions

cc:
MAGDALENA M. FINCHAM
FIVE HIGH RIDGE PARK
STAMFORD, CT 06905

¹ Note Federal Register, Vol. 65, No. 175; Friday, September 8, 2000.



BELL, BOYD & LLOYD LLP
P.O. BOX 1135
CHICAGO, IL 60690

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MAY 13 2008

In re Application of :
Kathleen Nylund JACKSON :
Application No. 11/219,471 : **DECISION ON PETITION**
Filed: September 02, 2005 :
Attorney Docket No. 112300-4987 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 27, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 20, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 21, 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 an amendment; (2) the petition fee of 1,540; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of August 20, 2007, is accepted as having been unintentionally delayed.

The power of attorney filed by the assignee with the petition on March 27, 2008 has been accepted and made of record.

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

The application file is being referred to Technology Center AU 3711 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions



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K&L Gates LLP
P.O. Box 1135
CHICAGO, IL 60690

Mail Date: 04/20/2010

Applicant : Kathleen Nylund Jackson : DECISION ON REQUEST FOR
Patent Number : 7641197 : RECALCULATION of PATENT
Issue Date : 01/05/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/219,471 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/02/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **277** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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INTERNATIONAL BUSINESS MACHINES CORPORATION
9000 SOUTH RITA ROAD
TUCSON, AZ 85744

Mail Date: 04/20/2010

Applicant : David R. Blea : DECISION ON REQUEST FOR
Patent Number : 7657714 : RECALCULATION of PATENT
Issue Date : 02/02/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/219,476 : OF WYETH AND NOTICE OF INTENT TO
Filed : 08/31/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **639** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/219,489 09/02/2005 Jiang-Xiao Mo 200502446-1 9916

7590 05/07/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

Table with 2 columns: EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE
MCCULLOUGH, MICHAEL C
3653
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.

Handwritten signature of Nomi Farmer
Patent Publication Branch
Office of Data Management

Adjustment date: 05/12/2008 NFARMER
09/09/2005 RHEBRAHT 00000011 002025 11219489
02 FC:1111 500.00 CR
04 FC:1202 500.00 CR
05 FC:1201 400.00 CR



GARDNER GROFF GREENWALD & VILLANUEVA, PC
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA GA 30339

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JAN 07 2009

In re Application of :
Timothy C. Hunt :
Application No. 11/219,500 : **DECISION ON PETITION**
Filed: September 2, 2005 :
Attorney Docket No. 5H09.1-012 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 15, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before October 14, 2008, as required by the Notice of Allowability mailed July 14, 2008. Accordingly, the date of abandonment of this application is October 15, 2008. A Notice of Abandonment was mailed 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, Corrected Drawings; (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted on December 15, 2008.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

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

In re Application of :
Yang, et al. :
Application No. 11/219,503 : DECISION ON PETITION
Filed: September 2, 2005 :
Attorney Docket No. 08919-128001/14A- :
921212 :

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

The petition is **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 instant petition is not properly executed and thus is submit to dismissal prior to treatment on the merits. Tony Zhang attempts to execute the petition for Lee Crews. However, the execution does not comply with 37 CFR 1.4(d)(2)(iii). It is further noted that Lee Crews has not been appointed to represent applicants.

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) 271-3205.

A handwritten signature in black ink, appearing to read 'A. Brown', written in a cursive style.

Alesia M. Brown
Petitions Attorney
Office of Petitions



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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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JUN 20 2008

In re Application of :
Yang, et al. :
Application No. 11/219,503 : DECISION ON PETITION
Filed: September 2, 2005 :
Attorney Docket No. 08919-128001/14A- :
921212 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned July 1, 2007 for failure to timely submit a proper reply to the non-final Office action mailed March 30, 2007. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time was timely requested. Notice of Abandonment was mailed November 5, 2007. A petition under 37 CFR 1.137(b) was filed February 7, 2008 and dismissed March 17, 2008.

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

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

This application is being referred to Technology Center AU 1655 for further processing.

Alesia M. Brown
Petitions Attorney
Office of Petitions



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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK, NY 10112-4498

Mail Date: 04/20/2010

Applicant	: Virginia Cornish	: DECISION ON REQUEST FOR
Patent Number	: 7575866	: RECALCULATION OF PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/219,506	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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



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

JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017-6702

COPY MAILED

NOV 25 2005

OFFICE OF PETITIONS

In re Application of :
Bankoski, et al. :
Application No. 11/219,512 :
Filed: September 2, 2005 :
Attorney Docket No. 232232-999197 :

ON PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed November 8, 2005, requesting that the above-identified application be accorded a filing date of September 2, 2005, rather than the presently accorded filing date of September 6, 2005.

Petitioners allege that the application was deposited in Express Mail service on September 2, 2005. In support, the petition is accompanied by a copy of Express Mail Receipt No. EV475141348US (the same Express Mail number found on the original application papers located in the official file), which contains an official United States Postal Service postmark dated September 2, 2005.

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

Accordingly, the application is entitled to a filing date of September 2, 2005.

Since the instant petition has been granted, the petition fee will be refunded to deposit account no. 50-3013.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of September 2, 2005 and issuance of a corrected filing receipt. Thereafter, the application will be forwarded to Technology Center 3700 for examination *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
Office of the Deputy Commissioner
for Patent Examination Policy



MAIL

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK NY 10020-1105

OCT 03 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
BERSON, WILLIAM :
Application No. 11/219,514 :
Filed: September 2, 2005 :
For: **METHODS AND APPARATUSES FOR** :
RECORDING AND PLAYING BACK AUDIO :
SIGNALS :

DECISION ON PETITION
TO MAKE SPECIAL

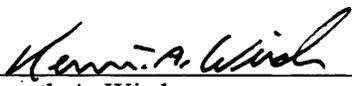
This is a decision on the petition filed September 2, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

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

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

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

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



Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications



MCDERMOTT, WILL & EMERY
4370 LA JOLLA VILLAGE DRIVE
SUITE 700
SAN DIEGO CA 92122

COPY MAILED

JUN 13 2007

In re Application of

OFFICE OF PETITIONS

HUSE, William D. et al.
Application No. 11/219,519
Filed: September 02, 2005
Attorney Docket No. **066784-0061**

**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 16, 2007.

The request is **NOT APPROVED**.

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

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

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

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

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



Terri Williams
Petitions Examiner
Office of Petitions

cc: **ADVENT INTERNATIONAL CORPORATION**
ATTENTION: ERIC BEDNARSKI
75 STATE STREET
BOSTON, MA 02109



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

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

Mail Date: 04/21/2010

Applicant	: Jong Sam Kim	: DECISION ON REQUEST FOR
Patent Number	: 7583060	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/219,520	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **619** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



Dalina Law Group, P.C.
7910 Ivanhoe Ave., #325
La Jolla, CA 92037

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of
Tom Newman
Application No. 11/219,525
Filed: September 2, 2005
Attorney Docket No. RTI-P0002

:
:
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:
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:

**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 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 Joseph J. Mayo 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 Joseph J. Mayo at the address indicated below.

There is an outstanding Office action mailed August 18, 2008 that requires a reply from the applicant.

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



Terri Williams
Petitions Examiner
Office of Petitions

cc: **Tom Newman**
16371 Gothard Street, Suite E
Huntington Beach, CA 92647



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
11/219,525	09/02/2005	Tom Newman	RTI-P0002

36067
DALINA LAW GROUP, P.C.
7910 IVANHOE AVE. #325
LA JOLLA, CA 92037

CONFIRMATION NO. 9445
POWER OF ATTORNEY NOTICE



Date Mailed: 09/29/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/19/2008.

- 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.

/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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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VINSON & ELKINS, L.L.P.
1001 FANNIN STREET
2300 FIRST CITY TOWER
HOUSTON TX 77002-6760

COPY MAILED
SEP 27 2006
OFFICE OF PETITIONS

In re Application of :
McMurray et al. : DECISION NOTING JOINDER OF
Application No. 11/219,530 : INVENTOR AND PETITION
Filed: September 2, 2005 : UNDER 37 CFR 1.47(a) MOOT
Attorney Docket No. AND541/4-023US :

This is in response to the petition under 37 CFR 1.47(a), filed on March 3, 2006.

In view of the joinder of the inventors, further consideration under 37 CFR 1.47(a) is not necessary. Accordingly, the petition is dismissed as involving a moot issue. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application does not need to be returned to the Office of Petitions for further consideration under 37 CFR 1.47(a).

The \$200.00 petition fee is unnecessary and will be refunded to the Deposit Account.

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

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

C. Y. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



VINSON & ELKINS, L.L.P.
1001 FANNIN STREET
2300 FIRST CITY TOWER
HOUSTON TX 77002-6760

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SEP 27 2006

OFFICE OF PETITIONS

In re Application of :
McMurray et al. :
Application No. 11/219,530 : DECISION ON PETITION
Filed: September 2, 2005 :
Attorney Docket No. AND541/4-023US :

This is a decision on the petition filed June 28, 2006, to withdraw the holding of abandonment.

On September 30, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set a two-month extendable period for reply. On March 3, 2006 (certificate of mailing dated February 28, 2006), applicants submitted a petition under 37 CFR 1.47(a), a declaration executed by five of the six inventors, a request for an extension of time for response within the third month, and the requisite fees. On May 30, 2006, applicants submitted a declaration signed by the non-signing inventor. Thereafter, on June 6, 2006, the Office mailed a Notice of Abandonment.

Upon a review of the record, the Office agrees that the Notice of Abandonment was mailed in error. The Office notes that applicants submitted a proper and timely response to the Notice to File Missing Parts in the form of the petition under 37 CFR 1.47(a), the request for an extension of time for response, payment of the necessary fees, and the subsequent submission of the declaration executed by the non-signing inventor.

For the reasons stated above, the petition to withdraw the holding of abandonment is **granted**. No petition fee is required.

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

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

C. Y. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



**Proskauer Rose, LLP
One International Place
Boston, MA 02110**

MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
Neil Bander :
Application No. 11/219,563 :
Filed: September 2, 2005 :
Attorney Docket No. BZL-001CP :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a proper reply in a timely manner to the non-final Office action mailed April 16, 2008, which set a shortened statutory period for reply of three (3) months. A three month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 17, 2008. A Notice of Abandonment was mailed on February 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 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.

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

This application is being referred to Technology Center AU 1643 for appropriate action by the Examiner in the normal course of business on the reply received February 26, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
BZL-001CP

First named inventor: Bander, Neil

Application No.: 11/219,563

Art Unit: 1643

Filed: September 2, 2005

Examiner: Blanchard, David J.

Title: Methods for Treating Prostate Cancer Using Modified Antibodies to Prostate-Specific Membrane Antigen

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee Small entity-fee \$ 810.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form of Resubmission of Amendment and Response (identify type of reply):

- has been filed previously on October 17, 2008
- is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- has been paid previously on _____
- is enclosed herewith.

[Page 1 of 2]

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.

Sandra A. Brockman-Lee
Signature

Feb-12-2009
Date

Sandra A. Brockman-Lee
Typed or printed name

44,045
Registration Number, if applicable

Proskauer Rose LLP, One International Place
Address

(617) 526-9617
Telephone Number

Boston, MA 02110
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



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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/219,563	09/02/2005	Neil Bander	BZL-001CP	1867
42532	7590	02/24/2009	EXAMINER	
PROSKAUER ROSE LLP ONE INTERNATIONAL PLACE BOSTON, MA 02110			BLANCHARD, DAVID J	
			ART UNIT	PAPER NUMBER
			1643	
			MAIL DATE	DELIVERY MODE
			02/24/2009	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.

Notice of Abandonment	Application No.	Applicant(s)	
	11/219,563	BANDER, NEIL	
	Examiner	Art Unit	
	David J. Blanchard	1643	

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

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 17 October 2008.
 - (a) A reply was received on 17 October 2008 (with a Certificate of Mailing or Transmission dated 17 October 2008), which is after the expiration of the period for reply (including a total extension of time of 3 month(s)) which expired on 16 October 2008.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.

3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:

/David J Blanchard/
Primary Examiner, Art Unit 1643

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

RAM Fee History
Query
Revenue Accounting and Management

Name/Number: 11219563

Total Records Found: 15

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
02/27/2009	00005194	<u>4</u>	<u>2453</u>	\$810.00	02/26/2009	DA 503081
02/27/2009	00005195	<u>4</u>	<u>1806</u>	\$180.00	02/26/2009	DA 503081
10/17/2008	00008286	<u>4</u>	<u>2253</u>	\$555.00	10/17/2008	DA 503081
10/17/2008	00008287	<u>4</u>	<u>1806</u>	\$180.00	10/17/2008	DA 503081
05/26/2006	00000020	<u>4</u>	<u>8021</u>	\$40.00	05/25/2006	DA 503081
01/17/2006	00000004	<u>1</u>	<u>1081</u>	\$250.00	12/27/2005	DA 503081
12/28/2005	00000148	<u>1</u>	<u>1051</u>	\$130.00	12/27/2005	DA 503081
10/24/2005	00000027	<u>1</u>	<u>1201</u>	\$200.00	09/02/2005	DA 061050
09/09/2005	00000014	<u>1</u>	<u>1011</u>	\$300.00	09/02/2005	CK
09/09/2005	00000015	<u>1</u>	<u>1111</u>	\$500.00	09/02/2005	CK
09/09/2005	00000016	<u>1</u>	<u>1311</u>	\$200.00	09/02/2005	CK
09/09/2005	00000017	<u>1</u>	<u>1202</u>	\$1,750.00	09/02/2005	CK
09/09/2005	00000018	<u>1</u>	<u>1203</u>	\$360.00	09/02/2005	CK
09/09/2005	00000019	<u>1</u>	<u>1081</u>	\$460.00	09/02/2005	DA 061050
09/09/2005	00000020	<u>1</u>	<u>1081</u>	\$540.00	09/02/2005	CK



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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Mail Date: 04/21/2010

Applicant	: Neil Bander	: DECISION ON REQUEST FOR
Patent Number	: 7666414	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/219,563	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **864** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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FEB 29 2008

In re Application of KREITZER, SCOTT
Appl. No.: 11/219,587
Filed: September 02, 2005
For: SYSTEM FOR VENTILATING A MOTOR

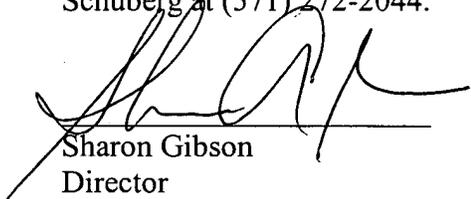
:
:
: **PETITION FOR**
: **WITHDRAWAL OF**
: **FINALITY**
: *37 CFR 1.181*
:
:
:
:

The purpose of this communication is to respond to applicant's petition filed 10/9/07 to withdraw the finality of the office action mailed 8/7/07.

Applicant's petition is DISMISSED as moot.

A review of the record indicates that the instant application has been allowed and the issue fee has been paid. Therefore, the facts pertaining to the finality of the aforementioned office action are no longer relevant.

Inquiries concerning this decision should be directed to Supervisory Patent Examiner Darren Schuberg at (571) 272-2044.


Sharon Gibson
Director
Technology Center 2800

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830



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JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

COPY MAILED

APR 28 2006

OFFICE OF PETITIONS

In re Application of:	:	
Goodwin et al.	:	
Application No. 11/219,588	:	
Filed: September 1, 2005	:	DECISION
Title of Invention:	:	ON PETITION
METHOD FOR MAKING AN	:	
ALCOHOLIC BEVERAGE	:	

This decision is in response to the Petition for Filing on Behalf of Uncooperative Inventor Gilberto Jasso Garcia Under 37 CFR § 1.47(a), filed March 23, 2006, 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 **granted**.

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

Petitioner has shown that the non-signing inventor, Gilberto Jasso Garcia, refuses to join in the application.

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

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

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


Derek L. Woods
Attorney
Office of Petitions



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MR. Gilberto Jasso Garcia
RETORNO de ACLALÁ #16
FRACCIONAMIENTO PEURTA del SOL
ARANDAS JALISCO C.P. 47180
MEXICO

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APR 28 2006

OFFICE OF PETITIONS

In re Application of: :
Goodwin et al. :
Application No. 11/219,588 :
Filed: September 1, 2005 : LETTER
Title of Invention: :
METHOD FOR MAKING AN :
ALCOHOLIC BEVERAGE :

Dear Mr. Jasso Garcia:

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

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

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


Derek L. Woods
Attorney
Office of Petitions

cc: JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017



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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
11/219,597	09/01/2005	2819	1000	1207.P008C6	14	8	2

CONFIRMATION NO. 2352

CORRECTED FILING RECEIPT



OC000000017585540

Daniel E. Ovanezian
 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
 Seventh Floor
 12400 Wilshire Boulevard
 Los Angeles, CA 90025

Date Mailed: 12/05/2005

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)

Peter M. Pani, Mountain View, CA;
 Benjamin S. Ting, Saratoga, CA;

Power of Attorney:

Stanley Sokoloff--25128
 Edwin Taylor--25129
 Roger Blakely Jr--25831
 James Scheller Jr--31195
 Lester Vincent--31460

Michael Bernadicou--35934
 Michael Mallie--36591
 William Babbitt--39591
 Jordan Becker--39602
 Gregory Caldwell--39926

Domestic Priority data as claimed by applicant

This application is a CON of 10/811,422 03/25/2004 PAT 6,975,138
 which is a CON of 10/412,975 04/11/2003 PAT 6,781,410
 which is a CON of 10/231,320 08/28/2002 PAT 6,624,658
 which is a CON of 09/960,916 09/24/2001 PAT 6,504,399
 which is a CON of 09/243,998 02/04/1999 PAT 6,329,839
 which is a CON of 08/708,403 09/04/1996 PAT 6,034,547

Foreign Applications

If Required, Foreign Filing License Granted: 09/28/2005

The country code and number of your priority application, to be used for filing abroad under the Paris

Convention, is **US11/219,597**

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

Title

Method and apparatus for universal program controlled bus architecture

Preliminary Class

326

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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 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).



OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

COPY MAILED

FEB 24 2006

OFFICE OF PETITIONS

In re Application of :
Lin et al. :
Application No. 11/219,605 :
Filed: September 2, 2005 :
Attorney Docket No. P/727-172 :

ON PETITION

This is a decision on the petition under 37 CFR 1.10, filed February 9, 2006, requesting that the application be accorded a filing date of September 2, 2005, rather than the presently accorded filing date of September 3, 2005.

Petitioners request the earlier filing date on the basis that the United States Postal Service (USPS) picked up the application, bearing Express Mail label No. EV606189252US, for Express Mail Delivery to the United States Patent and Trademark Office on September 2, 2005

In support of the allegation, the petition is accompanied by a copy of Express Mail label No. EV606189252US and a copy of a USPS Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post. The "date-in" shown on the Express Mail label is blank. Nevertheless, the copy of the USPS Pickup Service Statement indicates that a USPS employee accepted a package bearing Express Mail label No. EV606189252US on September 2, 2005, as evidenced by the USPS employee's signature. The same Express Mail label number was placed on the original transmittal sheet located in the official file.

In view of corroborating evidence submitted by petitioners, the petition is granted.

The Office of Initial Patent Examination is directed to correct the filing date to September 2, 2005, and to mail a corrected filing receipt.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions


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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
11/219,605	09/02/2005	3754	1000	P/727-172	12	8	1

CONFIRMATION NO. 2393

 000002352
 OSTROLENK FABER GERB & SOFFEN
 1180 AVENUE OF THE AMERICAS
 NEW YORK, NY 100368403

CORRECTED FILING RECEIPT


OC000000018152778

Date Mailed: 02/28/2006

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)

 Jan-Ching Lin, Hsin-Chuang City, TAIWAN;
 Pei-Pei Ding, Hsin-Chuang City, TAIWAN;
 Hsiu-Wei Yang, Hsin-Chuang City, TAIWAN;
 Wen-Hwa Yu, Hsin-Chuang City, TAIWAN;
 Yen-Wen Chen, Hsin-Chuang City, TAIWAN;

Assignment For Published Patent Application

Asia Vital Components Co., Ltd

Power of Attorney:

Samuel Weiner--18510	William Gray III--30944
Robert Faber--24322	Douglas Miro--31643
James Finder--30173	
Max Moskowitz--30576	
Louis Dujmich--30625	

Domestic Priority data as claimed by applicant
Foreign Applications

 TAIWAN 094109573 03/28/2005
 TAIWAN 094109575 03/28/2005

If Required, Foreign Filing License Granted: 09/21/2005
The country code and number of your priority application, to be used for filing abroad under the Paris

Convention, is **US11/219,605**

Projected Publication Date: 09/28/2006

Non-Publication Request: No

Early Publication Request: No

Title

Heat dissipating device

Preliminary Class

222

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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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.
11/219,610	09/02/2005	Elke Jager	NY-LUD 5924-US1	1485
24972	7590	02/27/2009	EXAMINER	
FULBRIGHT & JAWORSKI, LLP			YU, MISOOK	
666 FIFTH AVE			ART UNIT	PAPER NUMBER
NEW YORK, NY 10103-3198			1642	
			MAIL DATE	DELIVERY MODE
			02/27/2009	PAPER

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

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



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

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK NY 10103-3198

In re Application of: :
Elke Jager :
Serial No.: 11/219,610 : PETITION DECISION
Filed: September 2, 2005 :
Attorney Docket No.: NY-LUD 5924-US1 :

This is in response to the petition under 37 CFR § 1.181, filed February 23, 2009, requesting that the finality of the Office action of September 18, 2008 be withdrawn because it is premature.

BACKGROUND

The examiner mailed a non-final Office action on September 18, 2008 setting a three month statutory limit for reply. At the time of this non-final Office action, claims 1-25 were pending in the application, with claims 9-16 and 18-25 being withdrawn from consideration. The examiner rejected claims 1-4, 6-8 and 17 under 35 U.S.C. 102 (b) as anticipated by US 6548064 B1 and further rejected claims 1-4, 6-8 and 17 under 35 U.S.C. 102 (b) as anticipated by WO200155393. Claim 5 was objected to for being dependent on a rejected claim.

In response thereto on November 19, 2008, applicant amended claim 1 and cancelled claim 5. Applicants also traversed the examiner's rejections.

The examiner mailed a final Office action on February 19, 2009 setting a three month statutory limit for reply. In this final action, the examiner rejected claims 1-4, 6-8 and 17 under 35 U.S.C. 102(b) as being anticipated by US-6251603; rejected Claims 1-4, 6-8, and 17 under 35 U.S.C. 102(a) or 102(e) as being anticipated by US-6723832; rejected claims 1-4, 6-8, and 17 under 35 U.S.C. 102(e) as being anticipated by US-6,800,730 (filing date: 09/29/1999); rejected claims 1-4, 6-8, and 17 under 35 U.S.C. 102(e) as being anticipated by US-7,115,729; rejected claims 1-4, 6-8, and 17 under 35 U.S.C. 102(e) as being anticipated by US-7,385,044 (filing date: May 21,2004); and rejected claims 1-4, 6-8, and 17 under 35 U.S.C. 102(e) as being anticipated by US-7,041,502 (filing date: June 5, 2002). Claims 1-4, 6-8, and 17 were also rejected on the

ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 3-9 of U.S. Patent No.6,723,832.

In response thereto, applicant filed this petition under 37 CFR § 1.181 on February 23, 2009, requesting that the finality of the Office action of September 18, 2008 be withdrawn as premature.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed on February 23, 2009, applicant argues that the Office Action dated February 19, 2009 rejects the claims over six new references and rejects the claims over obviousness double patenting that was not set forth in the previous Office Action dated September 18, 2008. Applicant also argues that a new search was not necessitated by applicant's amendment of the claims.

It is noted that applicant amended claim 1 in the amendment of November 19, 2008 by cancelling dependent claim 5 and incorporating those limitations into claim 1. Claim 6 was amended to parallel claim 1. The scope of the claims submitted in the amendment dated November 19, 2008 is wholly within the scope of the claims on file at the time of the office action dated September 18, 2008. Therefore, the newly cited prior art could have and should have been cited against the claims in the previous office action if the Examiner felt the art was applicable. Furthermore, the obviousness double patenting rejection should also have been made at that time.

Therefore, as these limitations were previously before the examiner, it can not be said that the applicant's amendments necessitated the new ground of rejection. Also, it is noted that the new grounds of rejection were not necessitated by an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). Applicant's arguments are thus found persuasive that the final Office action issued February 19, 2009 was premature and, therefore, finality of the Office action will be withdrawn.

DECISION

The petition is **GRANTED**.

This application will be forwarded to the examiner for an action not inconsistent with this decision.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.



John LeGuyader
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198

Mail Date: 04/21/2010

Applicant	: Elke Jager	: DECISION ON REQUEST FOR
Patent Number	: 7632506	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/219,610	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **725** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
Tshako :
Application No. 11/219,612 :
Filed: September 2, 2005 :
For: **METHOD AND APPARATUS FOR** :
PRODUCING A PHANTOM THREE- :
DIMENSIONAL SOUND SPACE WITH :
RECORDED SOUND :

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. §1.102 to make special filed October 3, 2005 which is considered as pursuant to MPEP §708.02 (IV), applicant's age.

A petition to make special under MPEP §708.02, IV, must show that petitioner is 65 years of age, or more. Acceptable evidence includes a birth certificate, copy of a driver's license, or simply a statement by the applicant. No fee is required.

The petition includes a declaration that Parker Tshako is over 65 years of age.

Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application is being forwarded to the examiner for expedited prosecution.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986



NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

COPY MAILED

OCT 18 2005

OFFICE OF PETITIONS

In re Application of :
• Liao et al. :
Application No. 11/219,618 :
Filed: September 1, 2005 :
Attorney Docket No. 20051063.ORI :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.10(d), filed October 3, 2005, requesting that the above-identified application be accorded a filing date of September 1, 2005, rather than the presently accorded filing date of September 2, 2005.

Petitioner alleges that the application was deposited in Express Mail service on September 1, 2005. In support of the allegation, the petition is accompanied by a copy of Express Mail label No. EV676145426US. Although the "date-in" indicated on the Express Mail label is illegible, the label contains a United States Postal Service stamp of September 1, 2005. Additionally, the petition is accompanied by a United States Postal Service Track & Confirm receipt, indicating that the USPS accepted a package bearing Express Mail label No. EV676145426US on September 1, 2005, at 4:55 PM, in Minneapolis, MN 55402. The same Express Mail label number was placed on the original application papers located in the official file.

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

This Office of Initial Patent Examination is directed to correct the filing date of the above-identified application to September 1, 2005, and mail a corrected filing receipt.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

COPY MAILED

OCT 19 2005

OFFICE OF PETITIONS

In re Application of
Kang-Chin Lin
Application No. 11/219,619
Filed: September 1, 2005
Attorney Docket No. PUSA050853
(20051064.ORI)

:
:
: DECISION GRANTING PETITION
:
:

This is a decision on the "Petition to Correct Incorrectly Entered Filing Date Under 37 CFR 1.10(d)", filed October 6, 2005, requesting that the above-identified application be accorded a filing date of September 1, 2005, rather than the presently accorded filing date of September 2, 2005.

Petitioner alleges that the application was deposited in Express Mail service on September 1, 2005. Amongst the evidence provided is the Finance Copy of the Express Mail label with a USPS postmark of September 1, 2005 and a copy of the USPS Track and Confirm information from the USPS website that indicates express mail package EV676145426US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) was accepted in Minneapolis, MN on September 1, 2005.

It should be noted however that the copy of the express mail label does not in fact indicate a "date-in" of September 1, 2005. In fact, the "date-in" section is blank and thus, the package was received by the USPTO on September 2, 2005 and properly given a filing date of September 2, 2005. The error in the filing date was not therefore occasioned by the USPTO. However, in view of the evidence present in the file (postmark and track and confirm details), it is concluded that the correct date of deposit in Express Mail service was September 1, 2005 and therein, the application is entitled to a filing date of September 1, 2005 and the petition is **GRANTED**.

No fees are due and none will be charged.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of September 1, 2005, not September 2, 2005.

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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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO, FL 32802-3791

Mail Date: 04/20/2010

Applicant : Stewart G. Smith : DECISION ON REQUEST FOR
Patent Number : 7574066 : RECALCULATION of PATENT
Issue Date : 08/11/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/219,621 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/02/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **937** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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APPLE INC./BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Jeffry E. Gonion	: DECISION ON REQUEST FOR
Patent Number	: 7617496	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/219,622	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/01/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1105** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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DR. FREDERICK MITCHELL
P.O. BOX 392
HEMET, CA 92546-0392

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DEC 29 2005

In re Application of :
Mitchell :
Filed: September 3, 2005 : ON PETITION
Application No. 11/219,623 :
For: QUANTUM MEMORY FUSION :

OFFICE OF PETITIONS

This decision is in response to the "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION," filed November 22, 2005. This matter is being treated as a petition to accord the above-identified application a filing date of September 3, 2005 with drawings as part of the original application as filed.

The application was filed September 3, 2005. The Notice of Incomplete Nonprovisional Application (Notice) mailed September 22, 2005 indicated, *inter alia*, that the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 35 USC 113.

In response, the petitioners herein argue that the application as deposited included 26 sheets of drawings and have presented as proof of mailing and proof of receipt of the three sheets of drawings a return postcard date stamped by the Office on September 3, 2005. A copy of the 26 sheets of drawings purportedly filed with the application on September 3, 2005 was submitted herewith.

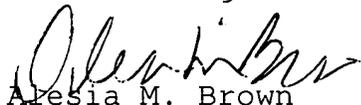
The original sheets of drawings submitted with the application papers have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of September 3, 2005 is GRANTED.

Since the original sheets of drawings 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 September 3, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/219,624	09/03/2005	Tatsumi Nagasawa	JP920040127US1	3553
27431	7590	08/04/2008	EXAMINER	
SHIMOKAJI & ASSOCIATES, P.C. 8911 RESEARCH DRIVE IRVINE, CA 92618			AVELLINO, JOSEPH E	
			ART UNIT	PAPER NUMBER
			2146	
			MAIL DATE	DELIVERY MODE
			08/04/2008	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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TECHNOLOGY CENTER 2100

SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of: NAGASAWA et al.
Application No. 11/219,624
Filed: September 3, 2005
For: INFORMATION PROCESSING
APPARATUS, TRANSFER PROGRAM
PRODUCT, AND TRANSFER CONTROL
METHOD

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY PILOT
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 24, 2008 to make the above- identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH 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 program and petition comply with the above requirements, and accordingly, the above-identified application has been accorded "special" status.

The request and petition are **GRANTED**.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Mano Padmanabhan

Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210



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NOV 15 2005

OFFICE OF PETITIONS

In re Application of :
Chen, et al. :
Application No. 11/219,627 : **ON PETITION**
Filed: September 1, 2005 :
Attorney Docket No. 20051061.ORI :

This is a decision on the "PETITION TO CORRECT INCORRECTLY ENTERED FILING DATE UNDER 37 CFR 1.10d", filed September 28, 2005, to accord the above-identified application a filing date of September 1, 2005.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was filed on September 1, 2005, not September 2, 2005. In support thereof, petitioner has included a copy of the Express Mail mailing label. The Express Mail mailing label contains a USPS stamp dated September 1, 2005. In addition, petitioner has also included a copy of a printout from the United States Postal Service (USPS) website, indicating that Express Mail number EV 676145426 US was accepted on September 1, 2005.

37 CFR 1.10(c) states that any person filing correspondence under 37 CFR 1.10, who can show that the "date-in" on the Express Mail mailing label was incorrectly entered by the USPS, may petition

the Office to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited, provided:

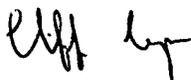
- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior 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.

In view of the corroborating evidence from the USPS (the September 1, 2005 stamp on the Express Mail mailing label, and the USPS website printout), the above-identified application will be accorded a filing date as of the date the application is shown to have been deposited, or September 1, 2005.

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

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **September 1, 2005, not September 2, 2005.**

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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BEDMINSTER, NJ 07921

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SEP 12 2007

OFFICE OF PETITIONS

In re Application of :
Allen Louis Gorin, et al :
Application No. 11/219,628 : **DECISION ON PETITION**
Filed: September 6, 2005 : **UNDER 37 CFR 1.78(a)(3)**
Attorney Docket No. 2000-0109CON1 :

This is a decision in response to the petition under 37 CFR 1.78(a)(3), filed May 8, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

¹ Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (see § 1.14).

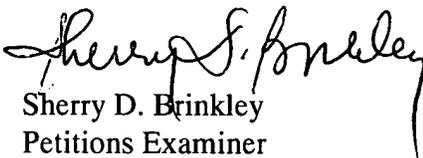
All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2626 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt



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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
11/219,628	09/06/2005	2626	1000	2000-0109CON1	8	1

CONFIRMATION NO. 1576

CORRECTED FILING RECEIPT



OC000000025750852

26652
 AT&T CORP.
 ROOM 2A207
 ONE AT&T WAY
 BEDMINSTER, NJ 07921

Date Mailed: 09/10/2007

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

Applicant(s)

Allen Louis Gorin, Berkeley Heights, NJ;
 Irene Langkilde Geary, Los Angeles, CA;
 Marilyn Ann Walker, Morristown, NJ;
 Jeremy H. Wright, Warren, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 23838.

Domestic Priority data as claimed by applicant

This application is a CON of 09/765,444 01/22/2001 PAT 7,003,459
 and is a CIP of 09/712,194 11/15/2000 PAT 6,941,266

Foreign Applications

If Required, Foreign Filing License Granted: 09/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/219,628**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Automated dialog system and method

Preliminary Class

704

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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BEDMINSTER, NJ 07921

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SEP 12 2007

OFFICE OF PETITIONS

In re Application of :
Allen Louis Gorin, et al :
Application No. 11/219,629 : **DECISION ON PETITION**
Filed: September 6, 2005 : **UNDER 37 CFR 1.78(a)(3)**
Attorney Docket No. 2000-0109CON :

This is a decision in response to the petition under 37 CFR 1.78(a)(3), filed April 30, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

¹ Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (see § 1.14).

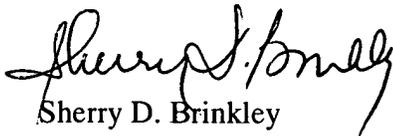
All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2626 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt


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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	TOT CLMS	IND CLMS
11/219,629	09/06/2005	2626	2050	2000-0109CON	1	1

CONFIRMATION NO. 1452
CORRECTED FILING RECEIPT


OC00000025751178

 26652
 AT&T CORP.
 ROOM 2A207
 ONE AT&T WAY
 BEDMINSTER, NJ 07921

Date Mailed: 09/10/2007

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

Applicant(s)

 Allen Louis Gorin, Berkeley Heights, NJ;
 Irene Langkilde Geary, Los Angeles, CA;
 Marilyn Ann Walker, Morristown, NJ;
 Jeremy H. Wright, Warren, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 26652.

Domestic Priority data as claimed by applicant

 This application is a CON of 09/765,444 01/22/2001 PAT 7,003,459
 and is a CIP of 09/712,194 11/15/2000 PAT 6,941,266

Foreign Applications
If Required, Foreign Filing License Granted: 09/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/219,629**
Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Automated dialog system and method

Preliminary Class

704

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.

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

GRANTED

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

under 37 CFR 5.13 or 5.14.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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NOV 19 2008

In re Application of :
Allen Louis Gorin, et al. :
Application No. 11/219,629 : ON PETITION
Filed: September 6, 2005 :
Attorney Docket No. 2000-0109CON :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed September 5, 2008.

The petition is not signed by a registered attorney or agent of record. However, in accordance with 37 CFR 1.34(a), the signature of Ronald D. Slusky 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. While a courtesy copy of this decision is being mailed Mr. Slusky, all future correspondence will be directed solely to the address of record.

The petition is **GRANTED**.

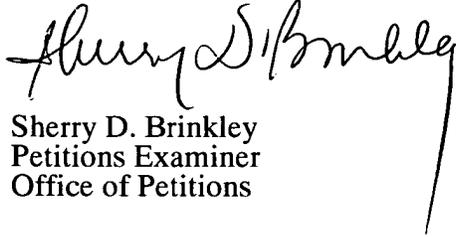
The application became abandoned for failure to timely pay the issue fees on or before July 14, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed April 14, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 15, 2008. This decision precedes the mailing of a Notice of Abandonment. On September 5, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$1,440 issue fee; (2) the petition fee of \$1,540; and (3) an adequate statement of unintentional delay¹.

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

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is written in a cursive style with a long vertical line extending downwards from the end of the name.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: RONALD D. SLUSKY, ATTORNEY AT LAW
353 WEST 56TH ST SUITE 5L
NEW YORK, NY 10019



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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SEP 12 2007

OFFICE OF PETITIONS

In re Application of :
Allen Louis Gorin, et al :
Application No. 11/219,630 : **DECISION ON PETITION**
Filed: September 6, 2005 : **UNDER 37 CFR 1.78(a)(3)**
Attorney Docket No. 2000-0109CON2 :

This is a decision in response to the petition under 37 CFR 1.78(a)(3), filed April 30, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

¹ Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (see § 1.14).

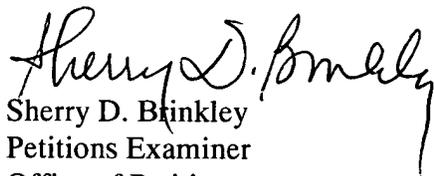
All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2626 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.



Sherry D. Binkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt


UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
11/219,630	09/06/2005	2626	1000	2000-0109CON2	7	1

CONFIRMATION NO. 1444

 26652
 AT&T CORP.
 ROOM 2A207
 ONE AT&T WAY
 BEDMINSTER, NJ 07921

CORRECTED FILING RECEIPT


OC00000025751290

Date Mailed: 09/10/2007

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

Applicant(s)

 Allen Louis Gorin, Berkeley Heights, NJ;
 Irene Langkilde Geary, Los Angeles, CA;
 Marilyn Ann Walker, Morristown, NJ;
 Jeremy H. Wright, Warren, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 23838.

Domestic Priority data as claimed by applicant

 This application is a CON of 09/765,444 01/22/2001 PAT 7,003,459
 and is a CIP of 09/712,194 11/15/2000 PAT 6,941,266

Foreign Applications
If Required, Foreign Filing License Granted: 09/23/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/219,630
Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Automated dialog system and method

Preliminary Class

704

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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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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In re Application of :
Allen Louis Gorin, et al. :
Application No. 11/219,630 : ON PETITION
Filed: September 6, 2005 :
Attorney Docket No. 2000-0109CON2 :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed May 2, 2008.

The petition is GRANTED.

This application became abandoned for failure to timely pay the issue fees on or before April 22, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed January 22, 2008. On May 2, 2008, the present petition was filed. A Notice of Abandonment was subsequently mailed on June 10, 2008.

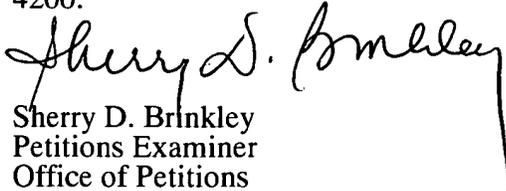
It is noted that the petition is not signed by an attorney or agent of record. Further, while petitioner does not set forth his registration number on the petition, his registration number is found on the accompanying paper entitled "Part B- Fee(s) Transmittal". Therefore, in accordance with 37 CFR 1.34(a), the signature of Ronald D. Slusky 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. A courtesy copy of this decision is being mailed to petitioner. If Mr. Slusky desires to receive future correspondence regarding this application, then the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,440, (2) the petition fee of \$1,540; and (3) an adequate statement of unintentional delay¹.

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

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: RONALD SLUSKY
OFFICE OF RONALD D. SLUSKY
353 WEST 56TH ST., SUITE 5L
NEW YORK, NY 10019



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Mail Date: 04/21/2010

Applicant	: Alan Graham	: DECISION ON REQUEST FOR
Patent Number	: 7623900	: RECALCULATION OF PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/219,632	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/02/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1116** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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OFFICE OF PETITIONS

In re Application of :
Ibrahim, et al. :
Application No. 11/219,635 : ON APPLICATION FOR
Filed: September 2, 2005 : PATENT TERM ADJUSTMENT
Atty Docket No. 039363-1111 :

This is in response to the "REQUEST FOR RECONSIDRATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705" filed June 19, 2009. Applicants request that the determination of patent term adjustment be corrected from five hundred seventy-eight (578) days to nine hundred seventy-two (972) days. Applicants request this correction, in part, on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

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

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

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

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

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

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

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 dismissed.

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.

Applicant asserts that applicant should not be assessed a delay of 2 days pursuant to 37 CFR 1.704(b). Specifically, applicants state that:

This 2 days of delay was improperly attributed to Applicants from January 3, 2006, to January 5, 2006, when a response to Notice to File Missing Parts was submitted by Applicant on January 3, 2006 (under Certificate of Mailing), but the PTO accorded January 5, 2006, as date of Receipt. The accrual of any days of delay over this time period is improper because the response was timely filed by the Applicant.

Excerpt taken from "Request for Reconsideration of Patent Term Adjustment under 37 CFR § 1.705", filed June 19, 2009, pgs. 1-2

The application history has been reviewed and it has been determined that the period of reduction of 2 days is warranted.

Pursuant to 37 CFR 1.704(b), the period of adjustment of the term of the patent should be reduced by 2 days, the number of days in the period beginning on the day after the date that is three months after the date of mailing of the Notice to File Missing Parts of Non-Provisional Application, January 4, 2006, and ending on the date the reply was filed, January 5, 2006. The calculation of 2 days of applicant delay is based on the date of receipt of the response to the Notice to File Missing Parts of Non-Provisional Application². The Office notes that 35 U.S.C. 154(b)(2)(C)(ii) does not require that a reply be filed in the Office within its three (3) month grace period, but simply specifies that there is a patent term adjustment reduction if a reply is not filed within this three (3) month period.

² 37 CFR 1.703(f) provides that:

The adjustment will run from the expiration date of the patent as set forth in 35 U.S.C. 154(a)(2). 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. The term of a patent entitled to adjustment under § 1.702 and this section shall be adjusted for the sum of the periods calculated under paragraphs (a) through (e) of this section, to the extent that such periods are not overlapping, less the sum of the periods calculated under § 1.704. The date indicated on any certificate of mailing or transmission under § 1.8 shall not be taken into account in this calculation.

Therefore, the "carry-over" provisions of 35 U.S.C. 21(b) does not apply to the three (3) month period in 35 U.S.C. 154(b)(2)(C)(ii). Accordingly, the period of reduction of 2 days is merited and will remain.

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

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

Telephone inquiries specific to this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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OFFICE OF PETITIONS

In re Patent No. 7,605,168 :
Ibrahim, et al. : DECISION DISMISSING
Application No. 11/219,635 : REQUEST FOR
Issue Date: October 20, 2009 : RECONSIDERATION OF
Filed: September 2, 2005 : PATENT TERM ADJUSTMENT
Attorney Docket No. : UNDER 37 CFR 1.705
039363-1111 :

This is in response to the RENEWED REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705, filed November 13, 2009, which is properly treated under 37 CFR 1.705(d). Patentees request that the determination of patent term adjustment be corrected from five hundred seventy-nine (579) days to nine hundred ninety-three (993) days.

The request for reconsideration of patent term adjustment is **DISMISSED** with respect to making any change in the patent term adjustment determination under 35 U.S.C. § 154(b) of 579 days.

It is noted that patentees requested that the Office defer or delay a decision on this request for reconsideration until a final decision has been rendered in Wyeth v. Dudas, 580 F.Supp.2d 138, 88 U.S.P.Q.2d 1538 (D.D.C. 2008), which is now on appeal at the U.S. Court of Appeals for the Federal Circuit, under Federal Circuit Docket No. 2009-1120. However, the Office notes that there is no specific regulatory provision for requesting that a petition under 37 CFR 1.705(d) be held in abeyance.

On October 20, 2009, the application matured into U.S. Patent No. 7,605,168, with a revised patent term adjustment of 579 days. The Office determined that the 413 days of Office delay pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b) overlaps with the 581 days of Office delay pursuant to 35 U.S.C. § 154(b)(1)(A) and 37 CFR 1.702(a)(1) and (a)(4) accorded prior to the issuance of the patent. As such, 0 additional days of

patent term adjustment were entered at issuance under the three-year pendency provision. Given the applicant delay of 2 days, the patent issued with a revised patent term adjustment of 579 (581 - 2) days.

On November 13, 2009, patentees timely submitted this request for reconsideration of patent term adjustment, asserting that the correct number of days of Patent Term Adjustment is 993 days under the court's interpretation of the overlap provision as set forth in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that pursuant to Wyeth, a PTO delay under §154(b)(1)(A) overlaps with a delay under §154(b)(1)(B) only if the delays "occur on the same day." Patentees maintain that the total non-overlapping PTO delay under § 154(b)(1)(A) & (B) is 993 (646 + 193) days as these periods do not occur on the same day. Further, applicants dispute the reduction to the patent term adjustment of 2 days for applicant delay and state, in pertinent part, that:

This 2 days of delay was improperly attributed to Applicants from January 3, 2006, to January 5, 2006, even though a Response to Notice to File Missing Parts was submitted by Applicant on January 3, 2006 (under Certificate of Mailing), but the PTO accorded January 5, 2006, as date of Receipt (rather than the date of mailing). The accrual of any days of delay over this time period is improper because the response was timely filed by the Applicant.

Excerpt taken from "Renewed Request for Reconsideration of Patent Term Adjustment under 37 CFR § 1.705", filed November 13, 2009, pg. 2

Patentees, therefore, assert entitlement to 993 (993 - 0) days of patent term adjustment.

At the outset, is noted that the period of reduction of 2 days is warranted and will remain. Pursuant to 37 CFR 1.704(b), the period of adjustment of the term of the patent should be reduced by 2 days, the number of days in the period beginning on the day after the date that is three months after the date of mailing of the Notice to File Missing Parts of Non-Provisional Application, January 4, 2006, and ending on the date the reply was filed, January 5, 2006. The calculation of 2 days of applicant delay is based on the date of receipt of the response to the Notice to

File Missing Parts of Non-Provisional Application¹. The Office notes that 35 U.S.C. 154(b)(2)(C)(ii) does not require that a reply be filed in the Office within its three (3) month grace period, but simply specifies that there is a patent term adjustment reduction if a reply is not filed within this three (3) month period. Therefore, the "carry-over" provisions of 35 U.S.C. 21(b) does not apply to the three (3) month period in 35 U.S.C. 154(b)(2)(C)(ii). Accordingly, the period of reduction of 2 days is merited and will remain.

Patentees' interpretation of the period of overlap has been considered, but found inconsistent with the Office's interpretation of the overlap provision, 35 U.S.C. 154(b)(2)(A). 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

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

As explained in *Explanation of 37 CFR 1.703(f) 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:

¹ 37 CFR 1.703(f) provides that:

The adjustment will run from the expiration date of the patent as set forth in 35 U.S.C. 154(a)(2). 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. The term of a patent entitled to adjustment under § 1.702 and this section shall be adjusted for the sum of the periods calculated under paragraphs (a) through (e) of this section, to the extent that such periods are not overlapping, less the sum of the periods calculated under § 1.704. The date indicated on any certificate of mailing or transmission under § 1.8 shall not be taken into account in this calculation.

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).

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

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding §1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap"

under 35 U.S.C. 154(b)(2)(A) is the period during which the application was pending before the Office beginning on the application filing date under 35 U.S.C. 111(a), September 2, 2005, and ending on the date of issuance of the patent, October 20, 2009, (not including any other periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)).

Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1) and (a)(4), 581 days of patent term adjustment were accorded during the pendency of the application for Office delay. Pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b), 413 days of patent term adjustment accrued for Office issuance of the patent more than 3 years after the filing date of the application.

The 413 days of patent term adjustment under 37 CFR 1.702(b) overlap with the 581 days of patent term adjustment under 37 CFR 1.702(a)(1). Entry of both the 581 days and the 413 days is neither permitted nor warranted. 581 days is the actual number of days issuance of the patent was delayed.

Accordingly, at issuance, the Office properly entered 0 additional days of adjustment pursuant to § 1.702(b) for a total of the greater period of 581 days for Office delay.

In view thereof, no change will be made in the patent term adjustment of 579 days (581 days of Office delay - 2 days of applicant delay).

The payment of the petition fee of \$200.00 as set forth in 37 CFR 1.18(e) is a requirement for consideration of a petition under 37 CFR 1.705(d). The petition fee will be charged to deposit account 19-0741, accordingly. No additional fees are required.

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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Mail Date: 04/21/2010

Applicant	: Prabha N. Ibrahim	: DECISION ON REQUEST FOR
Patent Number	: 7605168	: RECALCULATION OF PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/219,635	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/02/2005	: 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.



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OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of
Seiichi Sakurai and Kensaku Higashi
Application No. 11/219,661
Filed: September 7, 2005
Attorney Docket No. 125023
Title: ANTI-GLARE FILM

This is in response to the petition under 37 C.F.R. §1.47(a)¹, filed November 28, 2005.

On September 7, 2005, the application was filed, identifying Seiichi Sakurai and Kensaku Higashi as joint inventors. The application was deposited without an executed oath or declaration. On September 26, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

Along with the instant petition, Petitioner has submitted the petition fee, the surcharge, the search fee, the basic filing fee, the examination fee, a declaration which has been executed by Mr. Higashi, and the last known address of non-signing inventor Sakurai.

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

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

The petition has met requirements (1) – (3) and (5) above.

Regarding the fourth requirement above, it does not appear that a complete copy of the application was sent to the last-known residential address of the non-signing inventor. Where a refusal of the inventor to sign the application papers is alleged, the Office requires the petitioner to establish that a bona fide attempt was made to mail a complete copy of the application, which entails the specification, claims, drawings, and oath or declaration.² On renewed petition, it should be established that a complete copy of the application was sent to the non-signing inventor.

It follows that since it has not been shown that a complete copy of the application was sent to the inventor, one cannot refuse to sign something which one has not seen. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed³.

For these reasons, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled “Renewed Petition Under 37 C.F.R. §1.47(a)”. This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail⁴, hand-delivery⁵, or facsimile⁶.

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



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

² See MPEP 409.03(d).

³ *In re Gray*, 115 USPQ 80 (Comm’r Pat. 1956).

⁴ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

⁵ Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

⁶ (571) 273-8300- please note this is a central facsimile number.



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FEB 28 2006

In re Application of :
Seiichi Sakurai and Kensaku Higashi :
Application No. 11/219,661 :
Filed: September 7, 2005 :
Attorney Docket No. 125023 :
Title: ANTI-GLARE FILM :

OFFICE OF PETITIONS
DECISION ON RENEWED PETITION
UNDER 37 C.F.R. §1.47(A)

This is in response to the renewed petition under 37 C.F.R. §1.47(a)¹, filed February 15, 2006.

On September 7, 2005, the application was filed, identifying Seiichi Sakurai and Kensaku Higashi as joint inventors. The application was deposited without an executed oath or declaration. On September 26, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

The original petition was submitted on November 28, 2005, along with the petition fee, the surcharge, the search fee, the basic filing fee, the examination fee, a declaration which has been executed by Mr. Higashi, and the last known address of non-signing inventor Sakurai.

The original petition was dismissed via the mailing of a decision on December 15, 2005. The decision set forth that Petitioner had met requirements (1) – (3) and (5) of 37 C.F.R. §1.47(a), but that the fourth requirement had not been satisfied:

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

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

Regarding the fourth requirement above, it does not appear that a complete copy of the application was sent to the last-known residential address of the non-signing inventor (emphasis added).

Where a refusal of the inventor to sign the application papers is alleged, the Office requires the petitioner to establish that a bona fide attempt was made to mail a complete copy of the application, which entails the specification, claims, drawings, and oath or declaration.² On renewed petition, it should be established that a complete copy of the application was sent to the non-signing inventor.

It follows that since it has not been shown that a complete copy of the application was sent to the inventor, one cannot refuse to sign something which one has not seen. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed³.

With this renewed petition, Petitioner has included a declaration of facts from a former co-worker of the non-signing inventor. In the fourth paragraph of his statement, the declarant indicates that a "copy of the entire application... was sent to Seiichi Sakurai for review."

Unfortunately, although it has been established that a complete copy of the application was sent to the non-signing inventor, it is not clear where this mailing was sent. As such, it has not been established that the complete copy of the application was sent to the last-known residential address of the non-signing inventor.

For this reason, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition Under 37 C.F.R. §1.47(a)". This is not a final agency action within the meaning of 5 U.S.C 704.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail⁴, hand-delivery⁵, or facsimile⁶. The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



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

² See MPEP 409.03(d).

³ *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

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 Dulany Street, Alexandria, VA, 22314.

⁶ (571) 273-8300- please note this is a central facsimile number.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

COPY MAILED

MAY 10 2006

OFFICE OF PETITIONS

In re Application of	:	
Seiichi Sakurai and Kensaku Higashi	:	
Application No. 11/219,661	:	DECISION ON SECOND RENEWED
Filed: September 7, 2005	:	PETITION UNDER 37 C.F.R. §1.47(A)
Attorney Docket No. 125023	:	
Title: ANTI-GLARE FILM	:	

This is in response to the second renewed petition under 37 C.F.R. §1.47(a)¹, filed April 10, 2006.

On September 7, 2005, the application was filed, identifying Seiichi Sakurai and Kensaku Higashi as joint inventors. The application was deposited without an executed oath or declaration. On September 26, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

The original petition was submitted on November 28, 2005, along with the petition fee, the surcharge, the search fee, the basic filing fee, the examination fee, a declaration which has been executed by Mr. Higashi, and the last known address of non-signing inventor Sakurai.

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

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

The original petition was dismissed via the mailing of a decision on December 15, 2005. The decision set forth that Petitioner had met requirements (1) – (3) and (5) of 37 C.F.R. §1.47(a), but that the fourth requirement had not been satisfied.

The renewed petition was received on February 15, 2006, and was dismissed via the mailing of a decision on February 28, 2006, as while it was made clear that a complete copy of the application was sent to the non-signing inventor, it was not made clear where this copy was sent.

With this second renewed petition, Petitioner has met the fourth requirement of 37 C.F.R. §1.47(a). Therefore, the petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

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

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



Paul Shanowski
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

Seiichi Sakurai
657-4 Ideda
Suruga-ku
Shizuoka-Shi, Sizuoka
JAPAN

COPY MAILED
MAY 10 2006
OFFICE OF PETITIONS

In re Application of :
Seiichi Sakurai and Kensaku Higashi :
Application No. 11/219,661 :
Filed: September 7, 2005 : LETTER
Attorney Docket No. 125023 :
Title: ANTI-GLARE FILM :

Dear Mr. Sakurai:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

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

cc: OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320



DLA PIPER RUDNICK GRAY CARY US LLP
1200 NINETEENTH STREET, N.W.
WASHINGTON, DC 20036-2412

COPY MAILED

APR 04 2006

OFFICE OF PETITIONS

In re Application of :
Wensheng Xia, Frauke Rininsland, :
Sriram Kumaraswamy, Stuart Kushon, :
Liangde Lu, Xiaobo Shi, Casey Stankewicz, :
Shannon Wittenburg, Komandoor Achyuthan, :
Duncan McBranch and David Whitten :
Application No. 11/219,673 :
Filed: September 7, 2005 :
Title: METAL ION MEDIATED :
FLUORESCENCE SUPERQUENCHING :
ASSAYS, KITS AND REAGENTS :

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed March 9, 2006.

The petition is dismissed.

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

The above-identified application was filed on September 7, 2005 without an executed oath or declaration and naming Wensheng Xia, Frauke Rininsland, Sriram Kumaraswamy, Stuart Kushon, Liangde Lu, Xiaobo Shi, Casey Stankewicz, Shannon Wittenburg, Komandoor Achyuthan, Duncan McBranch and David Whitten as joint inventors.

Accordingly, on October 7, 2005, a "Notice to File Missing Parts of Application" was mailed, requiring, among other items, an executed oath or declaration.

In response, on March 9, 2006, the instant petition and a four (4) month extension of time were filed.

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

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Applicant lacks items (1), as set forth above.

Applicant appears to demonstrate that the non-signing inventors were only presented with the declaration. Unless the non-signing inventors were presented with a copy of the application papers (specification, claims and drawings), the non-signing inventors could not attest that they have "reviewed and understand the application papers" and therefore could not sign the declaration which they were given. Accordingly, Rule 47 applicant failed to show or provide proof that the inventors have refused to sign the declaration. See MPEP 409.03(d). Petitioner should show that a copy of the application papers was presented to the non-signing inventors, but that they did not respond to, or refused, the request that they sign the oath/declaration in order to show that the inventors have refused to join in the application. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

After this decision is mailed, deposit account No. 50-1442 will be charged the fee for the petition under 37 CFR 1.47 (\$200.00).

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

By mail: Mail Stop Petition
 Commissioner for Patents
 Box 1450
 Alexandria, VA 22313

By FAX: (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) 272-3228.

A handwritten signature in black ink, appearing to read 'Ed Tannouse', with a long horizontal flourish extending to the right.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DLA PIPER US LLP
ATTN: PATENT GROUP
1200 NINETEENTH STREET, NW
WASHINGTON DC 20036

COPY MAILED
OCT 19 2006
OFFICE OF PETITIONS

In re Application of :
Xia, et al. : ON PETITION
Application No.: 11/219,673 :
Filed: September 7, 2005 :
Attorney Docket No.: 8971-049 CONT :
For: METAL ION MEDIATED :
FLUORESCENCE SUPERQUENCHING :
ASSAYS, KITS AND REAGENTS :

This is a decision on the reconsideration petition under 37 CFR 1.47(a) and the petition under 37 CFR 1.137(b) to revive the above-identified application. Both petitions were filed on June 19, 2006.

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

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

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 September 7, 2005 without an executed oath or declaration. Accordingly, on October 7, 2005, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, *inter alia*, an executed oath or declaration.

In response, on March 9, 2006, applicants filed a petition under 37 CFR 1.147(a) and a four month extension of time. The petition was dismissed on April 4, 2006 for failure to show the non-signing inventors, McBranch and Whitten, either refused to join in the filing of the application or could not be reached after diligent effort.

The present petitions were filed on June 19, 2006.

With respect to the petition under 37 CFR 1.137(b), in the April 4, 2006 decision on petition applicants were informed that extensions of time were available to reply, if applicants could not reply within two months of the mail date of the April 4, 2006 decision on petition. June 19, 2006, the date the reconsideration petition was filed, is within the extendable period for reply.

Therefore, \$60.00 of the \$750.00 petition fee will be used to purchase a one month extension of time. The balance, \$690.00, will be credited to deposit account no. 50-1442. The petition under 37 CFR 1.137(b) is **dismissed as moot** because the application is not abandoned.

On the topic of finances, it appears that petitioners have been charged two Rule 47(a) petition fees. Only one is required. The second \$200.00 petition fee charged on June 20, 2006 will be credited to the same deposit account as listed above.

Turning to the reconsideration petition under 37 CFR 1.47(a), it includes a declaration executed by 9 of 11 joint inventors and a statement of facts of Sheldon Robinette, an employee of the assignee of the present invention. Sheldon Robinette explains that non-signing joint inventors McBranch and Whitten were mailed a copy of the above-identified application as filed, including specification, claims, drawings, and a declaration. The package to Whitten was unclaimed and the package to McBranch was 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, and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (1).

As to item (1), applicant has failed to establish that Whitten has refused to sign the declaration or cannot be reached. A successful Rule 47 petition requires either (1) a clear refusal to join, whether expressly or by conduct, or (2) a showing of diligence in trying to find an unavailable inventor. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

The Office requires that the non-signing inventor be provided with a complete copy of the application as filed. The May 22, 2006 mailing to Whitten was unclaimed. This fact alone establishes neither diligence in trying to find the missing inventor, nor the inventor's refusal by conduct to join in the filing of the application. Whitten may have been on vacation or he may have simply forgotten to pick up his mail as of June 14, 2006, which was the date the USPS stated the mailing was still unclaimed, despite one earlier delivery attempt.

Another copy of the application should be mailed to his last known address.

Other attempts to reach Whitten should be attempted. If the papers are returned, and other attempts to locate the inventor, e.g. through e-mail, computer searches (such as LEXIS), or the telephone continue to fail, then applicant will establish that the inventor cannot be reached.

If it is concluded by the 37 CFR 1.47 applicants 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. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted.

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.



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

DLA PIPER US LLP
ATTN: PATENT GROUP
1200 NINETEENTH STREET, NW
WASHINGTON DC 20036

COPY MAILED
DEC 18 2006
OFFICE OF PETITIONS

In re Application of :
Xia, et al. : **ON PETITION**
Application No.: 11/219,673 :
Filed: September 7, 2005 :
Attorney Docket No.: 8971-049 CONT :
For: METAL ION MEDIATED :
FLUORESCENCE SUPERQUENCHING :
ASSAYS, KITS AND REAGENTS :

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed on November 30, 2006.

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

Petitioners have shown that the non-signing inventor, Duncan McBranch, has constructively refused to join in the filing of the above-identified application. In her statement of facts, Sheldon Robinette, an employee of the assignee of the present invention, explains that non-signing joint inventor McBranch was mailed a copy of the above-identified application as filed, including specification, claims, drawings, and a declaration. The package was delivered, but McBranch did not return signed documents. Petitioners have filed acceptable declarations signed by the available joint inventors.

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.

After the mailing of this decision, the application will be forwarded to Technology Center A.U. 1657 for examination in due course.

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

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive style with a large initial 'S'.

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

DUNCAN MCBRANCH
757 CALLE ESPEJO
SANTA FE, NM 87505

COPY MAILED
DEC 18 2006
OFFICE OF PETITIONS

In re Application of :
Xia, et al. : LETTER
Application No.: 11/219,673 :
Filed: September 7, 2005 :
Attorney Docket No.: 8971-049 CONT :
For: METAL ION MEDIATED :
FLUORESCENCE SUPERQUENCHING :
ASSAYS, KITS AND REAGENTS :

Dear Mr. McBranch:

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

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

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

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



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: DLA PIPER US LLP
ATTN: PATENT GROUP
1200 NINETEENTH STREET, NW
WASHINGTON DC 20036



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

DLA Piper US LLP
Attn: Patent Group
1200 Nineteenth Street, NW
Washington, DC 20036

COPY MAILED

JUL 17 2007

In re Application of
Wensheng Xia et al.
Application No. 11/219,673
Filed: September 7, 2005
Attorney Docket No. 8971-049 CONT

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OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

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

A review of the file record indicates that the power of attorney to DLA Piper US LLP has been revoked by the assignee of the patent application on February 16, 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.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Peacock Myers, P.C.**
201 Third Street, N.W.
Suite 1340
Albuquerque, NM 87102



McDERMOTT WILL & EMERY LLP
600 13th Street, N.W.
Washington, DC 20005-3096

MAR 27 2008

In re Application of	:	DECISION ON REQUEST TO
Nobuyasu SUZUKI et al.	:	PARTICIPATE IN PATENT
Application No. 11/219714	:	PROSECUTION HIGHWAY
Filed: September 7, 2005	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 063979-0070	:	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 March 4, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

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

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

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

COPY MAILED

NOV 16 2007

OFFICE OF PETITIONS

In re Application of :
Hiroyuki Kutsukake et al :
Application No. 11/219,724 : DECISION GRANTING PETITION
Filed: September 7, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 278059US2S :

This is a decision on the petition, filed November 15, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

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

Petitioner is advised that the issue fee paid on October 10, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2823 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\fhicks\My Documents\470\nov11\219724.wpd

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/23/09

TO SPE OF : ART UNIT 2852

SUBJECT : Request for Certificate of Correction for Appl. No.: 11219734

Patent No.: 7394999

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)

**Randolph Square
Palm Location 7580**

**Should the changes be made
Correction Branch**

Valerie Jackson

Certificates of

703-756-1573

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

/David M. Gray/
SPE

**2852
Art Unit**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 08/04/2010

Applicant : Gregory Guederian : DECISION ON REQUEST FOR
Patent Number : 7641695 : RECALCULATION of PATENT
Issue Date : 01/05/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/219,744 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/07/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **238** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

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APR 16 2007

OFFICE OF PETITIONS

In re Application of :
Chad Brown :
Application No. 11/219,794 :
Filed: September 7, 2005 :
Attorney Docket No. 41167-0003US1 :

ON PETITION

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed October 3, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 4, 2005.

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 \$1080 extension of time submitted with the petition on August 29, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

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

Irvin Dingle
Irvin Dingle
Petitions Examiner
Office of Petitions

cc: John Isacson
Proskauer Rose LLP
1001 Pennsylvania Avenue, N.W.
Suite 400
Washington, DC 20004



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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Tuomo Von Lerber	: DECISION ON REQUEST FOR
Patent Number	: 7574143	: RECALCULATION OF PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/219,802	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **832** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20036

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JAN 24 2008

OFFICE OF PETITIONS

In re Application of :
Christopher N. Daly et al :
Application No. 11/219,823 : **DECISION GRANTING PETITION**
Filed: September 7, 2005 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 22409-00386-US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 22, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

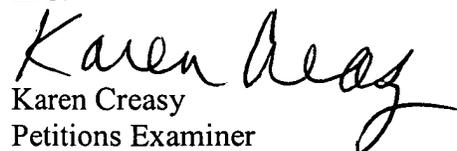
The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 4, 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 3766 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.


Karen Creasy
Petitions Examiner
Office of Petitions

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



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JAGTIANI + GUTTAG
10363A DEMOCRACY LANE
FAIRFAX, VA 22030

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MAR 31 2008

In re Application of

DADD, et al.

Application No. 11/219,824

Filed: September 7, 2005

Attorney Docket No. **22409-00259-US**

:
:
:
:
:
:

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 3, 2007.

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

A review of the file record indicates that the power of attorney to **JAGTIANI + GUTTAG** has been revoked by the assignee of the patent application on November 1, 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 inquiries concerning this decision should be directed to the undersigned at 571-272-7253.


Monica A. Graves
Petitions Examiner
Office of Petitions

CC: **CONNOLLY BOVE LODGE & HUTZ LLP**
1875 EYE STREET NW, SUITE 1100
WASHINGTON DC 20036



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/219,832	09/07/2005	Hiroyoshi Ooshima	03500.119392.	3314

5514 7590 01/28/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER

LEE, JASON T

ART UNIT	PAPER NUMBER
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2438

MAIL DATE	DELIVERY MODE
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01/28/2010

PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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Brian Klock
Fitzpatrick, Cella, Harper & Scinto
1290 Avenue of the Americas
New York, NY 10104-3800

In re Application of:)
Hiroyoshi Ooshima et al.)
Application No. 11/219832) **DECISION SUA SPONTE**
Filed: September 7, 2005) **WITHDRAWING OFFICE ACTIONS**
For: Storage Medium Access Control Method)
)

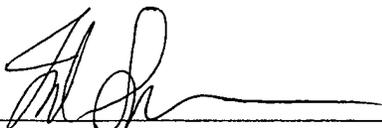
This is a decision, *sua sponte*, withdrawing the Office Action mailed on January 12, 2010.

In January 2010, applicant's representative called inquiring whether it is proper for the January Office Action to issued.

A review of the application file indicates that a Request for Continued Examination (RCE) and a request for suspension of action for a period of 3 months were submitted on November 12, 2009. Thus, no Office Action should be mailed prior to February 13 2010.

Although no petition or request to withdraw the Office Action has been filed, a Sua Sponte decision to vacate the Office Action of January 12, 2010 is determined to be proper in view of the RCE and the request for suspension of action submitted on November 12, 2009. The Office Action has been closed from public view as of mailing of this decision.

Any inquiry concerning this decision should be directed to Tod Swann whose telephone number is (571) 272-3612. Any inquiry concerning the examination of the application should be addressed with the examiner.



Tod Swann, QAS
Technology Center 2400



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HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

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SEP 17 2008

In re Application of :
Michael J. Adam et al :
Application No. 11/219,846 :
Filed: September 7, 2005 :
Attorney Docket No. 98731-000012/US/01 :

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, February 14, 2008, to change the name of inventor "Cara Fisher" to -Cara Ferreira --.

The petition is **DISMISSED**.

The petition is dismissed because inventor Cara Fisher's name is recorded in the USPTO as Cara L. Fisher. Therefore, a request for a name change of Cara L. Fisher to Cara Ferreira must include the middle initial also.

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:

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) 272-3208.

Karen Creasy
Karen Creasy
Petitions Examiner
Office of Petitions



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HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

MAILED

MAY 12 2009

In re Application of :
Michael J. Adam et al :
Application No. 11/219,846 :
Filed: September 7, 2005 :
Attorney Docket No. 98731-000012/US/01 :

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.182, filed, October 30, 2008, to change the name of inventor "Cara L. Fisher" to – Cara L. Ferreira --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1618 to await a reply to the Office action mailed May 1, 2009.


Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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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
11/219,846	09/07/2005	1618	1130	98731-000012/US/01	7	1

30593
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

CONFIRMATION NO. 3058
CORRECTED FILING RECEIPT



Date Mailed: 05/08/2009

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

Applicant(s)

- Michael J. Adam, Surrey, CANADA;
- Cara L. Ferreira, Surrey, CANADA;
- Simon R. Bayly, Islip, UNITED KINGDOM;
- Christopher Orvig, Vancouver, CANADA;
- Nathaniel C. Lim, Vancouver, CANADA;
- Timothy J. Storr, Vancouver, CANADA;
- Charles B. Ewart, Vancouver, CANADA;

Power of Attorney: The patent practitioners associated with Customer Number 30593

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/607,295 09/07/2004

Foreign Applications

If Required, Foreign Filing License Granted: 09/23/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/219,846**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Synthesis of radiolabeled sugar metal complexes

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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



October 9, 2008

Mark J. Thronson
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006-5403

Patent No.: 7,367,036 B2
Application No.: 11/219,874
Inventor(s): Yasutomo Aman, et al.
Issued: April 29, 2008
Title: RECORDING/REPRODUCTION APPARATUS, DRIVING METHOD THEREFOR AND DISK CARTRIDGE

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

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

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

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

A handwritten signature in black ink, appearing to be "V. Tolbert", written over a circular stamp or mark.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt



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AUG 31 2009

OFFICE OF PETITIONS

Dickstein Shapiro, LLP
1825 Eye Street NW
Washington, DC 20006-5403

In re Patent No. 7,367,036 :
Issue Date: April 29, 2008 :
Application No. 11/219,874 : **ON PETITION**
Filed: September 7, 2005 :
Attorney Docket No. R2184.0446/P446 :

This is a decision on the petition filed October 15, 2008, under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The request is **GRANTED**.

Petitioner states that the correct assignee's name are "Ricoh Company, Ltd., Tokyo (JP) and Chotaro Engineering Col, Saitama (JP)" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

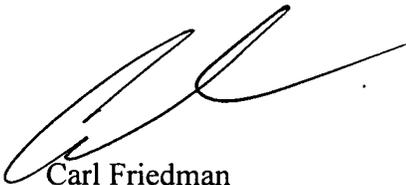
37 CFR 3.81(b), effective June 25, 2004, reads:

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

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "Ricoh Company, Ltd., and Chotaro Engineering Co. are the assignees of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the Kimberly Inabinet at (571) 272-4618. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.



Carl Friedman
Petitions Examiner
Office of Petitions



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

Phillip D. Freedman
Phillip D. Freedman PC
P.O. Box 19076
Alexandria, VA 22320

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SEP 12 2005

OFFICE OF PETITIONS

In re Application of :
Lanier et al. :
Application No. 11/219,882 : ON PETITION
Filed: December 1, 2003 :
Title: PROCESS AND SYSTEM TO :
REDUCE MERCURY EMISSION :

This is in response to the "REQUEST TO RECONSTRUCT LOST FILE AND TO ACCORD FILING DATE" filed February 14, 2005, requesting that a divisional application be reconstructed and be accorded a filing date of December 1, 2003.

To the extent indicated herein, the request is **GRANTED**.

Applicants assert that on December 1, 2003, their representative hand filed a new divisional application of prior application No. 10/054,850 in the Office of Initial Patent Examination (OIPE) of the United States Patent and Trademark Office. (It is noted that applicants state that this is a different divisional application from the one filed December 1, 2003 and assigned application No. 10/724,251). In support thereof, applicants submit a copy of their itemized and date-stamped postcard receipt. The instant request included a copy of the divisional application as applicants maintain it was filed on December 1, 2003.

Applicants' evidence and arguments have been considered and found persuasive. The postcard evidence constitutes *prima facie* evidence of receipt of the papers denoted thereon. See MPEP

503. Furthermore, the papers listed thereon represent the papers re-supplied on instant request. Moreover, those papers constitute an application under 37 CFR 1.53(b). See 35 U.S.C. 111(a).

The application under 37 CFR 1.53(b) filed on December 1, 2003, has been assigned application No. 11/219,882. The divisional application papers submitted on instant request have been placed in the image file wrapper created for application No. 11/219,882. All further correspondence concerning the divisional application under 37 CFR 1.53(b) should be directed to application No. 11/219,882, not as a divisional application of 10/054,850.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. Application No. 11/219,882 has been processed as a divisional application of 10/054,850 filed under 37 CFR 1.53(b), with a filing date of December 1, 2003, using the copy of the original application papers submitted on February 14, 2005.

Applicants will receive a filing receipt and appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large initial "N" and a long, sweeping underline.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1400
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Paper No.

Phillip D. Freedman
Phillip D. Freedman PC
P.O. Box 19076
Alexandria, VA 22320

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SEP 12 2005

OFFICE OF PETITIONS

In re Application of :
Lander et al. :
Application No. 11/219,682 : ON PETITION
Filed: December 1, 2003 :
Title: PROCESS AND SYSTEM TO :
REDUCE MERCURY EMISSION :
:

This is in response to the "REQUEST TO RECONSTRUCT LOST FILE AND TO ACCORD FILING DATE" filed February 14, 2005, requesting that a divisional application be reconstructed and be accorded a filing date of December 1, 2003.

To the extent indicated herein, the request is GRANTED.

Applicants assert that on December 1, 2003, their representative hand filed a new divisional application of prior application No. 10/054,830 in the Office of Initial Patent Examination (OIPE) of the United States Patent and Trademark Office. (It is noted that applicants state that this is a different divisional application from the one filed December 1, 2003 and assigned application No. 10/724,251). In support thereof, applicants submit a copy of their itemized and date-stamped postcard receipt. The instant request included a copy of the divisional application as applicants maintain it was filed on December 1, 2003.

Applicants' evidence and arguments have been considered and found persuasive. The postcard evidence constitutes prima facie evidence of receipt of the papers denoted thereon. See MPEP

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Application Nos. 11/219,882

Page 2

803. Furthermore, the papers listed thereon represent the papers re-supplied on instant request. Moreover, those papers constitute an application under 37 CFR 1.53(b). See 35 U.S.C. 111(a).

The application under 37 CFR 1.53(b) filed on December 1, 2003, has been assigned application No. 11/219,882. The divisional application papers submitted on instant request have been placed in the image file wrapper created for application No. 11/219,882. All further correspondence concerning the divisional application under 37 CFR 1.53(b) should be directed to application No. 11/219,882, not as a divisional application of 10/054,880.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. Application No. 11/219,882 has been processed as a divisional application of 10/054,880 filed under 37 CFR 1.53(b), with a filing date of December 1, 2003, using the copy of the original application papers submitted on February 14, 2005.

Applicants will receive a filing receipt and appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 292-3219.


Nancy Johnson
Senior Patents Attorney
Office of Patents

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MAY 13 2010

OFFICE OF PETITIONS

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Patent No. 7,655,741 :
Issue Date: February 2, 2010 :
Application No. 11/219,902 : **DECISION ON PETITION**
Filed: September 6, 2005 :
Attorney Docket No. WAS0721PUSA :

This is a decision on the Request For "Certificate Of Correction", filed March 1, 2010, requesting correction on the Title Page of the subject patent, via issuance of a Certificate of Correction under 37 CFR 1.323, to add a second assignee's name. The Request is being treated as a Petition. A completed Certificate of Correction Form (PTO/SB/44) was submitted with the petition.

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

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

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

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

U.S. Patent No. 7,655,741
Application No. 11/219,902
Decision on Petition under 37 CFR 3.81

Page 2

The requisite \$100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464) as set forth under 37 CFR 1.17(i) have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 that was submitted with the 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. 7,655,741.


Brian W. Brown
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/17/07

Paper No.:

TO SPE OF : ART UNIT 3747

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/219912 Patent No: 7191753 B2

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

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

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

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:
Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

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

Comments: _____

STEPHEN K. CRONIN
SUPERVISORY PATENT EXAMINER

NK 6/14/06

[Signature]

SPE

3747
Art Unit



Ruben C. DeLeon
Winstead Sechrost & Minick P.C.
P.O. Box 50784
Dallas, TX 75201

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SEP 05 2006

OFFICE OF PETITIONS

In re Application of :
Carlos Javier et al. :
Application No. 11/219,934 :
Filed: September 6, 2005 :
Attorney Docket No. 43737-P004US :

**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 6, 2006.

The request is **APPROVED**.

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

The request was signed by Ross Garsson 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 or the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

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


David Buccj
Petitions Examiner
Office of Petitions

cc: Carlos Javier
Urb. Plan Bonito Calle #1 B-5
Cabo Rojo, PR 00623

cc: Rueben C. DeLeon
Akin Gump Strauss Hauer & Feld LLP
1700 Pacific Avenue
Suite 4100
Dallas, TX 75201



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ROPES & GRAY LLP
PATENT DOCKETING 39/41
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

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AUG 11 2008

In re Application of	:	
GONNELLI, et al.	:	
Application No. 11/219,944	:	DECISION ON PETITION
Filed: September 6, 2005	:	TO WITHDRAW
Attorney Docket No. BVTP-PO2-011	:	FROM RECORD
	:	

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

A Notice of Allowance has been mailed May 16, 2008 that requires a reply from the applicant.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: MARK LEWIS
VALERITAS, LLC
800 BOSTON TURNPIKE
SHREWSBURY, MA 01545



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MICHEAL P. MORRIS
BOEHRINGER, INGELHEIM USA CORPORATION
900 RIDGEBURY ROAD
RIDGEFIELD, CT 06877-0368

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MAR 25 2009

OFFICE OF PETITIONS

In re Application of :
Matthias Hoffmann, et al. :
Application No. 11/219,945 : DECISION GRANTING PETITION
Filed: September 6, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 01-1462-3-C3 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 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 May 30, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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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MICHAEL P. MORRIS
BOEHRINGER, INDELHEIM USA CORPORATION
900 RIDGEBURY ROAD
RIDGEFIELD, CT 06877-0368

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NOV 10 2009

OFFICE OF PETITIONS

In re Application of :
Matthias Hoffmann, et al. :
Application No. 11/219,945 : DECISION GRANTING PETITION
Filed: September 6, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 01-14623-C3 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 6, 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 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 regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

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

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



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GOUDREAU GAGE DUBUC
2000 MCGILL COLLEGE
SUITE 2200
MONTREAL, QC H3A 3H3
CANADA

Mail Date: 04/20/2010

Applicant : Jean-Francis Kisovec : DECISION ON REQUEST FOR
Patent Number : 7653146 : RECALCULATION of PATENT
Issue Date : 01/26/2010 : TERM ADJUSTMENT IN VIEW
Appliction No : 11/219,963 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/06/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1053** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

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JAN 21 2009

In re Application of :
Luxembourg et al. :
Application No. 11/219,967 : DECISION ON PETITION
Filed: September 6, 2005 :
Attorney Docket No. JJPR-0181 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 19, 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 Restriction Requirement mailed February 11, 2008, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 12, 2008. A Notice of Abandonment was mailed September 9, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response to the Restriction Requirement, (2) the petition fee of \$1,620.00 and (3) a proper statement of unintentional delay.

The request for change of correspondence address submitted by Joseph F. Shirtz has been accepted; however, it should be noted that the power of attorney remains with customer # 45511.

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

This application is being referred to Technology Center AU 1644 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



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HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON TX 75083

MAILED

AUG 11 2009

OFFICE OF PETITIONS

In re Application of :
SPURGEON, John et al. :
Application No. 11/219,985 :
Filed: September 06, 2005 :
Attorney Docket No. **SPUR-0001** :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 14, 2009.

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 HITT GAINES P.C. has been revoked by the assignee of the patent application on August 03, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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


Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **CHALKER FLORES, LLP**
2711 LBJ FRWY
SUITE 1036
DALLAS, TX 75234



CHALKER FLORES, LLP
2711 LBJ FRWY
Suite 1036
DALLAS TX 75234

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DEC 17 2009

OFFICE OF PETITIONS

In re Application of
John Spurgeon et al.
Application No. 11/219,985
Filed: December 6, 2005
Attorney Docket No. **JSPU:1000**

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 3, 2009, to make the above-identified application special based on applicant's health as set forth in MPEP § 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

The instant petition does not include a doctor's certificate or other medical certificate showing the state of health that will cause the applicant not to be able to be available to assist in the prosecution of the application if ran in its normal course. The evidence that was submitted with the petition does not substantiate the state of health of the applicant; it implicates the procedures that were administered upon the applicant. Therefore, the petition can not be granted at this time.

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).

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

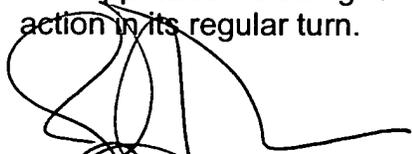
By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

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

The application is being forwarded to the Technology Center Art Unit 1797 for action in its regular turn.



JoAnne Burke
Petitions Examiner
Office of Petitions



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

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FEB 10 2006

In re Application of:	:	OFFICE OF PETITIONS
El-Kacimi et al.	:	
Application No. 11/219,989	:	DECISION DISMISSING
Filed: September 6, 2005	:	PETITION UNDER
For: PRESCALER FOR A PHASE-LOCKED	:	
LOOP CIRCUIT	:	

This is in response to the Petition Under 37 CFR § 1.47(a), filed December 16, 2005, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **dismissed**.

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

The above-identified application was filed on September 6, 2005, without, a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application, on October 13, 2005, requiring *inter alia*, a properly signed oath or declaration.

Applicant files the instant petition in response to the Notice and provides that, "although diligent effort has been made, Applicant's Attorney has been unable to locate[the nonsigning inventor]." Petition at p.1. The effort referred to in the petition consists of sending mail to the nonsigning inventor's last known address and having the mail returned as undelivered.

A copy of the envelop evidencing the returned mail is also enclosed. Id.

Applicable Law

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), applicant is advised that, where an inventor is unavailable (cannot be reached), while it is not required that the application be mailed, Petitioner must establish the exercise of diligent effort in trying to find or reach the nonsigning inventor. A statement of facts should be submitted from a person with first hand knowledge of the facts relied upon that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor. See, MPEP § 409.03(d).

Here, Applicant's provide that he sent mail to the last known address of the nonsigning inventor, and conclude that diligent efforts have been made.

At the very least, an Internet search, or a search of telephone directories should be undertaken of the regions where it is suspected the non-signing inventor may reside. Copies of the results of such searches must be referred to in any renewed petition. It is important that the forthcoming communication contain statements of fact as opposed to conclusions. See, MPEP § 409.03(d).

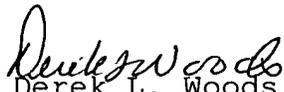
Further correspondence with respect to this matter should be addressed as follows:

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

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

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

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



Derek L. Woods

Attorney
Office of Petitions

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 April Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Technology Center AU 3714.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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 undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Technology Center.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

K&L Gates LLP
P.O. Box 1135
CHICAGO IL 60690

In re Patent No. 7,507,155 :
Mead et al. : DECISION ON
Application No. 11/219994 : REQUEST FOR
Issue Date: 03/24/2009 : RECONSIDERATION OF
Filing or 371(c) Date: 09/06/2005 : PATENT TERM ADJUSTMENT
Attorney Docket No. : UNDER 37 CFR 1.705
0112300-2919 :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(b), filed on May 21, 2009. Patentee requests that the determination of patent term adjustment be corrected from 583 days to 676 days. The Request is properly treated under 37 CFR 1.705(d).

The request for reconsideration of patent term adjustment is **GRANTED TO THE EXTENT INDICATED HEREIN.**

On March 24, 2008, the above-identified application matured into U.S. Patent No. 7,507,155. The patent issued with a PTA of 583 days. The present request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent.

Patentee contests the reduction of 120 days in connection with the petition filed November 5, 2008. Patentee argues that the petition was submitted 27 days after the mailing of the Notice of Allowance, dated October 9, 2008. Therefore, patentees aver that 27 days should be reduced from the PTA rather than 120 days.

Patentees' arguments have been carefully considered. A review of the record reveals that a petition; oath/declaration and Application Data Sheet ("ADS") were filed on November 5, 2008. A Decision on the petition was mailed February 12, 2009. Thereafter, the patent issued on March 24, 2009.

Submission of an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. *See*, 37 CFR 1.704(c)(1) and *Clarification of 37 CFR 1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, 1247 Off. Gaz. Pat.

Office 111 (June 26, 2001). *See, also*, MPEP 2737. The MPEP 2737 continues as follows: Papers that will be considered a failure to engage in reasonable efforts to conclude processing or examination of an application include: (1) a request for a refund; (2) a status letter; (3) amendments under 37 CFR 1.312; (4) late priority claims; (5) a certified copy of a priority document; (6) drawings; (7) letters related to biologic deposits; and (8) oaths or declarations. 37 CFR 1.704(c)(10) provides that in such a case the period of adjustment set forth in 37 CFR 1.703 shall be reduced by the lesser of: (1) the number of days, if any, beginning on the date the amendment under 37 CFR 1.312 was filed and ending on the mailing date of the Office action or notice in response to the amendment under 37 CFR 1.312 or such other paper; or (2) four months.

Here, the PTA was incorrectly reduced by a period of 120 days. However, in accordance with 37 CFR 1.704(c)(10)(i), the proper reduction is 100, beginning on the date the petition was filed November 5, 2008, and ending 100 days later, on the mail date of the Decision on petition, February 12, 2009.

In view thereof, it is concluded that the patent should have issued with a revised Patent Term Adjustment 603 days (703 days of Office delay reduced by 100 days of applicant delay).

Receipt is acknowledged of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Any request for reconsideration of this decision must be submitted within ONE MONTH of the mail date indicated herein. The time period for seeking reconsideration is not subject to extension under 37 CFR 1.136.

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 603 days.

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



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

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,507,155 B2

DATED : March 24, 2009

INVENTOR(S) : Mead 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 583 days.

Delete the phrase "by 583 days" and insert – by 603 days--



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VIKSINIS HARRIS & PADYS PLLP
P.O. BOX 111098
ST. PAUL MN 55111-1098

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MAR 01 2010

In re Application of :
Kurth : DECISION ON APPLICATION
Application No. 11/220,005 : FOR
Filed: September 6, 2005 : PATENT TERM ADJUSTMENT
Atty Docket No. 01330.016US1 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)," filed August 18, 2009. Applicant requests that the initial determination of patent term adjustment be corrected from six hundred eighty-three (683) days to six hundred ninety-nine (699) days.

The request for correction of the initial determination of patent term adjustment (PTA) is **DISMISSED**.

On May 18, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 683 days. On August 18, 2009, applicant timely¹ submitted an application for patent term adjustment. Applicant requests correction of the PTA to 699 days.

Applicant states that this patent is not subject to a terminal disclaimer.

Applicant asserts the patent term for the application should be 699 days because of alleged miscalculations under 37 CFR 1.703(e) and 37 CFR 1.704(b). Specifically, applicant asserts the PALM calculations do not take into consideration the certificate of mailing dates of a Notice of Appeal, filed February 8, 2007, and a response to a non-final Office action, filed May 5, 2006.

¹ The Issue Fee payment was also received on August 18, 2009.

Applicant's attention is directed to 37 CFR 1.703(f), which states, in pertinent part,

...The term of a patent entitled to adjustment under § 1.702 and this section shall be adjusted for the sum of the periods calculated under paragraphs (a) through (e) of this section, to the extent that such periods are not overlapping, less the sum of the periods calculated under § 1.704. The date indicated on any certificate of mailing or transmission under § 1.8 shall not be taken into account in this calculation.

The salient date for patent term adjustment calculation is the date of receipt of the correspondence in the Office. Certificate of mailing is not considered.

Therefore, pursuant to 37 CFR 1.703(e), any patent term adjustment in this application is entitled to an adjustment of 783 days for Office delay for the period beginning on February 8, 2007, the date the Notice of Appeal was filed, and ending on March 31, 2009, the date of issuance of a final decision in favor of applicant by the Board of Patent Appeals and Interferences.

Pursuant to § 1.704(b), any patent term adjustment in this application is subject to a reduction of 4 days for applicant delay for the period beginning on May 2, 2006, the day after the date that is three months after the mailing date of the February 1, 2006 non-final Office action, and ending on May 5, 2006, the date a reply was filed.

Pursuant to § 1.704(b), any patent term adjustment in this application is subject to a reduction of 96 days for applicant delay for the period beginning on November 5, 2006, the day after the date that is three months after the mailing date of the August 4, 2006 final Office action, and ending on February 8, 2007, the date the Notice of Appeal was filed.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance remains six hundred eighty-three (683) days (783 for Office delay minus 100 for applicant delay).

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

Applicant is reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicant approximately three weeks prior to issuance.

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

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

A handwritten signature in black ink that reads "Nancy Johnson". The signature is written in a cursive style with a large, looping initial "N".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

Mail Date: 05/24/2010

Applicant : Hideaki Mori : DECISION ON REQUEST FOR
Patent Number : 7626350 : RECALCULATION of PATENT
Issue Date : 12/01/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/220,006 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/06/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1043** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



**THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT – IP
SYCAMORE BUILDING -4TH FLOOR
299 EAST SIXTH STREET
CINNCINNATI, OH 45202**

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JUL 18 2008

OFFICE OF PETITIONS

In re Application of :
Fred SCHNAK, et al :
Application No. 11/220,014 : DECISION ON PETITION
Filed: September 6, 2005 :
Attorney Docket No. 8195/Z-35338Q :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 13, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 27, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 28, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1540; and (3) the required statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

This application is being referred to Technology Center 3723 for appropriate action by the Examiner in the normal course of business on the reply received March 13, 2008.

A handwritten signature in black ink, appearing to read "Thurman Page". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Thurman Page
Petitions Examiner
Office of Petitions

MAR 13 2008

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

Docket Number
Z-03538Q/8195

First Named Inventor: Fred Schnak

Application No.: 11/220,014

Art Unit: 3723

Filed: September 6, 2005

Examiner: Rachuba, Maurina T

Title: RAZORS

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 any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer – 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

Authorization is given to charge the required fee under 37 CFR 1.17(m), and any additional fees that may be required in connection with submission of this petition, or to credit any overpayment, to Deposit Account No. 07-1350 in the name of The Gillette Company.

2. Reply and/or Issue Fee

\$1540 to be charged

A. The reply to the last Communication from the Office in the form of an Amendment:

- has been filed previously on _____
- is enclosed herewith.

B. The issue fee(s)

- has been paid previously on _____
- transmittal form is enclosed herewith.

07/18/2008 CKHLOK 00000014 071350 11220014
01 FC:1453 1540.00 DA

3. Terminal disclaimer

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer disclaiming the required period of time is enclosed herewith.

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))].

March 13, 2008

Date

Joanne N. Pappas
Signature

Telephone Number: (617) 421-7074

Joanne N. Pappas

Registration Number, if applicable: 40,117 CUSTOMER NO.: 27752

Enclosures: Reply

Issue Fee(s) Transmittal Form

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

[Page 2 of 2]

Abandonment-Unintentional-Revival Petition.doc
Rev. 12/07



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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	: Fred Schnak	: DECISION ON REQUEST FOR
Patent Number	: 7637014	: RECALCULATION OF PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/220,014	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/06/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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



Commissioner for Patents
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BERNHARD P. MOLLDREM, JR.
224 HARRISON STREET
SYRACUSE, NY 13202

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JAN 09 2006

OFFICE OF PETITIONS

In re Application of :
Feldmeier, Robert H. :
Application No. 11/220,028 : **ON PETITION**
Filed: September 6, 2005 :
Attorney Docket No. 706.002PA :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 30, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

This matter is being referred to the Technology Center Art Unit 2611 for action on the merits commensurate with this decision.


Amelia Au
Petitions Examiner
Office of Petitions



BREGEN TECHNICAL CONSULTANTS L.L.C.
154 OLD CLINTON ROAD
FLEMINGTON NJ 08822

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APR 14 2009

In re Application of	:	OFFICE OF PETITIONS
BEZWADA, Rao S.	:	
Application No. 11/220,044	:	DECISION ON PETITION
Filed: September 06, 2005	:	TO WITHDRAW
Attorney Docket No. 5002	:	FROM RECORD
	:	

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 27, 2009.

The request is **APPROVED**.

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

The request was signed by Norma Bregen, the sole attorney of record. Norma Bregen has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Roa Bezwada at the address indicated below.

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

Tredelle Jackson
Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **RAO S. BAZWADA**
1 NEVIUS ROAD
WHITEHOUSE STATION NJ 08889



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3500 CITY CENTER TOWER II
301 COMMERCE STREET
FORT WORTH, TX 76102-4186

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OFFICE OF PETITIONS

In re Application of :
Bradford G. Corbett Jr. :
Application No. 11/220,054 :
Filed: September 6, 2005 :
Attorney Docket No. 20470.062-AP :

ON PETITION

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed March 16, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on June 17, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the formal drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received.

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

This matter is being referred to the Publishing Division for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



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Munck Carter/NSC
P.O. Drawer 800889
Dallas, TX 75380

Mail Date: 07/13/2010

Applicant : Daniel R. Meacham : DECISION ON REQUEST FOR
Patent Number : 7643809 : RECALCULATION of PATENT
Issue Date : 01/05/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/220,073 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/06/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1083** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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MR. MARTIN A. WEEKS
1909 ALADDIN
NORMAN, OK 73072

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NOV 09 2005

OFFICE OF PETITIONS

In re Application of	:	
Donald Gary Eichler	:	
Application No. 11/220,080	:	DECISION ON PETITION
Filed: September 6, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. EIC-P2005-002	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(i), filed September 6, 2005, to make the above-identified application special based on the invention materially enhancing the quality of the environment and energy, as set forth in M.P.E.P. § 708.02, Sections V and VI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(i) and MPEP § 708.02, Section V: Environmental Quality, must state that special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements. If the disclosure is not clear on its face that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required.

Applicant's invention may prevent gas spillage, however, there is no factual evidence that the invention is "materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic-life sustaining natural elements." The contribution of applicant's invention, while beneficial to the environment, does not rise to the level intended by the Rule.

A grantable petition to make an application special under 37 CFR 1.102(c)(ii) and MPEP § 708.02, Section VI: Energy, must state how the invention materially contributes to (A) the discovery or development of energy resources, or (b) the more efficient utilization and conservation of energy resources. If the disclosure is not clear on its face that the claimed invention materially contributes category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. No fee is required.

The statement that excess flow rates may occur when there has been a catastrophic break in a natural gas or a liquid petroleum gas pipeline. By shutting off the flow of gas through the safety valve is inadequate to establish that the invention materially contributes to the conservation of energy.

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

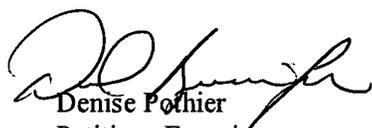
By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Wan Laymon 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 3753 for action in its regular turn.


Denise Pothier
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

HDLS Patent & Trademark Services
P.O. BOX 220746
CHANTILLY VA 20153-0746

MAILED

JUL 06 2010

In re Application of	:	OFFICE OF PETITIONS
Chao-Lien Lin et al.	:	
Application No. 11/220,084	:	ON PETITION
Filed: September 6, 2005	:	
Attorney Docket No. P040078LOZ1US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 4, 2010, to revive the above-identified application.

This application became abandoned for failure to timely submit corrected drawings on or before May 5, 2009, as required by the Notice of Allowability, mailed February 5, 2009. Accordingly, the date of abandonment of this application is May 6, 2009.

The petition is **DISMISSED**.

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

As to Item (3)

Petitioner has provided an s-signature of “**Jimmy Shih**” and printed name of “**Chun-Ming Shih**” on the instant petition. However, the s-signature does not coincide with the practitioner of record. Therefore, since the s-signature does not comply with 37 CFR 1.34 the statement of delay is not acceptable. In this regard, “when a patent practitioner acting in a representative capacity appears in person or signs a paper in practice In filing such a paper, the patent practitioner must set forth his or her registration number, his or her name and signature.” See 37 CFR 1.34 and MPEP § 402. Accordingly, the instant petition is not grantable at this time.

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Oct. 22, 2008

TO SPE OF : ART UNIT 2851

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/220092 /7387392

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

**Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580**

Magdalene Talley
Certificates of Correction Branch
703-308-9390 ext. 116

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____

Magdalene Talley
SPE, AU 2851



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

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

Mail Date: 04/20/2010

Applicant : Arokia Nathan : DECISION ON REQUEST FOR
Patent Number : 7569849 : RECALCULATION of PATENT
Issue Date : 08/04/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/220,094 : OF WYETH
Filed : 09/06/2005 :
:
:

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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION - WEST BLDG
WINTON HILL BUSINESS CENTER - BOX 412
6250 CENTER HILL AVENUE
CINCINNATI, OH 45224

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JUL 07 2008

OFFICE OF PETITIONS

In re Application of :
Fred Schnak, et al. :
Application No. 11/220,095 : DECISION ON PETITION
Filed: September 6, 2005 :
Attorney Docket No. 8193 / Z03536Q :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 20, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 7, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 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 an amendment, (2) the petition fee of \$1,540, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3724 for appropriate action by the Examiner in the normal course of business on the reply received December 20, 2007.


April M. Wise
Petitions Examiner
Office of Petitions



STRIKER, STRIKER & STENBY
103 EAST NECK ROAD
HUNTINGTON NY 11743

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NOV 04 2005

OFFICE OF PETITIONS

In re Application of
Dominik Buermann
Application No. 11/220,103
Filed: September 6, 2005
Attorney Docket No. 3405

:
: DECISION GRANTING
: PETITION
:

This is a decision on the filing date petition filed October 28, 2005. The petition is being treated under 37 CFR 1.57.

The application was filed on September 6, 2005. However, on September 27, 2005 the Office of Initial Patent Examination mailed a Notice to File Missing stating that the application had been accorded a filing date but that Figures 2 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner admits that Figure 2 was inadvertently omitted but argues that Figure 2 was included in the certified foreign priority document submitted on application. This argument is persuasive.

37 CFR 1.57 provides that a proper priority claim under 37 CFR 1.55 or 37 CFR 1.78 can also be considered an incorporation by reference of the prior filed application as to the inadvertently omitted portion of the specification or drawings.

The petition therefore is **GRANTED**. Since the petition was required to accord the requested filing date and since the error occurred through no wrongdoing on the part of the USPTO, the petition fee in the amount of \$400.00 has been charged to petitioner's deposit account and cannot be refunded.

This matter is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of September 6, 2005, using the application papers received in the Office on that date and with an indication in Office records that Figure 2, included with the foreign priority papers, upon filing, was a part of the original disclosure.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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

K&L Gates LLP
P.O. Box 1135
CHICAGO, IL 60690

Mail Date: 04/20/2010

Applicant : Anthony J. Baerlocher : DECISION ON REQUEST FOR
Patent Number : 7597621 : RECALCULATION of PATENT
Issue Date : 10/06/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/220,108 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/06/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **646** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

MAILED
MAY 26 2010
OFFICE OF PETITIONS

In re Application of :
Jaan T. LAASPERE, et al :
Application No. 11/220,113 : ON PETITION
Filed: August 31, 2005 :
Attorney Docket No. 09991-037001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 2, 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 August 10, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is November 11, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$1620; 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.

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 \$490 extension of time fee submitted with the petition on March 2, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No. 06-1050.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/644,699.

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

/DCG/

Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: DAVID L. FEIGENBAUM
FISH & RICHARDSON P.C.
BOSTON, MA 02110



CHRISTOPHER DEVRIES
General Motors Corporation
Legal Staff, Mail Code 482-C23-B21
P.O. Box 300
Detroit, MI 48265-3000

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SEP 30 2005

OFFICE OF PETITIONS

In re Application of	:
McCullough, et al.	: DECISION GRANTING
Application No. 11/220,118	: STATUS UNDER 37 CFR
Filed: September 6, 2005	: 1.47(a)
Docket No.: GP-303793	:
For: METHOD FOR ACCESSING	:
VEHICLE STATUS DATA AND	:
PERFORMING FEATURE	:
CUSTOMIZATION	:

This decision is in response to the petition under 37 CFR 1.47(a), filed September 6, 2005.

The petition under 37 CFR 1.47(a) is GRANTED.

Petitioners have shown that inventor Yuan Yuan Liu has refused to sign the declaration after having been presented with the application papers.

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

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

After this decision is mailed, the 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



Yuan Yuan Liu
40 New Port Parkway, Apt. 401
Jersey City, NJ 07310

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SEP 3 0 2005

OFFICE OF PETITIONS

In re Application of :
McCullough, et al. :
Application No. 11/220,118 : LETTER
Filed: September 6, 2005 :
Docket No.: GP-303793 :
For: METHOD FOR ACCESSING :
VEHICLE STATUS DATA AND :
PERFORMING FEATURE :
CUSTOMIZATION :

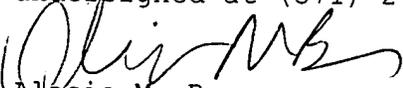
Dear Madam:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

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


Alesia M. Brown
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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CHRISTOPHER DEVRIES
General Motors Corporation
Legal Staff, Mail Code 482-C23-B21
P.O. Box 300
Detroit, MI 48265-3000

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DEC 22 2005

OFFICE OF PETITIONS

In re Application of :
McCullough, et al. : DECISION
Application No. 11/220,118 :
Filed: September 6, 2005 :
Dkt. No.: GP-303793 :

This decision is in response to the "REQUEST TO WITHDRAW PETITION FILED UNDER 37 CFR 1.47(a) INVENTOR WHO CANNOT BE REACHED TO SIGN APPLICATION And TRANSMITTAL OF DECLARATION," filed October 17, 2005.

The request is DISMISSED.

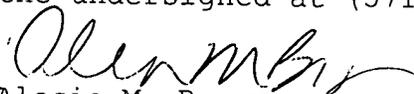
The above-identified application was filed September 6, 2005 without an executed oath or declaration and was accompanied by a petition under 37 CFR 1.47(a). A decision under 37 CFR 1.47(a) was rendered September 30, 2005 wherein status under Rule 47 was duly accorded.

Petitioners herein assert that the previously non-signing inventor has now executed the declaration and accordingly request withdrawal of the previous submission and a refund of the previously submitted petition fee.

Petitioners are advised that petitioners' request for withdrawal of the petition and a refund of the petition fee cannot be undertaken because a decision on the merits of the petition was rendered September 30, 2005. The declaration executed by the previously non-signing inventor has been placed in the application file.

This application is being forwarded to Technology Center 3600.

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


Alesia M. Brown
Petitions Attorney
Office of Petitions



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

MAILED

MAY 17 2010

OFFICE OF PETITIONS

In re Patent No. 7,576,173	:
Walsem et al.	:
Issue Date: August 18, 2009	:
Application No. 11/220,119	:
Filed: September 6, 2005	:
Attorney Docket No. 098104-0162	:
Title: SINGLE SOLVENT POLYMER	:
EXTRACTION METHODS	:
	:
	:
	:

:	DECISION ON REQUEST FOR
:	RECONSIDERATION OF
:	PATENT TERM ADJUSTMENT
:	AND NOTICE OF INTENT
:	TO ISSUE CERTIFICATE OF
:	CORRECTION
:	
:	
:	

This is a decision on the petition filed on October 16, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by five hundred sixty (560) days. Pursuant to their duty of candor and good faith to the Office, patentees' calculations include an eight-day reduction.

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 five hundred sixty-eight (568) days is **GRANTED to the extent indicated herein.**

A review of the record shows that a reduction of 8 days is not warranted, as the holding of abandonment was rescinded by the technology center.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

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

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **five hundred sixty-eight (568) days**.

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



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,576,173 B2

DATED : **August 18, 2009**

DRAFT

INVENTOR(S) : Walsem 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 274 days

Delete the phrase "by 274 days" and insert – by 568 days--



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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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THE WATSON INTELLECTUAL PROPERTY GROUP, PLC
3133 HIGHLAND DRIVE
SUITE 200
HUDSONVILLE MI 49426

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AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of :
Bernard Pinder. :
Application No.: 11/220124 : **ON PETITION**
Filing or 371(c) Date: 09/06/2005 :
Title of Invention: GOLF CLUB HAVING AN :
ADJUSTABLE SHAFT ANGLE :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 7, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 7, 2008. Accordingly, the date of abandonment of this application is May 8, 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 and the publication fee; (2) the petition fee; and (3) a proper statement of unintentional delay.

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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HUGH R. KRESS
BROWNING BUSHMAN P.C.
SUITE 1800
5718 WESTHEIMER
HOUSTON, TX 77057

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SEP 11 2007

OFFICE OF PETITIONS

In re Application of
Chee Wai Albert Lu, et al.
Application No. 11/220,131
Filed: September 6, 2005
Attorney Docket No. ASTR-2

ON PETITION

This is a decision in response to the petition, filed April 2, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

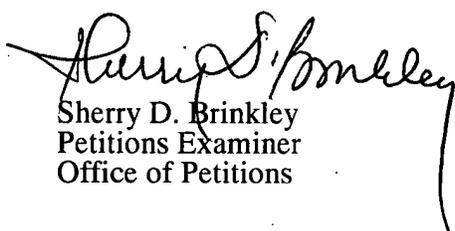
The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 9, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. On April 2, 2007 the present petition was filed. A Notice of Abandonment was subsequently mailed on April 13, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

The application is being referred to Technology Center AU 2812 for consideration of the response filed April 2, 2007.


Sherry D. Brinkley
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

MAILED
FROM DIRECTORS OFFICE

NOV 22 2005

TECHNOLOGY CENTER 3600

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

In re application of	:	DECISION ON PETITION
David S. Breed	:	TO MAKE SPECIAL
Application No. 11/220,139	:	(APPLICANT'S AGE)
Filed: September 6, 2005	:	
For: SYSTEM AND METHOD FOR VEHICLE	:	
DIAGNOSTICS	:	

This is a decision on the petition submitted on October 17, 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 Alvin Koningsberg indicating that he is at least 65 years of age.

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

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

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



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

RAR/dcg: 11/7/05

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090301

DATE : March 2, 2009

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction on Patent No.: 7236016

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: /Donovan Lincoln/

Art Unit 2816



DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
701 FIFTH AVENUE, SUITE 6100
SEATTLE, WA 98104-7043

COPY MAILED
MAR 15 2010

In re Patent No. 7,236,016 : DECISION DISMISSING PETITION
Issue Date: June 26, 2007 : UNDER 37 CFR 1.78(a)(3) AND
Application No. 11/220,202 : REQUEST FOR CERTIFICATE OF
Filed: September 6, 2005 : CORRECTION
Attorney Docket No. 2008.003297/99-0784.01 :

This is a decision on the petition, filed May 29, 2009 under 37 CFR 1.78(a)(3), seeking to add claims for priority under 35 U.S.C. § 120 to nonprovisional Applications by way of a certificate of correction since this case issued prior to the rendering of a decision on this petition.

The petition is **dismissed**.

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 September 6, 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.

The instant petition lacks item (1) and a proper certificate of correction.

The certificate of correction filed May 29, 2009 is improper. The certificate of correction covers two separate issues; therefore, Petitioner should file a separate paper for each certificate of correction issue.

The applicant must have the certificate of correction amend the first sentence of the specification. Moreover, it is not sufficient to just identify all of the prior applications in the chain. To be proper, the appropriate references must have actually been made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A.

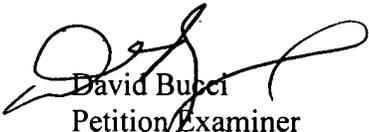
Further correspondence with respect to this matter should be addressed as follows:

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 Irvin Dingle at (571) 272-3210.


David Bucel
Petition Examiner
Office of Petitions

7-27-09



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Patent No. : 7,470,654 B2
Application No: 11/220,218
Inventor(s) : Fabrizio Meli, et. al.
Issued : December 30, 2008
Title : COMPOSITION COMPRISING A SURFACE DEPOSITION
ENHANCING CYCLIC ANIME-BASED CATIONIC POLYMER

Re: Request for Certificate of Correction

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

Respecting the alleged error, the inventor's name (s) is printed in accordance with the Declaration submitted at the time of filing the application. There is no sub-declaration or post card receipt adding or deleting inventor's name under Rule 1.324. Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 224 and the Code of Federal Regulation (C.F.R.) 1.322.

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

However, your attention is directed to C.F.R. 1.324, wherein a request is being made to add or delete inventor(s), after issuance of the patent, which a decision is rendered on, by the Supervisory Patent Examiner.

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

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext.114

The Procter & Gamble Company
Intellectual Property Division
Sycamore Building
299 East Sixth Street, 4th Floor
Cincinnati, OH 45202

ej



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

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

Mail Date: 05/12/2010

Applicant : Shirish Seetharam : DECISION ON REQUEST FOR
Patent Number : 7617448 : RECALCULATION of PATENT
Issue Date : 11/10/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/220,250 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/06/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1100** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



INSKEEP INTELLECTUAL PROPERTY GROUP, INC
2281 W. 190TH STREET
SUITE 200
TORRANCE CA 90504

COPY MAILED

OCT 28 2008

OFFICE OF PETITIONS

In re Application of :
Dale K. Hitt :
Application No. 11/220,289 : DECISION ON PETITION
Filed: September 6, 2005 :
Attorney Docket No. 625500-502 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 24, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 25, 2008. A Notice of Abandonment was mailed August 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 an Amendment, (2) the petition fee of \$1,620.00, and (3) an adequate statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 3752 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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DEAN D. SMALL
THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS, MO 63105

Mail Date: 04/21/2010

Applicant : David Thomas Gering : DECISION ON REQUEST FOR
Patent Number : 7623709 : RECALCULATION of PATENT
Issue Date : 11/24/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/220,329 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/06/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **987** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

Applicant	: James N. Mashak	: DECISION ON REQUEST FOR
Patent Number	: 7591267	: RECALCULATION OF PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/220,333	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/06/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **751** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



**BEESON SKINNER BEVERLY, LLP
ONE KAISER PLAZA
SUITE 750
OAKLAND CA 94612**

MAILED

JUL 06 2009

OFFICE OF PETITIONS

In re Application of :
Peter Y. Y. NGAI :
Application No. 11/220,357 : DECISION ON PETITION
Filed: September 06, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. D202N-111.B :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 11, 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 2885 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.


Michelle R. Eason
Paralegal Specialist
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/220,357, 09/06/2005, 2885, 1454, D202N-111.B, 20, 3

CONFIRMATION NO. 1657

CORRECTED FILING RECEIPT



767
BEESON SKINNER BEVERLY, LLP
ONE KAISER PLAZA
SUITE 750
OAKLAND, CA 94612

Date Mailed: 07/06/2009

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)

Peter Y.Y. Ngai, Alamo, CA;

Power of Attorney: The patent practitioners associated with Customer Number 00767

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/607,289 09/03/2004
and is a CIP of 11/150,843 06/10/2005
which claims benefit of 60/579,040 06/10/2004

Foreign Applications

If Required, Foreign Filing License Granted: 09/26/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/220,357

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Light diffuser element with brightness distribution control

Preliminary Class

362

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).



PORTER, WRIGHT, MORRIS & ARTHUR LLP
IP DOCKETING, ATTN: CHARMA MURPHY
28TH FLOOR
41 SOUTH HIGH ST.
COLUMBUS OH 43215-6194

MAILED

MAY 06 2010

OFFICE OF PETITIONS

In re Application of
Michael J. Day et al.
Application No. 11/220,361
Filed: September 6, 2005
Attorney Docket Number: 3995591-158876

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 March 5, 2010 for failure to timely pay the issue fee in response to the Notice of Allowance mailed December 4, 2009 which set a three month statutory period for response. The instant petition preceded the mailing of the Notice of Abandonment which was mailed March 22, 2010.

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

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

Patricia Faison-Ball
Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

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

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

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

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



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

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVEVLAND OH 44114

COPY MAILED

JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
Martin Weber :
Application No. 11/220,371 : DECISION ON PETITION
Filed: September 6, 2005 : UNDER 37 C.F.R. § 1.181(A)
Attorney Docket No. MC1-7822 :
Title: IMAGE PROCESSING :
APPARATUS AND METHODS :

This is a decision on the petition filed April 30, 2007,
pursuant to 37 C.F.R. § 1.181(a), to revive the above-identified
application.

37 C.F.R. § 10.18(a) sets forth:

For all documents filed in the Office in patent, trademark, and
other non-patent matters, except for correspondence that is
required to be signed by the applicant or party, each piece of
correspondence filed by a practitioner in the Patent and
Trademark Office must bear a signature, personally signed by such
practitioner, in compliance with § 1.4(d)(1) of this chapter.

The present petition has been reviewed, and it does not appear
that it has been executed.

For this reason, the petition under 37 C.F.R. § 1.181(a) is
DISMISSED.

Any reply must be submitted within **TWO MONTHS** from the mail date
of this decision. Extensions of time under 37 C.F.R. § 1.136(a)
are permitted. The reply should include a cover letter entitled
"Renewed Petition Under 37 C.F.R. § 1.181(a)." This is not a
final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail¹, hand-delivery², or facsimile³.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁴. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



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

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

3 (571) 273-8300- please note this is a central facsimile number.

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



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1300 EAST NINTH STREET, SUITE 1700
CLEVEVLAND OH 44114

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AUG 06 2007

In re Application of :
Martin Weber :
Application No. 11/220,371 :
Filed: September 6, 2005 :
Attorney Docket No. MC1-7822 :
Title: IMAGE PROCESSING :
APPARATUS AND METHODS :

OFFICE OF PETITIONS

DECISION ON RENEWED PETITION
UNDER 37 C.F.R. §1.181(A)

This is a decision on the petition filed July 5, 2007, pursuant to 37 C.F.R. §1.181(a), to revive the above-identified application.

BACKGROUND

The above-identified application became abandoned for failure to fully reply in a timely manner to the Notice of Missing Parts (first notice), mailed October 3, 2005, which set a shortened statutory period for reply of two months. The notice indicated that the basic filing fee, an executed oath or declaration along with the surcharge associated with the late submission of the same, a substitute specification, additional claim fees, the search fee, and the examination fee would be required. On December 5, 2005¹, the Office received an executed declaration, along with a check in the amount of \$65 (the surcharge associated with the late submission of the filing fee or an executed oath or declaration)).

An original petition was filed on April 30, 2007, which was dismissed via the mailing of a decision on June 25, 2007, as the original petition did not appear to have been executed.

¹ It is noted that the submission of December 5, 2005 contains a certificate of mailing dated December 1, 2005.

It is noted that this renewed petition has been properly executed.

The submission of December 5, 2005 has been reviewed, and it does not appear to have contained a substitute specification, any of the other required fees (other than the surcharge associated with the late submission of the filing fee or an executed oath or declaration), or an authorization to charge any fee deficiencies to a Deposit Account.

Consequently, the Office mailed a Notice of Incomplete Reply (Nonprovisional) (second notice) on December 12, 2005. This second notice indicated that the basic filing fee, a substitute specification, additional claim fees, the search fee, and the examination fee were required. This second notice did not extend the period for response to the first notice. No further response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were available. Accordingly, the above-identified application became abandoned on December 4, 2005. A notice of abandonment was mailed on April 13, 2007.

It is noted that the notice of abandonment incorrectly set forth that the application went abandoned for failure to timely or properly reply to the "Notice to File Missing Parts (Notice) mailed on 10/03/2005." The notice of abandonment should have set forth that the application went abandoned for failure to respond to the Notice of Incomplete Reply, mailed on December 12, 2005.

The Office regrets this error.

RELEVANT PORTIONS OF THE MPEP AND C.F.R.

§ 1.134 Time period for reply to an Office action.

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

[47 FR 41276, Sept. 17, 1982, effective Oct. 1, 1982; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

§ 1.135 Abandonment for failure to reply within time period.

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

[Paras. (a), (b), and (c), 47 FR 41276, Sept. 17, 1982, effective Oct. 1, 1982; para. (d) deleted, 49 FR 555, Jan. 4, 1984, effective Apr. 1, 1984; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

ANALYSIS

Petitioner has failed to establish that the holding of abandonment should be withdrawn.

Petitioner has asserted that a response was filed to the first notice of October 3, 2005, and has included a copy of a postcard receipt which contains a date stamp which evinces that this response was received in the Office on December 5, 2005.

However, as indicated above, the present application went abandoned for failure to respond to the notice of December 12, 2005. Petitioner's submission has not addressed the failure to respond to the notice of December 12, 2005, and as such, the petition under 37 C.F.R. §1.181 must be **DISMISSED**.

CONCLUSION

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition Under 37 C.F.R. 1.181." 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 Shanowski, and may be submitted by mail², hand-delivery³, or facsimile⁴.

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁵. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



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

3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

4 (571) 273-8300- please note this is a central facsimile number.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No. None

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVEVLAND OH 44114

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SEP 28 2007

OFFICE OF PETITIONS

In re Application of :
Martin Weber :
Application No. 11/220,371 : DECISION ON SECOND RENEWED
Filed: September 6, 2005 : PETITION UNDER
Attorney Docket No. MC1-7822 : 37 C.F.R. § 1.181(A)
Title: IMAGE PROCESSING :
APPARATUS AND METHODS :

This is a decision on the second renewed petition filed August 15, 2007, pursuant to 37 C.F.R. § 1.181(a), to revive the above-identified application.

The above-identified application became abandoned for failure to fully reply in a timely manner to the Notice of Missing Parts (first notice), mailed October 3, 2005, which set a shortened statutory period for reply of two months. The notice indicated that the basic filing fee, an executed oath or declaration along with the surcharge associated with the late submission of the same, a substitute specification, additional claim fees, the search fee, and the examination fee would be required. On December 5, 2005¹, the Office received an executed declaration, along with a check in the amount of \$65 (the surcharge associated with the late submission of the filing fee or an executed oath or declaration)).

The submission of December 5, 2005 failed to contain a substitute specification, any of the other required fees (other

¹ It is noted that the submission of December 5, 2005 contains a certificate of mailing dated December 1, 2005.

than the surcharge associated with the late submission of the filing fee or an executed oath or declaration), or an authorization to charge any fee deficiencies to a Deposit Account.

Consequently, the Office mailed a Notice of Incomplete Reply (Nonprovisional) (second notice) on December 12, 2005. This second notice indicated that the basic filing fee, a substitute specification, additional claim fees, the search fee, and the examination fee were required. This second notice did not extend the period for response to the first notice. No further response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were available. Accordingly, the above-identified application became abandoned on December 4, 2005. A notice of abandonment was mailed on April 13, 2007.

An original petition was filed on April 30, 2007, which was dismissed via the mailing of a decision on June 25, 2007, as the original petition did not appear to have been executed.

A renewed petition was filed July 5, 2007, which was dismissed via the mailing of a decision on August 6, 2007.

As set forth in the decision on the renewed petition,

the notice of abandonment incorrectly set forth that the application went abandoned for failure to timely or properly reply to the "Notice to File Missing Parts (Notice) mailed on 10/03/2005." The notice of abandonment should have set forth that the application went abandoned for failure to respond to the Notice of Incomplete Reply, mailed on December 12, 2005.

With this second renewed petition, Petitioner has asserted that the second notice of December 12, 2005 was not received, and has indicated that it was mailed to an address other than the address that appears on the declaration that was received on December 5, 2005.

Petitioner has further submitted, with this renewed petition, a plurality of fees, in response to the second notice of December 12, 2005.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Office of Initial Patent Examination (OIPE) will be notified of this decision so that the application may receive further processing. **OIPE will note that as of the mailing of this decision, it does not appear that Applicant has supplied a**

substitute specification, as required by both the notice of October 3, 2005 and the second notice of December 12, 2005.

The general phone number for OIPE is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.



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



PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

COPY MAILED

AUG 08 2007

OFFICE OF PETITIONS

In re Application of
Sovani Meksvanh, et al.
Application No. 11/220,391
Filed: September 7, 2005
Attorney Docket No. 04217-0316696

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 6, 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 E. Rico Hernandez on behalf of all attorneys of record who are associated with customer No. 00909.

All attorneys/agents associated with the Customer Number 00909 have been withdrawn.

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

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

There are no pending Office actions at the present time.

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



April M. Wise
Petitions Examiner
Office of Petitions

cc: SOVANI MEKSVANH
2635 HOLMAN AVENUE
SILVER SPRING, MD 20910

cc: DOUGLAS B. SWIFT
2823 MOSS AVENUE
MIDLAND, TX 79705


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
11/220,391	09/07/2005	Sovani Meksvanh	042017-0316696

CONFIRMATION NO. 1594

 909
 PILLSBURY WINTHROP SHAW PITTMAN, LLP
 P.O. BOX 10500
 MCLEAN, VA 22102


OC00000025206808

Date Mailed: 08/06/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/06/2007.

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : August 25, 2009

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/220400/7425557

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

FOR IFW FILES:

Check claims & formulas

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

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

FOR PAPER FILES:

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

**Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580**

Magdalene Talley

**Certificates of Correction Branch
703-308-9390 ext. 120**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____

[Signature]

SPE

1624
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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INTERNATIONAL TRUCK INTELLECTUAL PROPERTY COMPANY,
4201 WINFIELD ROAD
P.O. BOX 1488
WARRENVILLE, IL 60555

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OCT 15 2008

In re Application of : **OFFICE OF PETITIONS**
Bradley S. Carlson, et al. :
Application No. 11/220,435 : **DECISION GRANTING PETITION**
Filed: September 7, 2005 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. D5563 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 14, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 9, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 3683 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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



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United States Patent and Trademark Office
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PERKINS COIE LLP (BOEING)
P.O. BOX 1247
PATENT - SEA
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant : Jan A. Kordel : DECISION ON REQUEST FOR
Patent Number : 7611099 : RECALCULATION of PATENT
Issue Date : 11/03/2009 : TERM ADJUSTMENT IN VIEW
Appliction No : 11/220,446 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/07/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **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

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Milde & Hoffbert, LLP
10 Bank Street
Suite 460
White Plains, NY 10606

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MAY 24 2007

OFFICE OF PETITIONS

In re Application of	:	
Albert Brown	:	
Application No. 11/220,447	:	DECISION ON PETITION
Filed: September 7, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. BOOLEAN 201	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 13, 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**.

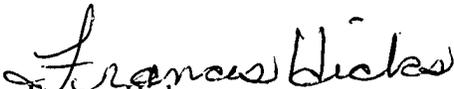
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a signed declaration by the applicant and a photocopy of driver's license. Accordingly, the above-identified application has been accorded "special" status.

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

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 2825 for action on the merits commensurate with this decision.


Frances Hicks
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	: Josef Alexander Hartl	: DECISION ON REQUEST FOR
Patent Number	: 7604539	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/220,470	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **302** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



FITZPATRICK, CELLA, HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

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SEP 04 2009

OFFICE OF PETITIONS

In re Application of :
Hirokazu Tamura, et al. :
Application No. 11/220,536 : DECISION GRANTING PETITION
Filed: September 8, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 00862.105481 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 3, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 20, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this should be directed to the Technology Center.

This application is being referred to Technology Center AU 2624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/25/10

Paper No.:

TO SPE OF : ART UNIT 2419

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/220539 Patent No.: 7322594 B2

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

FOR IFW FILES: Inventor's Name.

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

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

FOR PAPER FILES:

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

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

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

Comments: As I look through the Oath or Declaration, his signature is the same as his name in the request for correction. For some reason, his name is misspelled. Therefore, the request for correction in the certificate is approved.

/Phirin Sam/ PS



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OFFICE OF PETITIONS

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

In re Application of :
Miyong Kim, et al. :
Application No. 11/220,568 : **DECISION ON PETITION**
Filed: September 8, 2005 :
Attorney Docket No. 1793.1848 :

This is a decision in response to the petition, filed September 28, 2009, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

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

This application was held abandoned for failure to reply in a timely manner to the non-final Office action, mailed January 29, 2009. A Notice of Abandonment was mailed on September 11, 2009. On September 28, 2009, the present petition was filed.

Petitioner asserts that the Office action dated January 29, 2009 was not received.

A review of the application file reveals no irregularities in the mailing of the Office action of January 29, 2009. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Office action, petitioner must submit evidence to overcome this presumption. The following showing is required:

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

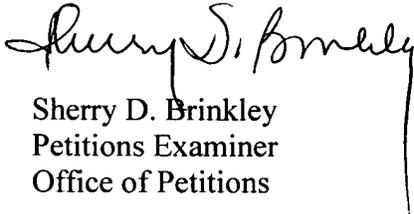
period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three month from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has adequately supported his claim of non-receipt with the evidence provided.

Accordingly, the Notice of Abandonment dated September 11, 2009 is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to Technology Center AU 2626 for appropriate action in the normal course of business on the reply received September 28, 2009.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions



OLIFF & BERRIDGE, PLC.
P.O. BOX 19928
ALEXANDRIA, VA 22320

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DEC 07 2005

OFFICE OF PETITIONS

In re Application of :
Iftime, et al. :
Application No. 11/220,572 :
Filed: September 8, 2005 :
Attorney Docket No. 124344 :

ON PETITION

This is a decision on the papers styled, "Petition For Filing Date and Response To Notice of Incomplete Nonprovisional Application," filed October 4, 2005, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of September 8, 2005.

The application was deposited on September 8, 2005. However, on September 26, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" which stated a filing date was not accorded and that the application was deposited without drawings.

In response, on October 4, 2005, the instant petition was filed.

Petitioner states, in pertinent part:

"The application as filed referred to two figures, Figures 1 and 2. However, the original application papers filed on September 8, 2005, did not include the referenced Figures 1 and 2. ...

However, omitted Figures 1 and 2 are 'not necessary for the understanding of the subject matter sought to be patented' as required by 35 U.S.C. § 113. Rather, the claimed invention is described in sufficient detail in the application as filed to fully support the claims. Accordingly, Figures 1 and 2 are not necessary for a complete understanding of the claimed invention."

It is noted that the petition contains the statement that drawings are not necessary and the petition is signed by a registered practitioner.

Furthermore, it is confirmed that the nonprovisional application contains a process claim that includes the term "method" in its' introductory phrase and therefore drawings are not required.

MPEP 608.02 states:

“An OIPE formality examiner should not treat an application without drawings as incomplete if drawings are not required. A drawing is not required for a filing date under 35 U.S.C. 111 and 113 if the application contains:

(A) at least one process claim including the term “process” or “method” in its introductory phrase;

Since the claims contain at least one process claim including the term “process” or “method” in its introductory phrase, drawings are not required in order to accord a filing date.

Accordingly, the petition is granted.

The petition fee will be refunded to deposit account no. 15-0461.

The application will be returned to the Office of Initial Patent Examination for processing with a filing date of September 8, 2005, with zero (0) drawings received on that date.

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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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

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OCT 30 2009

OFFICE OF PETITIONS

In re Application of :
Nozomi NOGUCHI, et al. :
Application No. 11/220,573 : DECISION GRANTING PETITION
Filed: September 8, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 125273 :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 21, 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 2626 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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



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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Mail Date: 07/29/2010

Applicant : Osamu Komoda : DECISION ON REQUEST FOR
Patent Number : 7663993 : RECALCULATION OF PATENT
Issue Date : 02/16/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/220,590 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/08/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **878** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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BANNER & WITCOFF, LTD.
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

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JUN 11 2009

OFFICE OF PETITIONS

In re Application of :
Hara et al. :
Application No. 11/220,600 :
Filed: September 8, 2005 :
Attorney Docket No. 126532 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 23, 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 Banner & Witcoff, LTD., has been revoked by the assignee of the patent application on April 17, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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



Alicia Kelley
Petitions Examiner
Office of Petitions

cc: OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850



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STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON DC 20005

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OFFICE OF PETITIONS

In re Application of :
Sung-Hee Hwang et al :
Application No. 11/220,609 : DECISION GRANTING PETITION
Filed: September 8, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1293.1754C1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 4, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

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

Karen Creasy
Karen Creasy
Petitions Examiner
Office of Petitions

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



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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant : Kevin T. Chan : DECISION ON REQUEST FOR
Patent Number : 7643804 : RECALCULATION of PATENT
Issue Date : 01/05/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/220,623 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/08/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **924** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 05/18/2010

Applicant : Kevin T. Chan : NOTICE CONCERNING IMPROPER
Patent Number : 7643804 : CALCULATION OF PATENT TERM
Issue Date : 01/05/2010 : ADJUSTMENT BASED UPON USPTO
Application No : 11/220,623 : IMPROPERLY MEASURING REDUCTION
Filed : 09/08/2005 : 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 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 **959** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154(b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).



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OFFICE OF PETITIONS

**WILMERHALE/NEW YORK
399 PARK AVENUE
NEW YORK NY 10022**

In re Application of :
Richard J. Rovinelli et al :
Application No. 11/220,638 : **ON PETITION**
Filed: September 8, 2005 :
Attorney Docket No. 110346.100US3 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 6, 2009, to revive the above-identified application.

The petition is **DISMISSED** as moot.

The petition is dismissed as moot in view of the Request For Continued Examination (RCE) and fee as noted on the Fee Worksheet (PTO-06) and the request for extension of time submitted on December 30, 2008.

The petition fee of \$810.00 submitted on January 6, 2009, is being credited to deposit account no. 08-0219 as authorized.

Additionally, the letter accompanying the petition on January 6, 2009, reference application no. 11/220,368 instead of 11/220,638.

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

This application is being referred to Technology Center AU 3686 for appropriate action by the Examiner in the normal course of business on the Request for Continued Examination of December 30, 2008.

A handwritten signature in black ink that reads "Karen Creasy". The signature is written in a cursive, flowing style.

Karen Creasy
Petitions Examiner
Office of Petitions



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DICKSTEIN SHAPIRO LLP
1633 Broadway
NEW YORK, NY 10019

Mail Date: 04/20/2010

Applicant : Takashi Horikawa : DECISION ON REQUEST FOR
Patent Number : 7577159 : RECALCULATION of PATENT
Issue Date : 08/18/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/220,639 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/08/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **885** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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MEREK, BLACKMON & VOORHEES, LLC
673 S. WASHINGTON ST.
ALEXANDRIA VA 22314

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JAN 20 2010

In re Application of	:	OFFICE OF PETITIONS
Bagley et al.	:	
Application No. 11/220,658	:	DECISION ON PETITION
Filed: September 8, 2005	:	
Attorney Docket No. B5FEA002.B17	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 24, 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 April 27, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 28, 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(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 none of the above items.

However, the petition must be signed by:

- (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.**

Further, only one of the two listed inventors has signed the instant petition. As discussed above, all of the inventors are required to sign the petition.

Further, the address given on the petition differs from the current 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.

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) 272-7751.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Roger Fearing
12267 Cherry Grove St.
Moorpark, CA 93021



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United States Patent and Trademark Office
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MEREK, BLACKMON & VOORHEES, LLC
673 S. WASHINGTON ST.
ALEXANDRIA VA 22314

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In re Application of :
Bagley et al. :
Application No. 11/220,658 : **DECISION ON PETITION**
Filed: September 8, 2005 :
Attorney Docket No. B5FEA002.B17 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 17, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 27, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 28, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment (previously submitted on November 24, 2009), (2) the petition fee of \$810.00, and (3) an adequate statement of unintentional delay.

The address given on the petition differs from the address of record. While, a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

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

This application is being referred to Technology Center AU 2457 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Robert N. Blackmon
2301 N. Powhatan St.
Arlington, VA 22205



MAR 20 2006

Davidson Berquist Jackson & Gowdey, LLP
4300 Wilson Boulevard, 7th Floor
Arlington, VA 22203

In re Application of:
Feldman
Serial No.: 11/220,674
Filed: September 8, 2005
Attorney Docket No.: 2657-0002

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed January 5, 2006, 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.

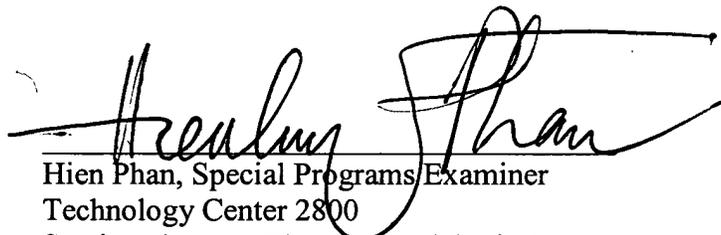
A grantable petition to make special under 37 C.F.R. § 1.102, and in accordance with M.P.E.P. § 708.02, Section IV, must include evidence showing that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a copy of a drivers license from the inventor, Bernard Feldman, showing that he is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Hien Phan at (571) 272-1606.


Hien Phan, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



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DEC 23 2009

OFFICE OF PETITIONS

**CANTOR COLBURN, LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD CT 06103**

In re Application of :
Bernard FELDMAN :
Application No. 11/220,674 : **DECISION ON PETITION**
Filed: September 08, 2005 :
Attorney Docket No. **PNK0505US** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 27, 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.

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 May 23, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is August 24, 2008.

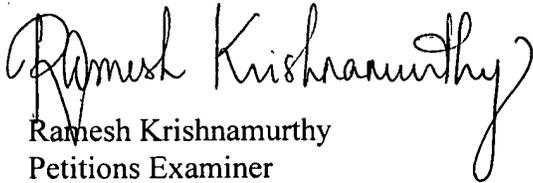
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a

reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

This application is being referred to Technology Center AU 2629 to await the filing of an appeal brief or for such appropriate reply as may be submitted to continue prosecution of the application.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 04/21/2010

Applicant	: Hiroyuki Futami	: DECISION ON REQUEST FOR
Patent Number	: 7573597	: RECALCULATION OF PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/220,700	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1007** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

Mail Date: 04/20/2010

Applicant	: Seok-Gyun Woo	: DECISION ON REQUEST FOR
Patent Number	: 7619891	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/220,721	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1103** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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**DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS MN 55402**

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OFFICE OF PETITIONS

In re Application of :
Mauer et al. :
Application No. 11/220,739 : DECISION ON PETITION
Filed: September 7, 2005 :
Attorney Docket No. Q325.101.102 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 31, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

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

This matter is being referred to Technology Center AU 3711 for further examination on the merits.


Liana Walsh
Petitions Examiner
Office of Petitions



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JUL 07 2008

OFFICE OF PETITIONS

ABELMAN FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

In re Application of
Thomas Hofbrucker et al
Application No. 11/220,750
Filed: September 6, 2005
Attorney Docket No. 207,088

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed August 1, 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 2, 2007. See MPEP 1215.04.

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

This matter is being referred to Technology Center AU 3721 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



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MURAMATSU & ASSOCIATES
114 PACIFICA, SUITE 310
IRVINE, CA 92618

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JUL 11 2008

OFFICE OF PETITIONS

In re Application of :
Kark K. Yoshifusa :
Application No. 11/220,755 :
Filed: September 7, 2005 :
Attorney Docket No. AIRPAQ.009AUA :

ON PETITION

This is a decision on the petition filed April 1, 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 October 4, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 5, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee 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.

The Revocation Power of Attorney and the change of correspondence address received with the petition on April 1, 2008 is not accepted. Communications received at the USPTO must be signed by one of the following 37 CFR 1.33(b) states:

“Amendments and other papers filed in the application must be signed by: (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 undivided 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.”

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210. This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions



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BO-IN LIN
13445 MANDOLI DRIVE
LOS ALTOS HILLS, CA 94022

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of
Ming **SUN, et al.**
Application No. 11/220,759
Filed: September 7, 2005
Attorney Docket No. **AOS-0505**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed November 3, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 8, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 9, 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 \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center Art Unit 2814 for consideration of the amendment filed November 3, 2008.

Inquiries regarding the status or examination of the application should be directed to the examiner.

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

Brian W. Brown
Petitions Examiner
Office of Petitions



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MAR 30 2007

MICHAEL F. PETOCK, ESQUIRE
46 THE COMMONS AT VALLEY FORGE
1220 VALLEY FORGE ROAD, P.O. BOX 856
VALLEY FORGE PA 19482

In re Application of:

Walter, Bryce

Serial No. 11/220,779

Filed: Sep. 7, 2005

Docket: 1042-2

Title:

**ANGLED AND OFFSET DRIVE
RATCHET EXTENSION**

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed Mar. 13, 2007 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed Feb. 22, 2007.

The petition is **Dismissed as moot**.

The examiner was instructed to construe the petition as a request for reconsideration. In finding petitioner's points of argument persuasive, the requested relief is granted. In view of the examiner's action, decision on the petition is moot and is dismissed.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS MOOT.

Frederick R. Schmidt, Director
Technology Center 3700

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198**COPY MAILED**

SEP 13 2006

OFFICE OF PETITIONS

In re Application of Jager et al. :
Application No. 11/220,785 : Decision Dismissing Petitions
Filing Date: September 6, 2005 : Under 37 CFR 1.78(a)(3) and (a)(6)
Attorney Docket No. NY-LUD 5923-US1 :

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed February 23, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**

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

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

The petition does not comply with item (1).

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v.

Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

By mail: Mail Stop 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 Steven Brantley at (571) 272-3203.



Francis Hicks
Lead Paralegal
Office of Petitions

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198**COPY MAILED**

DEC 15 2006

OFFICE OF PETITIONS

In re Application of Jager et al. :
Application No. 11/220,785 : Decision Granting Petition
Filing Date: September 6, 2005 : Under 37 CFR 1.78(a)(3) and (a)(6)
Attorney Docket No. NY-LUD 5923-US1 :

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed September 19, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **granted**

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

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

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

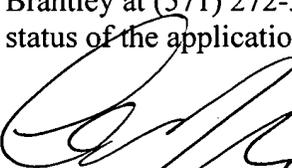
All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed applications under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

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

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

The application is being forwarded to Technology Center Art Unit 1642 for consideration by the examiner of the claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications and the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional applications.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 8 columns: APPL NO., FILING OR 371 (c) DATE, ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, DRAWINGS, TOT CLMS, IND CLMS. Row 1: 11/220,785, 09/06/2005, 1642, 1180, NY-LUD 5923-US1, 2, 21, 2

024972
FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198

CONFIRMATION NO. 4034
CORRECTED FILING RECEIPT
OC000000021617328
OC000000021617328

Date Mailed: 12/14/2006

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)

Elke Jager, Frankfurt Am Main, GERMANY;
Dirk Jager, Frankfurt Am Main, GERMANY;
Alexander Knuth, Frankfurt Am Main, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 024972.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/729,340 12/04/2003
which claims benefit of 60/430,869 12/04/2002
and is a CIP of 09/602,362 06/22/2000 PAT 6,911,529
which is a CIP of 09/451,739 11/30/1999 PAT 6,774,226

Foreign Applications

If Required, Foreign Filing License Granted: 10/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US11/220,785

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Isolated nucleic acid molecules encoding cancer associated antigens, the antigens per se, and uses thereof

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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CONLEY ROSE, P.C.
David A. Rose
P. O. BOX 3267
HOUSTON TX 77253-3267

MAILED
JUN 03 2009
OFFICE OF PETITIONS

In re Application of :
Holmes et al. : **DECISION ON PETITION**
Application No. 11/220,810 :
Filed: 09/07/2005 :
Attorney Docket No. CASE 7135 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 16, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper response to the nonfinal Office action mailed December 14, 2007, which set a three-month shortened statutory period to reply. The above-identified application became abandoned on March 15, 2008. A Notice of Abandonment was mailed July 28, 2008.

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

This application is being referred to Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the reply received on December 16, 2008.

Telephone 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



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CONLEY ROSE, P.C.
David A. Rose
P. O. BOX 3267
HOUSTON, TX 77253-3267

Mail Date: 07/23/2010

Applicant : Michael J. Holmes : DECISION ON REQUEST FOR
Patent Number : 7615101 : RECALCULATION of PATENT
Issue Date : 11/10/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/220,810 : OF WYETH
Filed : 09/07/2005 :
:
:

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.



RATNERPRESTIA
P O BOX 980
VALLEY FORGE PA 19482-0980

In re Application of: :
Namba, Aakihiko, et al. :
Serial No.: 11/220,815 :
Filed: Sep. 7, 2005 :
Docket: MAT-8400US1 :
Title: A METHOD FOR MANUFACTURING :
SURFACE ACOUSTIC WAVE DEVICE :

DECISION ON PETITION

This is a decision on the petition filed on Feb. 8, 2007 by which petitioner requests reconsideration and withdrawal of the restriction requirement mailed Aug. 8, 2006, and that non-elected claims be rejoined and examined on the merits. Claims 22, and 26-30 were elected for prosecution. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **DISMISSED as moot.**

Prosecution History:

A review of the record reveals that on August 8, 2006, an election of species requirement was made among Figs. 1(a), 2(a), 4(c), 6(b), 7(b), 7(d), 10(c), 11(a), 11(c) and 13(a). There was no generic claim presented. On Sep. 11, 2006, the applicant filed a response to the election of species requirement and elected with traverse, species of Fig. 2(a), claims 22, 26-30 for examination. The applicant argued that the claimed methods are directed to manufacturing a SAW device and it does not identify separate species in the application. Therefore, the election of species requirement was improper. On Nov. 3, 2006, the examiner made the election of species requirement final with the position that each of the species has a separate utility by itself. The examiner further stated that the searches required of the separate species would be non-coextensive and present divergent and distinct lines of patentability. On Feb. 8, 2007, the current petition was filed along with the amendment to the non-final Office action of Nov. 3, 2006, canceling all non-elected claims 23-25 and 31-48 and adding new claims 52-58. After the entry of the amendment of Feb. 8, 2007, there are only elected claims 22, 26-30 and 52-58 remain in the case. Subsequently, the examiner found those remaining claims 22, 26-30 and 52-58 allowable and allowed the application.

In the petition, petitioner argues that the election of species requirement should be rescinded because the requirement is not consistent with the applicant's claims and the relationship

between the figures and the claims is completely wrong. Petitioner further argues that the election of species requirement fails to provide any species corresponding to certain figures.

Discussion and Analysis

In the election of species requirement mailed on August 8, 2006, the examiner has stated various figures and the corresponding claims. It was also pointed out there was no generic claim presented. The election of species requirement was properly issued in accordance with 37 CFR 1.141¹. In response to the non-final Office action of Nov. 3, 2006, the applicant filed an amendment on Feb. 8, 2007 canceling all non-elected claims, 23-25 and 31-48 which were directed to other non-elected species. The applicant never disputed any of the elected claims were generic. On May 7, 2007, the examiner allowed the application without a generic claim present.

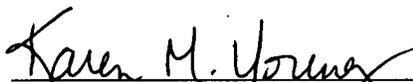
In view of the record, the restriction requirement rendered on August 8, 2006 is considered proper and stands. The examiner properly followed the guidelines set forth in MPEP 809.02(a). In light of the cancellation of the non-elected claims 23-25 and 31-48 in the amendment filed Feb. 8, 2007, the petition is considered moot and dismissed.

Conclusion

For the foregoing reasons, the relief requested by the petitioner will not be granted. The restriction requirement rendered on August 8, 2006 is considered proper. Petitioner's request to withdraw the election of species requirement in this application is dismissed. Since claims 22, 26-30 and 52-58 were allowed and matured in U.S. Pat. 7,246,421 on Jul. 24, 2007, the petition is considered moot and is dismissed.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

The petition is dismissed as moot.

for 

Frederick R. Schmidt, Director
Technology Center 3700

¹ § 1.141 Different inventions in one national application. (a) Two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form (§ 1.75) or otherwise include all the limitations of the generic claim.



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Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

Mail Date: 04/21/2010

Applicant	: Moo Ryong Jeong	: DECISION ON REQUEST FOR
Patent Number	: 7602757	: RECALCULATION OF PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/220,837	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/06/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **958** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Banner & Witcoff
1001 G Street NW, Suite 1100
Washington, DC 20001

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OFFICE OF PETITIONS

In re Application of	:	
Taimel KODAIR	:	
Application No. 11/220,842	:	DECISION ON PETITION
Filed: September 8, 2005	:	TO WITHDRAW
Attorney Docket No. 006582.00025	:	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 December 23, 2005 and re-submitted March 7, 2006.

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

A review of the file record indicates that the power of attorney to Christopher R. Glembocki and the attorneys associated with customer number 22907 has been revoked by the assignee of the patent application on February 27, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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



David Bucci
Petitions Examiner
Office of Petitions

cc: Harness Dickey & Pierce, PLC
P.O. Box 828
Bloomfield Hills, MI 48303



TIAJOLLOFF & KELLY
CHRYSLER BUILDING, 37TH FLOOR
405 LEXINGTON AVENUE
NEW YORK, NY 10174

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OFFICE OF PETITIONS

In re Application of	:	
Abraham Hasarchi	:	
Application No. 11/220,870	:	DECISION ON PETITION
Filed: September 6, 2005	:	TO WITHDRAW
Attorney Docket No. ELG-P-5067US2	:	FROM RECORD
	:	

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 6, 2007.

The request is **APPROVED**.

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

The request was signed by Andrew L. Tiajolloff on behalf of all attorneys of record who are associated with customer No. 43214.

All attorneys/agents associated with the Customer Number 43214 have been withdrawn.

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

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

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

There are no pending Office actions at the present time.

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


April M. Wise
Petitions Examiner
Office of Petitions

cc: ABRAHAM HASARCHI
GALIT 42 STREET
YAVNE 81502, ISRAEL

cc: EMPK & SHILOH, LLP
116 JOHN STREET
SUITE 1201
NEW YORK, NY 10038



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/220,870	09/06/2005	Abraham Hasarchi	ELG-P-5067-US2

CONFIRMATION NO. 5442

POWER OF ATTORNEY NOTICE



43214
EMPK & SHILOH, LLP
116 John St.
Suite 1201
New York, NY 10038

Date Mailed: 11/07/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/06/2007.

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

/amwise/

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



Tiajolloff & Kelly
Chrysler Building, 37th Floor
405 Lexington Avenue
New York, NY 10174

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OFFICE OF PETITIONS

In re Application of :

Stephan Riedel et al. :

Application No. 11/220,872 :

Filed: September 6, 2005 :

Attorney Docket No. ELG-P-7465-US :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29, 2007.

The request is **APPROVED**.

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

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

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

There is no outstanding Office action at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

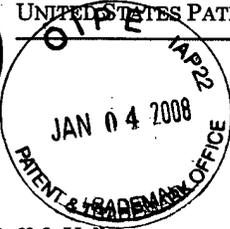
cc: **Stephan Riedel**
Charlottenstrasse 5
Dresden, 01099
Germany

cc: **Empk & Shiloh, LLP**
116 John Street
Suite 1201
New York, NY 10038

JFW



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Chrysler Building, 37th Floor
405 Lexington Avenue
New York, NY 10174

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OFFICE OF PETITIONS

In re Application of
Stephan Riedel et al.
Application No. 11/220,872
Filed: September 6, 2005
Attorney Docket No. ELG-P-7465-US

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29, 2007.

The request is **APPROVED**.

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

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

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

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Stephan Riedel**
Charlottenstrasse 5
Dresden, 01099
Germany

cc: **Empk & Shiloh, LLP**
116 John Street
Suite 1201
New York, NY 10038



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Commissioner for Patents
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P.O. Box 1450
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Patent No. : 7498060
Ser. No. : 11/220896
Inventor(s) : Fabio Biscarini et al.
Issued : 3/3/09
Title : A MEHTOD FOR CONTROLLING AT NANOMERIC SCALE THE
GROWTH OF THIN FILMS OF CONJUGATED ORGANIC MOLECULES
Docket No. :

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

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

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

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

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

Henry Randall
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

Klauber & Jackson
Continental Plaza
4th Floor
411 Hackensack Ave
HACKENSACK, NJ 07601

HR



Shoemaker and Mattare, Ltd.
10 Post Office Road – Suite 110
Silver Spring, MD 20910

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MAY 22 2008

In re Application of :
Pierre Vayda :
Application No. 11/220,917 :
Filed: September 8, 2005 :
Attorney Docket No. 5725 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 21, 2007, to revive the above-identified application.

The petition is **GRANTED**.

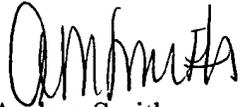
The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed May 2, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 3, 2007. A Notice of Abandonment was mailed on December 6, 2007.

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

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

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

This application is being referred to Technology Center AU 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.

A handwritten signature in black ink, appearing to read 'A Smith', written in a cursive style.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Charles Fallow
Shoemaker and Mattare, Ltd.
10 Post Office Road – Suite 100
Silver Spring, MD 20910

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

Docket Number (Optional)
5725

First named inventor: Vayda

Application No.: 11/220917

Art Unit: 1793

Filed: September 8, 2005

Examiner: McGuthry, Tima

Title: Improvements in Composite Briquettes for Electric Furnace Charge, and in their Method of Use

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ 770 (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 an RCE and an Amendment (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.

[Page 1 of 2]

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.

_____ /Charles Fallow/ Signature	_____ December 21, 2007 Date
_____ Charles W. Fallow Typed or printed name	_____ 28946 Registration Number, if applicable
_____ 10 Post Office Road, Suite 100 Address	_____ 301-589-8900 Telephone Number
_____ Silver Spring, Maryland 20910 Address	

- Enclosures: Fee Payment
 Reply
 Terminal Disclaimer Form
 Additional sheets containing statements establishing unintentional delay
 Other: RCE

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.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	11220917	Filing Date	2005-09-08	Docket Number (if applicable)	5725	Art Unit	1793
First Named Inventor	Vayda			Examiner Name	McGuthry, Tima		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

Other _____

Enclosed

Amendment/Reply

Information Disclosure Statement (IDS)

Affidavit(s)/ Declaration(s)

Other

Petition to Revive Unintentionally Abandoned Application

MISCELLANEOUS

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
 Deposit Account No 192110

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

Applicant Signature

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Charles Fallow/	Date (YYYY-MM-DD)	2007-12-21
Name	Charles W. Fallow	Registration Number	28946

This collection of information is required by 37 CFR 1.114. 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.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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.
11/220,917	09/08/2005	Pierre Vayda	5725	2856

26936 7590 12/06/2007
SHOEMAKER AND MATTARE, LTD
10 POST OFFICE ROAD - SUITE 110
SILVER SPRING, MD 20910

EXAMINER

MCGUTHRY BANKS, TIMA MICHELE

ART UNIT PAPER NUMBER

1793

MAIL DATE DELIVERY MODE

12/06/2007

PAPER

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

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

Notice of Abandonment

Application No. 11/220,917	Applicant(s) VAYDA, PIERRE	
Examiner Tima M. McGuthry-Banks	Art Unit 1793	

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

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 02 May 2007.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

ROY KING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

RAM Fee History
Query
Revenue Accounting and Management

Name/Number: 11220917

Total Records Found: 8

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
12/26/2007	00005858	<u>4</u>	<u>2453</u>	\$770.00	12/21/2007	DA 192110
12/26/2007	00005859	<u>4</u>	<u>2801</u>	\$405.00	12/21/2007	DA 192110
03/26/2007	00002108	<u>4</u>	<u>2252</u>	\$225.00	03/23/2007	DA 192110
12/01/2005	00000061	<u>1</u>	<u>2011</u>	\$150.00	11/30/2005	CK
12/01/2005	00000062	<u>1</u>	<u>2051</u>	\$65.00	11/30/2005	CK
12/01/2005	00000063	<u>1</u>	<u>2111</u>	\$250.00	11/30/2005	CK
12/01/2005	00000064	<u>1</u>	<u>2311</u>	\$100.00	11/30/2005	CK
12/01/2005	00000065	<u>1</u>	<u>2201</u>	\$100.00	11/30/2005	CK

Attorney/Agent Information for 11/220917

Customer # 26936

Attorney/Agent Name	Attorney/Agent Registration Number	Attorney/Agent Telephone Number
ROSENBERG, ALLEN	24946 (Attorney)	(703)415-0810
FALLOW, CHARLES	28946 (Attorney)	(301)589-8900

[Appln Info](#) | [Contents](#) | [Petition Info](#) | **Atty/Agent Info** | [Continuity/Reexam](#) | [Foreign Data](#) | [Invento](#)

Search Another: Application # [Search](#) or Patent# [Search](#)
PCT / / [Search](#) or PG PUBS # [Search](#)
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Bar Code # [Search](#)

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Correspondence Address for 11/220917

Customer Number	Contact Information	Address
26936 Delivery Mode: <u>PAPER</u>	Telephone: (301)589-8900 Fax: (301)589-8885 E-Mail: <u>INFO@SHOMAT.COM</u>	SHOEMAKER AND MATTARE, LTD 10 POST OFFICE ROAD - SUITE 110 SILVER SPRING MD 20910

Appln Info	Contents	Petition Info	Atty/Agent Info	Continuity/Reexam	Foreign Data
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Search Another: Application # **or Patent#**

PCT / **/** **or PG PUBS #**

Attorney Docket #

Bar Code #

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DECLARATION FOR PATENT APPLICATION

As the inventor named below, I declare that:

I believe I am the sole original and first inventor of the subject matter which is claimed and for which a patent is sought in application Ser. No. 11/220917, entitled "Improvements in Composite Briquettes for Electric Furnace Charge, and in their Method of Use";

I have reviewed and understand the contents of the above-identified specification, including the claims thereof, as amended by any amendment specifically referred to above;

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my own knowledge are true, all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that the making of willful false statements or the like is punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patents issued thereon.

POWER OF ATTORNEY: I hereby appoint all practitioners associated with Customer Number 26936 (Shoemaker and Martare) as my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Full name of inventor one:	Pierre Vayda
Residence address:	211-430 Pearl Street Burlington, ONT L7R 4J8 Canada
Citizen of:	Canada
Signature: 	Date: <u>November 1, 2005</u>



LSI CORPORATION
1621 BARBER LANE
MS: D-105
MILPITAS CA 95035

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MAR 26 2009

OFFICE OF PETITIONS

In re Application of :
Gerald Smith et al. :
Application No. 11/220,936 : DECISION ON PETITION
Filed: September 7, 2005 :
Attorney Docket No. 05-0973 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 19, 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 January 21, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed October 21, 2008. Accordingly, the date of abandonment of this application is January 22, 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.

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 JoAnne Burke at (571) 272-4584.

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

A handwritten signature in black ink that reads "Ramesh Krishnamurthy". The signature is written in a cursive style with a large, looping initial "R".

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Michael V. North
2479 E. Bayshore Road, Suite 707
Palo Alto, CA 94303



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

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

Mail Date: 04/21/2010

Applicant	: Conor S. Rafferty	: DECISION ON REQUEST FOR
Patent Number	: 7589380	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/220,942	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **347** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



OLYMPIC PATENT WORKS PLLC
401 SECOND AVE. SOUTH, SUITE 750
P.O. BOX 4277
SEATTLE WA 98194-0277

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MAR 02 2009

OFFICE OF PETITIONS

In re Application of :
WUNNER, Lukas :
Application No. 11/220,948 :
Filed: September 06, 2005 :
Attorney Docket No. 35051.001 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

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 act (2) noted in the above-identified certifications have been performed.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: LUKAS WUNNER
POSTFACH 210548
72028 TUEBINGEN
GERMANY



OLYMPIC PATENT WORKS PLLC
401 SECOND AVE. SOUTH, SUITE 750
P.O. BOX 4277
SEATTLE WA 98194-0277

MAILED

JUL 02 2009

In re Application of
WUNNER, Lukas
Application No. 11/220,948
Filed: September 06, 2005
Attorney Docket No. **35051.001**

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 05, 2009.

The request is **APPROVED**.

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

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

All future correspondence will be directed to the inventor Lukas at the address indicated below. There is an outstanding Office action mailed May 20, 2009 that requires a reply from the applicant.

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


Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **LUKAS WUNNER**
POSTFACH 210548
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GERMANY



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MAR 09 2010

OFFICE OF PETITIONS

IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
RESEARCH TRIANGLE PARK NC 27709

In re Application of :
Krzysztof R. Kobylinski et al. :
Application No. 11/220,963 :
Filed: September 07, 2005 :
Attorney Docket No. CA920050015US1 :

DECISION ON PETITION

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

The petition is **GRANTED**.

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

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the non-Final Office Action mailed June 1, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on September 2, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the required reply, unless previously filed; (2) the petition fee of \$1620 as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee of \$140 as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Accordingly, the reply to the non-Final Office Action mailed June 1, 2009 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand knowledge of the facts and circumstances of the delay at issue.

Application No. 11/220,963

Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant of 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

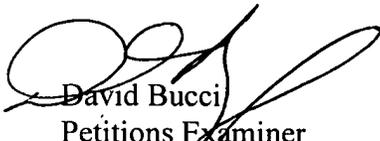
By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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

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

Telephone inquiries concerning this decision should be directed to Tammara Peyton at (571) 272-6052 or in his absence to the undersigned at (571) 272-3217.

The Application is being referred to Art Unit 2114 for further processing.


David Bucci
Petitions Examiner
Office of Petitions

Cc: Steven L. Nichols
10653 S. Riverfront Parkway, Ste 150
South Jordan, UT 84095



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OFFICE OF PETITIONS

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Patent No. 7,481,058 :
Issued: January 27, 2009 :
Application No. 11/220,984 : PATENT TERM ADJUSTMENT
Filed: September 8, 2005 :
Dkt. No.: 052218-0114 :

This is a decision on the “REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R §1.705”, filed February 2, 2009. This matter is being properly treated as an application for patent term adjustment pursuant to 37 CFR 1.705(d).

The request for reconsideration of patent term adjustment (PTA) is **DISMISSED**.

The above-identified application matured into U.S. Pat. No. 7,481,058 on January 27, 2009. The patent issued with a PTA 398 days. The request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See, 37 CFR 1.705(d). Patentees request that the patent term adjustment be increased from 398 days to 539 days.

Patentees request reconsideration 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 contend that pursuant to Wyeth, a PTO delay under 35 U.S.C. 154(b)(1)(A) overlaps with a delay under 35 U.S.C. 154(b)(1)(B) only if the delays occur on the same day.

Patentees maintain that the period of adjustment due to the three year delay by the Office, pursuant to 37 CFR 1.702(b), of 141 days and the period of adjustment due to examination delay, pursuant to 37 CFR 1.702(a)(1), of 398 days do not overlap-as these periods do not occur on the same day. The 141-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on September 8, 2005, and the patent having been issued on January 27, 2009. Patentees assert that in addition to this 141-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a)(1) of 398 days.

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

Patentees do not dispute that the total period of Office delay is the sum of the period of three years delay and the period of examination delay, to the extent that these periods of delay are not overlapping. However, in effect, patentees contend that no portion of the three year delay period overlaps with the period of examination delay. Accordingly, patentees submit that the total period of adjustment for Office delay is 539 days (the sum of the period of three year delay (141 days) and the period of examination delay (398 days), reduced by zero days of overlap. As such, patentees assert entitlement to a patent term adjustment of 539 days (141 days *plus* 398 days *less* zero days of overlap *less* zero days of applicant delay).

The Office agrees that as of the issuance of the patent on January 27, 2009, the application was pending three years and 141 days after its filing date. The Office agrees that certain action was not taken within a specified time frame, and, thus, the entry of a period of adjustment of 398 days is correct. At issue is whether patentees should accrue an additional 141 days of patent term adjustment for the Office taking in excess of three years to issue the patent as well as 398 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 141 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. S14,718¹.

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-

As such, the period for over three-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, September 8, 2005, to the date the patent issued on January 27, 2009. Prior to the issuance of the patent, 398 days of patent term adjustment were accorded for the Office failing to respond within a specified time frame during the pendency of the application.

The application actually issued three years and 141 days after its filing date. However, the Office did not delay 398 days and then delay an additional 141 days. Accordingly, 398 days of patent term adjustment (not 398 days and 141 days) was properly entered because the entire period of delay of 141 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 398 days attributable to grounds specified in § 1.702(a)(1). Entry of both periods is not warranted.

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

The Office acknowledges submission of the required application fee of \$200.00. See, 37 CFR 1.18(e). The request for refund of the required application fee is hereby DISMISSED. Submission of the application fee is a prerequisite prior to treatment on the merits of any application for patent term adjustment.

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



Alesia M. Brown
Petitions Attorney
Office of Petitions



**GIFFORD, KRASS, GROH, SPRINKLE &
CITKOWSKI, P.C.
PO BOX 7021
TROY MI 48007-7021**

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AUG 0 1 2006

OFFICE OF PETITIONS

In re Application of :
Ralph Barclay Ross :
Application No. 11/220,993 : **DECISION GRANTING FILING**
Filed: September 7, 2005 : **DATE OF SEPTEMBER 7, 2005**
Attorney Docket No. CAF33902/03 :

This is a decision on the petition filed November 29, 2005 under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of September 7, 2005.

The petition is **granted**.

The application was deposited on September 7, 2005. However, on September 29, 2005, the Office of Initial Patent Examination Division mailed a "Notice of Omitted Items," stating that Figures 8 and 9 were omitted from the application on filing.

In response, on November 29, 2005, the instant petition and a copy of Figures 8 and 9 as described in the specification were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of thirteen (13) sheets of drawings on September 7, 2005. A review of the application file indicates the presence of only eleven (11) sheets of drawings with the seventh and eighth sheets containing Figures 8 and 9 missing.

MPEP 503 states that "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, since the evidence supports the fact that the drawings (13 sheets) were in fact present on filing, the Notice mailed September 29, 2005 is vacated.

Since the drawings cannot be located in the Office, the copy of the drawings supplied on November 29, 2005, will be used for processing and examination purposes.

This application is being forwarded to the Office of Initial Patent Examination Division for processing with a filing date of **September 7, 2005**, and for an indication that the drawings (13 sheets Figures 1-16) were included on filing and for mailing of a corrected filing receipt.

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


Karen Creasy
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/220,997	09/07/2005	Louis A. Serafin JR.	LASCER-60X-US	3951
7590	01/28/2010			
Christopher John Rudy Ste. 8 209 Huron Ave. Port Huron, MI 48060			EXAMINER MONTANO, MELISSA ANN	
			ART UNIT	PAPER NUMBER
			3738	
			MAIL DATE	DELIVERY MODE
			01/28/2010	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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Christopher John Rudy
Ste. 8
209 Huron Ave.
Port Huron MI 48060

In re Application of:
SERAFIN, LOUIS A. JR. et al
Serial No.: 11/220,997
Filed: Sep. 7, 2005
Docket: LASCER-60X-US
Title: CERAMIC MANUFACTURES

DECISION ON PETITION

This is a decision on the petition filed on November 24, 2009 in which the petitioner requests reconsideration and withdrawal of the restriction requirement mailed on March 25, 2009. This petition is considered as pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **dismissed**.

The relevant part of the record shows that:

1. In the March 25, 2009 Office action, a restriction requirement was promulgated. The examiner held there were four patentable distinct inventions. The exact grouping of the claimed inventions is also identified in the petition.
2. On May 12, 2009, an election was made with traverse and arguments by the applicant were submitted. An amendment to the claims was also made. In particular, claims 17-19, 23-24, 26-27 and 29-32 were canceled. New claims 33-44 were added. In addition, the applicant elected the Group II inventions with claims 33-44 readable on the elected Group II invention.
3. On July 24, 2009, a Non-Final Office action was issued and the restriction requirement was repeated and made final.
4. On November 24, 2009, an amendment under Rule 1.111 was filed.
5. On November 24, 2009, the present petition was filed and petitioner requested the restriction requirement of March 25, 2009 be withdrawn.

Discussion and Analysis

In the petition, petitioner requests withdrawal of the restriction requirement imposed in the March 25, 2009 Office action. Petitioner also asserts that the restriction requirement was improper because petitioner believes there is no search burden in view of the fact that the present application is a CIP of PCT/US2004/006908. The parent PCT claims were not restricted by the PCT search authorities, including USPTO. Petitioner opines that no serious search burden can be shown if a similar search has already been conducted by the Office in the parent PCT application. Petitioner concludes that the restriction is improper.

In the instant application, petitioner did not argue that the claims if they are directed to independent or distinct invention. The only issue is whether or not the examiner has shown any serious search burden when the examiner has been provided with a copy of the international search report of the parent PCT application. The current CIP application is not a National Stage 371 application. Moreover, the international search report is a not binding opinion in a US patent application regarding the search fields and patentability determination in accordance with Article 33¹ of Patent Cooperation Treaty. The U.S. examiner is not bound by what the ISA has done and certainly the issues developed in the prosecution of the U.S. application can differ from the International Search Report (ISR) Furthermore, this application is only a continuation-in-part of PCT/US2004/006908 and was not filed under 35 USC § 371 and, therefore, the PCT Rules do not apply here.

In the petition, petitioner also argues the parent PCT application was searched by USPTO, there should not be any search burden in this US application. This line of arguments is purely speculative and totally ignores the potential search for the manufacturing a prosthetic implant of any sort which is not specific to the knee joint, femur or tibia. It should be noted that the elected Group II invention for the article of manufacture is a product by process claim and therefore includes some of the method classes which would not be included in the search for Groups III and IV inventions. For example, Group I invention requires prior art search in Class 264, Subclass 643 and Class 419 Subclasses 38, 42, 49. Group II invention requires a search in Class 264 Subclasses 642 and Class 427 and Subclasses 2.26-2.27, 528-531, and Class 623, Subclass 23, 56, 16.11, 19.11, 20.1, 21.11 and 22.11; Group III invention requires a search in Class 623, Subclass 20/14 and Class 501 subclass 134. Finally, Group IV invention requires a search in Class 623, Subclass 20.32-20.34 and 20.35-20.36. Additionally, text search inquiries would involve different search applications for at least some of the grouped inventions. The potential additional classification and text searching also is a sufficient showing of serious burden existing

¹ Article 33 of PCT: The International Preliminary Examination (1) The objective of the international preliminary examination is to formulate a preliminary and non-binding opinion on the questions whether the claimed inventions appears to be novel, to involve inventive step (to be non-obvious), and to be industrially applicable. (2) For the purposes of the international preliminary examination, a claimed invention shall be considered novel if it is not anticipated by the prior art as defined in the Regulations. (3) For purposes of the international preliminary examination, a claimed invention shall be considered to involve an inventive step if, having regard to the prior art as defined in the Regulations, it is not, at the prescribed relevant date, obvious to a person skilled in the art. (4) For the purposes of the international preliminary examination, a claimed invention shall be considered industrially applicable if, according to its nature, it can be made or used (in the technological sense) in any kind of industry. "Industry" shall be understood in its broadest sense, as in the Paris Convention for the Protection of Industrial Property. (5) The criteria described above merely serve the purposes of international preliminary examination. Any Contracting State may apply additional or different criteria for the purpose of deciding whether, in that State, the claimed invention is patentable or not. (6) The international preliminary examination shall take into consideration all the documents cited in the international search report. It may take into consideration any additional documents considered to be relevant in the particular case.

in examining the claims together and is considered implied by the requirement as set up by the examiner. The different classifications and searches as provided by the examiner are sufficient to show serious burden. Therefore, the showing of the ISR in the corresponding PCT parent application does not unequivocally establish that there is no serious search burden in the U.S. application. These search areas are totally different and diverse. This is another indication that there is a serious search burden in accordance with MPEP 808.02(C)². Under the circumstances, in order to perform a quality examination in this application, since the inventions require a different field of search, the restriction for examination purposes as indicated is appropriate.

The examiner's restriction requirement mailed on Mar. 22, 2007 is proper. The request to have the restriction requirement withdrawn can not be granted. However, if the examiner should find any independent product claim(s) allowable, then, other withdrawn claims will be rejoined and allowed together (see page 6 of the Office action mailed on March 25, 2009).

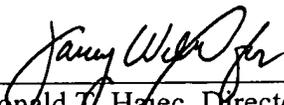
Conclusion

For the reasons outlined above, the restriction requirement imposed in the March 25, 2009 Office action and made final in the July 24, 2009 Office action is in accordance with proper Office procedure. Accordingly, the restriction requirement of November 25, 2009 stands. The requested relief to withdraw the restriction requirement will not be granted.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3738 for further examination and consideration of the latest amendment filed on November 24, 2009. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

Accordingly, the petition is dismissed



Donald V. Hajec, Director
Technology Center 3700

² MPEP 808.02 Establishing Burden [R-5] (C) A different field of search: Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different classes/subclasses or electronic resources, or employing different search queries, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/220,997 09/07/2005 Louis A. Serafin JR. LASCER-60X-US 3951

7590 04/16/2010
Christopher John Rudy
Ste. 8
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Port Huron, MI 48060

EXAMINER

MONTANO, MELISSA ANN

ART UNIT PAPER NUMBER

3738

MAIL DATE DELIVERY MODE

04/16/2010 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.

Christopher John Rudy
Ste. 8
209 Huron Ave.
Port Huron MI 48060

In re Application of:
SERAFIN, LOUIS A. JR. et al
Serial No.: 11/220,997
Filed: Sep. 7, 2005
Docket: LASCER-60X-US
Title: CERAMIC MANUFACTURES

DECISION ON PETITION

This is a decision on the renewed petition filed on March 29, 2010 in which the petitioner requests reconsideration of earlier decision of January 28, 2010 and withdrawal of the restriction requirement mailed on March 25, 2009. This petition is considered as pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **denied**.

Discussion and Analysis

The relevant facts have been stated in the earlier decision and will not be repeated here. In the renewed petition, petitioner requests withdrawal of the restriction requirement imposed in the March 25, 2009 Office action because there is no serious search burden. Petitioner further provides five arguments. They are: 1. the present application is a CIP of PCT/US2004/006908 and should carry some weight for search consideration; 2. there are linking claims presented and should be examined together; 3. many IDS were filed in the case, no serious search burden exists; 4. search fees were paid when the application was filed and 5. no lack of unity was found in the parent PCT case and the presence of linking claims, a proper search should include the non-elected claims.

Petitioner argues that the examiner did not dispute the fact there was no lack of unity found in the parent PCT application PCT/US2004/006908, therefore, the examiner must give weight to such finding in the PCT application. This line of argument is not persuasive because the current CIP application is not a National Stage 371 application. Moreover, the international search report is a not binding opinion in a US patent application regarding the search fields and patentability

determination in accordance with Article 33¹ of Patent Cooperation Treaty. The U.S. examiner is not bound by what the ISA has done and certainly the issues developed in the prosecution of the U.S. application can differ from the International Search Report (ISR). In this current CIP application, it is irrelevant whether a lack of unity was not found during the international phase. However, the record does show the examiner indeed has considered the PCT International Search Report of PCT application PCT/US2004/006908 as shown in the Office action of July 24, 2009. The examiner apparently did in fact give proper weight and consideration to the search report when examining the application. The examiner still held there is a serious burden of search of the non-elected claims.

With regard to non-elected linking claims, the examiner has already indicated that if any elected product claim(s) should be allowable, then, other withdrawn claims will be rejoined and allowed together (see page 6 of the Office action mailed on March 25, 2009). This is USPTO standard official procedure in restriction requirements involving linking claims. Currently, no claims are found allowable. Therefore, it is premature to address the rejoinder of linking claims.

With regard to several IDS filed by the applicant during the course of examination and the search report of the parent PCT application PCT/US2004/006908, petitioner argues that there should not be any serious search burden remained. Petitioner also indicated that a search of a total 6778 patent documents is not a serious search burden. This line of arguments is purely speculative and totally ignores the potential search for the manufacturing a prosthetic implant of any sort which is not specific to the knee joint, femur or tibia. However, the record does show that the examiner indeed has properly considered each and every IDS filed in accordance with MPEP § 609 including the search report of the parent PCT application PCT/US2004/006908 as evidenced by the examiner's signature in the non-final Office action of July 24, 2009. It must be noted that the applicant's submission of prior art references in the IDS does not reduce or relieve the examiner's duty to conduct a complete and independent search of prior art in examination of the patent application.

In the renewed petition, petitioner also indicates that all fees have been paid when the current patent application was filed. The payment of fees is one of the statutory requirements in order to file a patent application. This payment of filing fee under 35 USC § 41 is acknowledged.

Finally, petitioner also argues that in view of no lack of the unity of the invention found in the parent PCT application PCT/US2004/006908, presence of linking claims, no extensive prior art search needed and the fees paid, a proper search for the elected embodiments would entail a

¹ Article 33 of PCT: The International Preliminary Examination (1) The objective of the international preliminary examination is to formulate a preliminary and non-binding opinion on the questions whether the claimed inventions appears to be novel, to involve inventive step (to be non-obvious), and to be industrially applicable. (2) For the purposes of the international preliminary examination, a claimed invention shall be considered novel if it is not anticipated by the prior art as defined in the Regulations. (3) For purposes of the international preliminary examination, a claimed invention shall be considered to involve an inventive step if, having regard to the prior art as defined in the Regulations, it is not, at the prescribed relevant date, obvious to a person skilled in the art. (4) For the purposes of the international preliminary examination, a claimed invention shall be considered industrially applicable if, according to its nature, it can be made or used (in the technological sense) in any kind of industry. "Industry" shall be understood in its broadest sense, as in the Paris Convention for the Protection of Industrial Property. (5) The criteria described above merely serve the purposes of international preliminary examination. Any Contracting State may apply additional or different criteria for the purpose of deciding whether, in that State, the claimed invention is patentable or not. (6) The international preliminary examination shall take into consideration all the documents cited in the international search report. It may take into consideration any additional documents considered to be relevant in the particular case.

search for those not elected. This line of arguments is not persuasive for the reasons stated above. It must be emphasized that the international search report is a not binding opinion in the current US patent application regarding the search fields and patentability determination. It must be noted that this U.S. patent application is a CIP of the PCT application PCT/US2004/006908. It is irrelevant whether a lack of unity was not found during the international phase. The examiner can still insist on a restriction requirement according to US patent practices even though one was not required in the parent international phase of PCT application, PCT/US2004/006908. The examiner's restriction requirement mailed on Mar. 25, 2009 is proper. The request to have the restriction requirement withdrawn will not be granted.

Conclusion

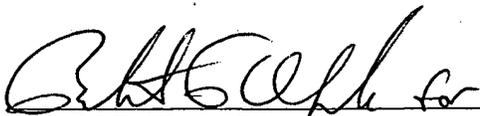
For the reasons outlined above, the restriction requirement imposed in the March 25, 2009 Office action and made final in the July 24, 2009 Office action is in accordance with proper Office procedure. Accordingly, the restriction requirement of March 25, 2009 stands. The requested relief to withdraw the restriction requirement will not be granted.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3738 for further examination and consideration of the latest amendment filed on November 24, 2009.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181" and directed to the Office of the Deputy Commissioner for Patent Examination Policy at Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. See MPEP 1002.02(b).

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

Accordingly, the petition is denied.



Donald T. Hajec, Director
Technology Center 3700



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

COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA, PA 19103-3508

COPY MAILED

OCT 24 2006

OFFICE OF PETITIONS

In re Application of	:	
BENNETT, et al.	:	
Application No. 11/221,001	:	DECISION ON PETITION
Filed: September 07, 2005	:	TO WITHDRAW
Attorney Docket No. CORE0047US	:	FROM RECORD
	:	

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 13, 2006.

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

A review of the file record indicates that the power of attorney to COZEN O'CONNOR, P.C. has been revoked by the assignee of the patent application on June 29, 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 Patricia Volpe at 571-272-6825.

David Bucci
Petitions Examiner
Office of Petitions

cc: WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA PA 19103



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

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DEC 20 2005

OFFICE OF PETITIONS

In re Application of :
Lee et al. : DECISION GRANTING PETITION
Application No. 11/221,007 :
Filed: September 8, 2005 :
Attorney Docket Number: 12576-7019 :
Title of Invention: Apparatus For Treating Thin :
Film and Method of Treating Thin Film :

This is a decision on the petition under 37 CFR 1.10 (c) filed on November 14, 2005, requesting that the above-identified application be accorded a filing date of August 24, 2005, rather than the presently accorded filing date of September 8, 2005.

Petitioner contends the application was deposited in Express Mail service on August 24, 2005. In support, petitioner supplied a copy of Express Mail receipt No. EV463629487US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). A review of the United States Postal Service's Express Mail Information Database shows the Express Mail package was accepted by the United States Postal Service on August 24, 2005.

In view of the above, the petition is **Granted**. The petition fee will be refunded to deposit account 23-1925.

The application is being forwarded to Office of Initial Patent Examination for correction of the filing date to **August 24, 2005** and issuance of a corrected Filing Receipt.

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


Charlema R. Grant
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03/23/09

Paper No.: _____

TO SPE OF : ART UNIT 3749 (3700)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/221,013 Patent No.: 7,275,985

Attn: Helena Kosanovic

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

**Certificates of Correction Branch (C of C)
South Tower - 9A22
Palm Location 7580**

***Ok to enter additional claims? 22, 25-28, 30, 33, 35-43, and how will they be renumbered? 1, 2 then 3 to 16?
For a total of 16 claims?**

It is OK to enter additional claims, see attached file for renumbering.

Helena Kosanovic.

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

Thank You For Your Assistance

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

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: OK to enter claims 22, 25-28, 30, 33, and 35-43. Claims renumbered as per attached sheet.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Steven B. McAllister/

3749

SPE

Art Unit

Old claim number	Proposed New claim number	As printed in 7,275,985
21	1	1
22	2	
25	3	
26	4	
27	5	
28	6	
43	7	
29	8	2
30	9	
33	10	
35	11	
36	12	
41	13	
42	14	
37	15	
38	16	
39	17	
40	18	



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Alexandria, Virginia 22313-1450
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ALLEGHENY TECHNOLOGIES
1000 SIX PPG PLACE
PITTSBURGH, PA 15222

Mail Date: 04/20/2010

Applicant : Craig M. Eucken : DECISION ON REQUEST FOR
Patent Number : 7625453 : RECALCULATION of PATENT
Issue Date : 12/01/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,015 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/07/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **458** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

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NOV 13 2006

OFFICE OF PETITIONS

In re Application of
BAZAN, et al.
Application No. 11/221,026
Filed: September 06, 2005
Attorney Docket No. 86173/8146

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 09, 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 Scott J. Menghini on behalf of all attorneys of record who are associated with customer No. 22242. All attorneys/agents associated with Customer Number 22242 have been withdrawn.

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

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

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

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

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: Guillermo C. Bazan
1068 Cheltenham
Santa Barbara, CA 93105

cc: Berliner & Associates, LLP
555 West Fifth Street, Suite 3100
Los Angeles, CA 90013


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/221,026	09/06/2005	Guillermo C. Bazan	86173/8146

David W. Maher, Ph.D.
 Fitch, Even, Tabin & Flannery
 120 South LaSalle Street, Suite 1600
 Chicago, IL 60603-3406

CONFIRMATION NO. 3611


OC000000021184987

Date Mailed: 11/09/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

- 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.

PATRICIA A VOLPE
 OP (571) 272-6825

FORMER ATTORNEY/AGENT COPY



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

MAILED

MAR 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Guillermo C. Bazan, et al.	:	
Application No. 11/221,026	:	DECISION ON PETITION
Filed: September 6, 2005	:	TO WITHDRAW
Attorney Docket No. 86173/8146	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

A review of the file record indicates that Fitch, Even, Tabin & Flannery does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

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

cc: GUILLERMO C. BAZAN
1068 CHELTENHAM
SANTA BARBARA, CA 93105



JACQUES M. DULIN, ESQ. DBA
INNOVATION LAW GROUP, LTD.
237 NORTH SEQUIM AVENUE
SEQUIM WA 98382-3456

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OCT 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Terry A. Layman	:	
Application No. 11/221,050	:	DECISION ON PETITION
Filed: September 7, 2005	:	TO WITHDRAW
Attorney Docket No. 7207-006US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 26, 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 Jacques M. Dulin on behalf of all attorneys of record who are associated with customer No. 35531.

All attorneys/agents associated with the Customer Number 35531 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.

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

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

The application became abandoned for failure to timely reply to the outstanding Office action mailed October 23, 2007.

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

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

cc: TERRY A. LAYMAN
137 KRUSE ROAD
PORT ANGELES, WA 98362



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/221,050	09/07/2005	Terry A. Layman	7207-006US

CONFIRMATION NO. 4061

POWER OF ATTORNEY NOTICE



OC00000032576027

35531
JACQUES M. DULIN, ESQ. DBA
INNOVATION LAW GROUP, LTD.
237 NORTH SEQUIM AVENUE
SEQUIM, WA 98382-3456

Date Mailed: 10/14/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/26/2008.

- 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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WALL & TONG, LLP/
ALCATEL-LUCENT USA INC.
595 SHREWSBURY AVENUE
SHREWSBURY, NJ 07702

Mail Date: 04/30/2010

Applicant : Andreas Benz : DECISION ON REQUEST FOR
Patent Number : 7609981 : RECALCULATION of PATENT
Issue Date : 10/27/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,068 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/07/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **847** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

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MAY 12 2008

In re Application of :
William Venezia :
Application No. 11/221,082 : **ON PETITION**
Filed: September 7, 2005 :
Attorney Docket No. KING-4340 :

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

The petition is **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 April 20, 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). 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.

As to item (1), an amendment after final Office action was submitted on petition. However, the examiner has determined the amendment does not place the application in condition for allowance. An advisory action accompanies this decision.

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) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions

Enclosure

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 11/221,082	Applicant(s) VENEZIO, WILLIAM R.	
Examiner DAVID J. PARSLEY	Art Unit 3643	

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

THE REPLY FILED 06 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

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

NOTICE OF APPEAL

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

AMENDMENTS

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

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s): _____.
6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-9 and 11-14.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

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

REQUEST FOR RECONSIDERATION/OTHER

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

/David J Parsley/
Primary Examiner, Art Unit 3643

Continuation of 11. does NOT place the application in condition for allowance because: applicant's arguments are not persuasive in that regarding the 35 U.S.C. 112 1st paragraph rejections applicant does not specifically disclose a gel as seen in applicant's specification and the term viscous liquid can be applied to other liquids than gels. Further, regarding the prior art rejections applicant does not supply any arguments pertaining to how the prior art references read on the claims in regards to claims 1-3 and 5-6. Further, regarding the prior art rejections of claims 7-9 and 11-13 the transitional phrase consisting essentially of is not as limiting as consisting of in that the claims are limited to the specified materials and those that do not materially affect the basic novel characteristics of the claimed invention and therefore it is deemed that pheremone of the device of Dodman US 5415131 is a material that does not affect the basic novel characteristics of the claimed invention. Therefore applicant's arguments are not persuasive.



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SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

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JUL 21 2008

OFFICE OF PETITIONS

In re Application of :
William Venezia :
Application No. 11/221,082 :
Filed: September 7, 2005 :
Attorney Docket No. KING-4340 :

ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 20, 2007. The final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on July 21, 2007. A Notice of Abandonment was mailed on December 6, 2007. A petition filed under 37 CFR 1.137(b) was dismissed on May 12, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$770; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/027,236.

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

Charlema Grant
Petitions Attorney
Office of Petitions



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Alexandria, VA 22313-1450
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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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JUN 06 2008

In re Application of	:	
HALLER , et al.	:	
Application No. 11/221,095	:	DECISION ON PETITION
Filed: September 6, 2005	:	TO WITHDRAW
Attorney Docket No. 585-0039US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 15, 2008.

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

A review of the file record indicates that the power of attorney to **FISH & RICHARDSON, PC** has been revoked by the assignee of the patent application on September 26, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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



Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **WONG CABELLO LUTSCH RUTHERFOR & BRUCCULER, LLP**
20333 SH 249, SUITE 600
HOUSTON, TX 77070



David W. Maher, Ph.D.
Fitch, Even, Tabin & Flannery
Suite 1600
120 South LaSalle Street
Chicago IL 60603-3406

COPY MAILED

JUL 26 2006

OFFICE OF PETITIONS

Applicant: Bazan et al.
Appl. No.: 11/221,123
Filing Date: October 11, 2005
Title: SOLUBLE CONJUGATED POLYMERS
Attorney Docket No.: 86171/8146
Pub. No.: US 2006/0040817 A1
Pub. Date: April 13, 2006

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on June 15, 2006, for the above-identified application.

The request is granted.

Applicant requests that the application be republished because the patent application publication contains a material error, as the Office published the priority application that was submitted along with the amendment filed December 21, 2005, in compliance with the rules.

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

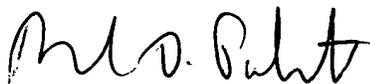
It is noted that the “copy of the priority application” is **not labeled as a copy of a priority application**, nor is it identified as copy of a priority application on the transmittal letter, which accompanied the papers. The transmittal letter identifies the papers as “[a] copy of the printed application.” It is noted that a copy of the provisional application is **not required** to comply with the rules to make amendments to the specification. The corrected patent application

¹Changes 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).

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

It would greatly benefit the Office if **applicant did not provide copies of the application papers**, which were previously submitted, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

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



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



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 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
11/221,123	09/06/2005	Guillermo C. Bazan	86171/8146

22242
 FITCH EVEN TABIN AND FLANNERY
 120 SOUTH LA SALLE STREET
 SUITE 1600
 CHICAGO, IL 60603-3406

CONFIRMATION NO. 4579
 OC000000021027764
 OC000000021027764

Date Mailed: 10/30/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

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

TERRI S. WILLIAMS

TERRI S WILLIAMS
 OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY



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THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

Mail Date: 04/21/2010

Applicant : Joon-Suh Kim : DECISION ON REQUEST FOR
Patent Number : 7580731 : RECALCULATION of PATENT
Issue Date : 08/25/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,128 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/07/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **785** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



TOLER LARSON & ABEL, LLP
5000 PLAZA ON THE LAKE, SUITE 265
AUSTIN, TX 78746

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DEC 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Xuming Xiong	:	
Application No. 11/221,144	:	DECISION ON PETITION
Filed: September 6, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1014-SP251	:	37 C.F.R. § 1.102(c)
	:	

This is a decision on the petition under 37 CFR 1.102(c), filed on November 15, 2005, to make the above-identified application special based on superconductivity technologies as set forth in M.P.E.P. § 708.02, Section IX.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c) and MPEP § 708.02, Section IX: Special Status for Patent Applications Relating to Superconductivity, must be accompanied by a statement that the invention involves superconductive materials. Examples of such inventions would include those directed to superconductive materials themselves as well as to their manufacture and application. No fee is required.

The instant petition includes a statement that "The above-identified application contains inventions involving superconductive materials." 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 1751 for action on the merits commensurate with this decision.


Amelia Au
Petitions Examiner
Office of Petitions



GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

MAILED

MAR 31 2009

In re Application of	:	OFFICE OF PETITIONS
Mark Hahm et al	:	
Application No. 11/221,145	:	DECISION ON PETITION
Filed: September 6, 2005	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. BP4634	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed March 9, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

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

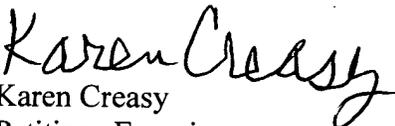
Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

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

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

Any questions concerning this matter may be directed to 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 2611 for consideration by the examiner of the claim under 35 U.S.C. §§120 and 119(e) of the prior-filed nonprovisional and provisional applications.


Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT : Corrected Filing Receipt



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/221,145, 09/06/2005, 2611, 1000, BP4634, 20, 3

51472
GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

CONFIRMATION NO. 5949
CORRECTED FILING RECEIPT



Date Mailed: 03/27/2009

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)

Mark David Hahm, Hartland, WI;
Li Fung Chang, Holmdel, NJ;
Nelson R. Sollenberger, Farmingdale, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 51472

Domestic Priority data as claimed by applicant

This application is a CIP of 10/228,165 08/26/2002
which claims benefit of 60/315,377 08/27/2001
This application 11/221,145
claims benefit of 60/703,209 07/28/2005

Foreign Applications

If Required, Foreign Filing License Granted: 09/26/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/221,145

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

WCDMA terminal baseband processing module having cell searcher module

Preliminary Class

375

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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PAUL D. GREELEY, ESQ.
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
10TH FLOOR
ONE LANDMARK SQUARE
STAMFORD CT 06901-2682

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
Alexander BIERBAUM, et al :
Application No. 11/221,158 : **DECISION ON PETITION**
Filed: September 7, 2005 :
Attorney Docket No. 20040901-2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 11, 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 1, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1540; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

This application is being referred to Technology Center AU 2856 for appropriate action by the Examiner in the normal course of business on the reply received September 11, 2008.


Thurman K. Page
Petitions Examiner
Office of Petitions

cc: JOSEPH V. GAMBERDELL, JR.
PERMAN & GREEN, LLP
425 POST ROAD
FAIRFIELD, CT 06824

RAM Fee History
Query
Revenue Accounting and Management

Name/Number: 11221158

Total Records Found: 7

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
09/11/2008	00012443	4	1453	\$1,540.00	09/11/2008	DA 501078
11/14/2005	00000024	1	1051	\$130.00	11/10/2005	CK
11/14/2005	00000025	1	8021	\$40.00	11/10/2005	CK
09/12/2005	00000171	1	1011	\$300.00	09/07/2005	CK
09/12/2005	00000172	1	1111	\$500.00	09/07/2005	CK
09/12/2005	00000173	1	1311	\$200.00	09/07/2005	CK
09/12/2005	00000174	1	1201	\$600.00	09/07/2005	CK

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. US 20040901-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s): Alexander Bierbaum
SERIAL NO.: 11/221,158 ART UNIT: 2856
FILING DATE: 7 September 2008 EXAMINER: Larkin,
D.S.
TITLE: LEAKAGE CHECKING AND CALIBRATING OF A LIQUID
DELIVERY SYSTEM
ATTORNEY DOCKET
NO.: 20040901-02

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

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

Applicant petitions for revival of this application and submits the following:

The reply to the outstanding Office Action;

The petition fee set forth in 37 CFR 1.17 (m) ; and

A statement that the entire delay was unintentional.

No terminal disclaimer is required because this utility application was filed after June 8, 1995.

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.

Please charge Deposit Account 50-1078 \$1540.00 for the petition fee.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 50-1078.

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. US 20040901-02

Respectfully submitted,



Joseph V. Gamberdell, Jr.
Reg. No. 44,695

11 September 2008
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800



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THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

Mail Date: 04/21/2010

Applicant : Jung-Hoon Cheon : DECISION ON REQUEST FOR
Patent Number : 7602735 : RECALCULATION of PATENT
Issue Date : 10/13/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,162 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/07/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1010** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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	: Jung-Hoon Cheon	: NOTICE CONCERNING IMPROPER
Patent Number	: 7602735	: CALCULATION OF PATENT TERM
Issue Date	: 10/13/2009	: ADJUSTMENT BASED UPON USPTO
Application No	: 11/221,162	: IMPROPERLY MEASURING REDUCTION
Filed	: 09/07/2005	: 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 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 **1050** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154(b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).



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

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NOV 28 2007

OFFICE OF PETITIONS

In re Application of :
Donald Cook Richardson :
Application No. 11/221,164 : DECISION ON PETITION
Filed: September 7, 2006 :
Attorney Docket No. TI-36085 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 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 pay the issue and publication fees and submit corrected replacement drawings on or before August 24, 2007, as required by the Notice of Allowance and Fee(s) Due and Notice of Allowability, mailed May 24, 2007, which set a statutory period for reply of three (3) months. Accordingly, this application became abandoned on August 25, 2007. A Notice of Abandonment was mailed on September 25, 2007.

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

1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition lacks item (3) above. In this regard, the statement of unintentional delay is not signed. Accordingly, before revival of this application can be effected, a properly executed statement of unintentional delay must be submitted, which should be made by way of a renewed petition under 37 CFR 1.137(b). No additional petition fee is required.

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

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

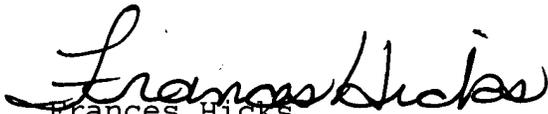
By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.



Frances Hicks
Petitions Examiner
Office of Petitions



TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

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JUN 03 2008

In re Application of
Donald Cook Richardson
Application No. 11/221,164
Filed: September 7, 2005
Attorney Docket No. TI-36085

OFFICE OF PETITIONS

ON PETITION

This is a decision on the Renewed petition under 37 CFR 1.137(b), filed March 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to pay the issue fee and provide corrected drawings in a timely manner in reply to the Notice of Allowance/Allowability mailed May 24, 2007, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on August 25, 2007.

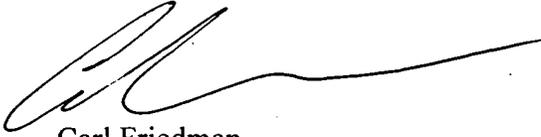
The petition decision mailed November 28, 2007 dismissed the petition filed September 24, 2007, noting that the requirements of 37 CFR 1.137(b)(3) were not met in that the statement of unintentional delay was unsigned.

The instant renewed petition includes a signed statement of unintentional delay.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee and corrected drawings; (2) the petition fee of \$1,500; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee and corrected drawings are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

The application file is being referred to the Office of Data Management.

A handwritten signature in black ink, appearing to be 'CF', with a long horizontal line extending to the right.

Carl Friedman
Petitions Examiner
Office of Petitions



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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
L.L.P.
20333 SH 249 6th Floor
HOUSTON, TX 77070

Mail Date: 04/21/2010

Applicant : Sergey Potekhin : DECISION ON REQUEST FOR
Patent Number : 7612793 : RECALCULATION of PATENT
Issue Date : 11/03/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,168 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/07/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1092** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**Robert O. Stuart
Six Sigma, Inc.
5951 Camelback Court
Indianapolis IN 46250**

COPY MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of
Robert O. Stuart et al.
Application No. 11/221,171
Filed: September 7, 2005
Attorney Docket No. MESA1

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:

**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 20, 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 **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 applicant Robert O. Stuart and a photocopy of a birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

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 2166 for action on the merits commensurate with this decision.

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions



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MAILED Paper No.

AUG 16 2006

Technology Center 2100

Michael B. McNeil
LIELL & McNEIL ATTORNEYS PC
P.O. Box 2417
Bloomington, IN 47402

In re Application of:
Robert O. Stuart
Application No. 11/221,194
Filed: September 7, 2005
For: MORE EFFICIENT SEARCH
ALGORITHM (MESA) USING VIRTUAL
SEARCH PARAMETERS

DECISION ON PETITION TO
MAKE SPECIAL UNDER 37
C.F.R. §1.102(c) AND MPEP
§708.02 (IV): APPLICANT'S
AGE

This is a decision on the petition, filed December 12, 2005, under 37 C.F.R. §1.102(c) and M.P.E.P. §708.02(IV): Applicant's Age, to make the above-identified application special.

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 a showing, as by a birth certificate or the applicant's statement, that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition does not include a copy of Robert O. Stuart's birth certificate or applicant's statement establishing that the applicant is sixty five (65) years of age or more.

Accordingly, the petition is **DENIED**.

James R. Matthews
701 Vincent Trans
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(571) 272-3613



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SEP 05 2008

Technology Center 2100

Michael B. McNeil
LIELL & McNEIL ATTORNEYS PC
P.O. Box 2417
Bloomington, IN 47402

In re Application of:
Robert O. Stuart
Application No. 11/221,194
Filed: September 7, 2005
For: MORE EFFICIENT SEARCH
ALGORITHM (MESA) USING VIRTUAL
SEARCH PARAMETERS

DECISION ON PETITION TO
MAKE SPECIAL UNDER 37
C.F.R. § 1.102(c) AND MPEP
§ 708.02 (IV): APPLICANT'S
AGE

This is a renewed decision on the petition, filed December 12, 2005, under 37 C.F.R. § 1.102(c) and M.P.E.P. § 708.02(IV): Applicant's Age, to make the above-identified application special.

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 a showing, as by a birth certificate or the applicant's statement, 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 Robert O. Stuart's statement establishing that applicant 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.

James R. Matthews

For Vincent Trans
Special programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(571) 272-3613



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/221,194	09/07/2005	Robert O. Stuart	MESA 2	5908

7590 06/15/2010
Robert O. Stuart
Six Sigma, Inc.
5951 Camelback Court
Indianapolis, IN 46250

EXAMINER

EHICHIOYA, FRED I

ART UNIT	PAPER NUMBER
2156	

MAIL DATE	DELIVERY MODE
06/15/2010	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.



Robert O. Stuart
Six Sigma, Inc.
5951 Camelback Court
Indianapolis, IN 46250

In re Application of:
STUART et al.
Application No. 11/221,194
Filed: September 7, 2005
For: MOST EFFICIENT SEARCH
ALGORITHM (MESA) USING VIRTUAL
SEARCH PARAMETERS

DECISION ON PETITION
UNDER 37 CFR § 1.48(a)

This is a decision on the petition, filed on 04 June 2010, under 37 C.F.R. § 1.48(a) to add Scott P. Stuart as a co-inventor for the above-identified application.

The petition is **DISMISSED**.

A review of the application indicates that Scott P. Stuart is listed as the co-inventor for the application.

For the above stated reason, the petition is DISMISSED and no correction has been made in this application.

/Vincent N. Trans/

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture and Software
571-272-3613



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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

MAILED

OCT 27 2009

In re Application of :
Phillip Emerson Alexander, et al. :
Application No. 11/221,195 :
Filed: September 7, 2005 :
Attorney Docket No. 67,097-293/EH-11606 :

OFFICE OF PETITIONS
DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(3)

This is a decision on the petition, filed October 26, 2009, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment. *See* 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

SPE: K. Bragdon

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/18/07

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/221,199 Patent No.: 7193034

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- Approved All changes apply.
- Approved in Part Specify below which changes do not apply.
- Denied State the reasons for denial below.

Comments: Error from omitted pages, but
correct in parent. So clear error.
O.K. to adjust

KATHLEEN KERR BRAGDON, PH.D.
SUPERVISORY PATENT EXAMINER

Kathleen Kerr Bragdon
SPE

1656
Art Unit



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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/21/2010

Applicant : Kenji Kojima : DECISION ON REQUEST FOR
Patent Number : 7625064 : RECALCULATION of PATENT
Issue Date : 12/01/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,227 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/07/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **635** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Mail Date: 04/21/2010

Applicant	: Eric D. Fox	: DECISION ON REQUEST FOR
Patent Number	: 7584884	: RECALCULATION OF PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/221,229	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/06/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **844** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

Mail Date: 04/20/2010

Applicant : Paul B. Patrick : DECISION ON REQUEST FOR
Patent Number : 7653008 : RECALCULATION of PATENT
Issue Date : 01/26/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,261 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/07/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1046** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**MAILED
FROM DIRECTORS OFFICE**

NOV 22 2005

TECHNOLOGY CENTER 3600

Galgano & Burke
Suite 35
300 Rabro Drive
Hauppauge, NY 11788

In re application of : **DECISION ON PETITION**
Joy Mangano : **TO MAKE SPECIAL**
Application No. 11/221,262 : **(ACCELERATED**
Filed: September 7, 2005 : **EXAMINATION)**
For: COMBINATION FLAT SHEET, FITTED SHEET:
AND BED SKIRT :

This is in response to the petition filed on September 7, 2005 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

The petition fails to adequately meet requirements (B) and (E) above. Regarding item (B), the petition fails to include an election without traverse, or a statement that ~~applicant is willing to elect without traverse should a restriction or election be required.~~ Regarding item (E) applicant has not presented a discussion of how the claimed subject matter patentably distinguishes over the cited references in accordance with 37 CFR 1.111 (b) and (c).

For the above stated reasons, the petition is **DISMISSED**.

Petitioner is given one more opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

Applicant should promptly submit a renewed petition to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



Randolph A. Reese
Special Programs Examiner
Technology Center 3600
571-272-6619

RAR/dew: 11/04/05



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MAR 08 2006

TECHNOLOGY CENTER 3600

Galgano & Burke
Suite 35
300 Rabro Drive
Hauppauge, NY 11788

In re application of : **DECISION ON PETITION**
Joy Mangano : **TO MAKE SPECIAL**
Application No. 11/221,262 : **(ACCELERATED**
Filed: September 7, 2005 : **EXAMINATION)**
For: COMBINATION FLAT SHEET, FITTED :
SHEET AND BED SKIRT :

This is in response to the renewed petition filed on January 25, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have now been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special GRANTED.



Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
571-272-6619

KJD/dew: 02/10/06



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UNITED STATES DEPARTMENT OF COMMERCE
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K&L Gates LLP
P.O. Box 1135
CHICAGO, IL 60690

Mail Date: 04/20/2010

Applicant : Richard M. Pennington : DECISION ON REQUEST FOR
Patent Number : 7651392 : RECALCULATION of PATENT
Issue Date : 01/26/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,266 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/07/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **285** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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FROM DIRECTOR'S OFFICE

SEP 28 2007

TECHNOLOGY CENTER 3600

Ansel M. Schwartz
Suite 304
201 N. Craig Street
Pittsburg, PA 15213

In re Application of:

G. Rory Paton-Ash et al.

Appl. No.: 11/221,272

Filed: September 7, 2005

For: Line Mine Roof Support Crib and Method

:PETITION TO INVOKE
:SUPERVISORY AUTHORITY
:UNDER 37 CFR 1.181

This is a decision on Applicant's Petition under 37 CFR 1.181 filed on May 15, 2007 to invoke supervisory authority.

The Petition is **DISMISSED**.

The Petitioner requests that the restriction requirement issued December 16, 2005 be rescinded.

A review of the application indicates that the Applicant filed a preliminary amendment on September 7, 2005 which canceled claims 1-25 and added new claims 26-37. The Examiner then issued a Restriction requirement on December 16, 2005 requiring the applicant to elect one of the patentably distinct species of Fig. 8, Fig. 9 and Fig. 10. The Petitioner then traversed the restriction requirement, but did not elect a species in a response dated April 20, 2006. On April 28, 2006, the Examiner sent a Notice of Non-Responsive amendment informing Petitioner that an election must be included with a statement of traversal. The Examiner also responded to Applicant's traversal arguments. On May 15, 2006 the Applicant fully responded with new grounds of traversal to the restriction requirement and concurrently filed this petition.

In the Office Action of July 31, 2006, the Examiner responded to new grounds of traversal and made the restriction requirement final.

This petition was not filed in a timely manner. 37 CFR 1.144 (Petition from requirement for restriction) states that the petition should be filed after a final requirement for restriction has been made.

Since the petition was filed before the restriction requirement was made final, the petition is being DISMISSED as not timely.

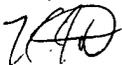
SUMMARY: The Petition is **DISMISSED**.

Any questions regarding this decision should be directed to Patricia Engle at 571-272-6660.



Donald T. Hajec, Director
Technology Center 3600
571-272-5150

DTH/ple : 3/14/07





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MAYER BROWN LLP
P.O. BOX 2828
CHICAGO IL 60690

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DEC 19 2007

In re Application of
BISHAI, et al.
Application No. 11/221,294
Filed: September 6, 2005
Attorney Docket No. **05118396**

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 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 Joseph A. Mahoney on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor William R. Bishai 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: **MR. THOMAS FITZPATRICK
HARPER LABORATORIES LLC
10 WEST 35TH STREET
CHICAGO, IL 60616**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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**DUANE MORRIS LLP – SAN DIEGO
101 WEST BROADWAY
SUITE 900
SAN DIEGO CA 92101-8285**

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of :
Garth J.S. COOPER, et al :
Application No. 11/221,298 : **DECISION ON PETITION**
Filed: September 7, 2005 :
Docket No. E3691-00193 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 8, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 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, (2) the petition fee of \$810; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 1614 for appropriate action by the Examiner in the normal course of business on the reply received January 12, 2010.

/DCG/

Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/221,300	09/07/2005	Roger Ben	421880-6	6310
27162	7590	04/21/2009		
CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN 5 BECKER FARM ROAD ROSELAND, NJ 07068			EXAMINER ZIMMERMAN, JOHN J	
			ART UNIT	PAPER NUMBER
			1794	
			MAIL DATE	DELIVERY MODE
			04/21/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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jm

Mailed: APR 21 2008

In re application of :
Roger Ben et al. : DECISION ON
Serial No. 11/221,300 : PETITION
Filed: September 7th, 2005 :
For: FAUX STAINLESS STEEL AND METHOD OF MAKING

This is a decision on the PETITION UNDER 37 CFR 1.181 TO REQUIRE ENTRY OF THE AMENDMENT TO THE SPECIFICATION AND CLAIMS submitted December 2nd, 2008.

On March 13th, 2007 an amendment after non-final was submitted with an amendment to the specification. The examiner responded to the amendment with an objection to the specification in the non-final office action on October 15th, 2008 citing new matter. On October 23rd, 2007 an amendment to the claims was submitted. In the non-final office action of October 15th 2008, the examiner responded with a rejection of the claims under 35 U.S.C. 112, 1st paragraph citing new matter. On December 2nd 2008, the instant petition under 37 CFR 1.181 was filed to formally request the entry of the amendment to the specification submitted on March 13th, 2007 and relief from the rejection of the claims under 35 U.S.C. 112, 1st paragraph.

DECISION

Section 608.04(c) of the MPEP states:

Where the new matter is confined to amendments to the specification, review of the examiner's requirement for cancellation is by way of petition. But where the alleged new matter is introduced into or affects the claims, thus necessitating their rejection on this ground, the question becomes an appealable one, and should not be considered on petition even though that new matter has been introduced into the specification also. 37 CFR 1.181 and 37 CFR 1.191 afford the explanation of this seemingly inconsistent practice as affecting new matter in the specification.

Section 1201 of the MPEP states:

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.

Applicant submitted an amendment to the specification, namely removing "The clear protective coating is not part of the present invention" from paragraph [00090]. Applicant argues that the sentence is merely a statement of what the inventors regard as their invention. The specification taken as a whole discloses the clear coating as a structure of the overall claimed invention therefore removal of the sentence does not negate the presence of the coating.

Applicant also requests relief from the rejection of claims 43, and 45-53 under 35 U.S.C 112 1st paragraph. While applicant refers to the "objection" of the claims, the examiner made a "rejection" under the statute citing new matter. Rejection of claims for alleged new matter is an appealable matter as outlined in the MPEP, and not one decided by petition. Notably, the alleged new matter of the claims is not commensurate with the alleged new matter noted in the objection to the specification.

Accordingly, applicant's request to have entry of the amendment to the specification filed March 13th, 2007 is granted. However, applicant's request to remove the rejection under 35 U.S.C. 112 1st paragraph rejection in the office action of October 15th, 2008 is deemed an appealable matter, not a petitionable matter. Therefore, this petition is **GRANTED-IN-PART** and **DISMISSED-IN-PART**.



Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

WILLIAM SQUIRE
CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI,
STEWART & OLSTEIN
5 BECKER FARM ROAD
ROSELAND, NJ 07068



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NEUSTEL LAW OFFICES, LTD.
2534 SOUTH UNIVERSITY DRIVE
SUITE 4
FARGO ND 58103

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of

STARCEVICH, Lee E. et al.

Application No. 11/221,320

Filed: September 06, 2005

Attorney Docket No. SPEN-003

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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 02, 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 S. Neustel on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Lee E. Starcevich at the address indicated below.

There is an outstanding Office action mailed January 12, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

A handwritten signature in black ink that reads "Michelle R. Eason". The signature is written in a cursive style with a large initial "M".

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **LEE STARCEVICH**
15844 WEST DESERT MIRAGE DRIVE
SURPRISE, AZ 85379



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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

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APR 10 2007

In re Application of

SAXLER, Adam William et al.

Application No. 11/221,343

Filed: September 07, 2005

Attorney Docket No. 5308-248DV

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 30, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Terri Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **JULIO GARDERAN, ESQ.**
ASSOCIATE GENERAL COUNSEL
CREE, INC.
4600 SILICON DRIVE
DURHAM, NC 27703



**MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627**

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JUL 05 2007

In re Application of
SAXLER, Adam W. et al.
Application No. 11/221,343
Filed: September 07, 2005
Attorney Docket No. **5308-248DV**

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 17, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Robert M. Meeks on behalf of all attorneys of record who are associated with customer No. 20792. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor.

There is an outstanding Office action mailed June 12, 2007 that requires a reply from the applicant.

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: **ADAM W. SAXLER
525 BEAVER DAM RUN
DURHAM, NC 27703**

cc: **JULIO GARDERAN, ESQ.
ASSOCIATE GENERAL COUNSEL
CREE, INC.
4600 SILICON DRIVE
DURHAM, NC 27703**


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/221,343	09/07/2005	Adam William Saxler	5308-248DV

20792
 MYERS BIGEL SIBLEY & SAJOVEC
 PO BOX 37428
 RALEIGH, NC 27627

CONFIRMATION NO. 5071


OC000000024570290

Date Mailed: 06/28/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/17/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY



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STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

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JUL 20 2007

OFFICE OF PETITIONS

In re Application of :
Toshinori Maeda, et al. :
Application No. 11/221,346 : DECISION GRANTING PETITION
Filed: September 8, 2005 : UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 28951.3076D1 :

This is a decision on the petition, filed July 16, 2007, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment. *See* 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

Karen Creasy
for
Frances M. Hicks
Petitions Examiner
Office of Petitions



**Linden, Stauffer Patents
1006 Montford Road
Cleveland Heights, OH 44121**

MAILED

MAY 08 2009

In re Application of :
Sanghoon Sull et al. :
Application No. 11/221,397 :
Filed: September 7, 2005 :
Attorney Docket No. VIV-5F :
: OFFICE OF PETITIONS
: DECISION ON PETITION
: TO WITHDRAW
: FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 12, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Vernon Norviel on behalf of attorney/agents associated with customer number 21971. All attorneys/agents associated with customer number 21971 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 address of the first signing inventor at the first copied address below. A courtesy copy of this decision will be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

Application No. 11/221,397

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.


Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Sanghoon Sull
Gaepo 4-cha WooSung Apt. 8-402
DoGok-Dong, KangNam-Ku
Seoul, Korea 135-270

cc: Jones Day
222 East 41st Street
New York, NY 10017



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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
11/221,397	09/07/2005	Sanghoon Sull	VIV-5F

69186
LINDEN, STAUFFER PATENTS
1006 MONTFORD RD.
CLEVELAND HTS., OH 44121

CONFIRMATION NO. 4099
POWER OF ATTORNEY NOTICE



Date Mailed: 05/08/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/12/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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FULBRIGHT & JAWORSKI L.L.P
2200 ROSS AVENUE
SUITE 2800
DALLAS, TX 75201-2784

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MAY 03 2010

OFFICE OF PETITIONS

In re Application of :
Kajal Parekh, et al. :
Application No. 11/221,400 :
Filed: September 7, 2005 :
Attorney Docket No. 50715/P006CP2/10508796 :

ON PETITION

This is a decision in response to the petition, filed February 22, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 5, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 6, 2008. A Notice of Abandonment was mailed February 11, 2009. On February 22, 2010, the present petition was filed.

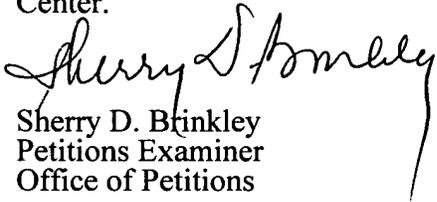
There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of La Vonda R. De Witt appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party on whose behalf he/she acts. A courtesy copy of this decision is being mailed to petitioner. However, if Attorney De Witt desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay¹.

The application is being referred to Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the response filed February 22, 2010.

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.



Sherry D. Binkley
Petitions Examiner
Office of Petitions

cc: LA VONDA R. DE WITT
1117 PERIMETER CENTER WEST, SUITE E402
ATLANTA, GA 30338



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Paper No.

LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE WA 99201

MAILED

MAY 04 2009

OFFICE OF PETITIONS

In re Application of :
Alexander J. Cohen :
Application No. 11/221,421 : DECISION ON PETITION
Filed: September 7, 2005 : PURSUANT TO
Attorney Docket No.: QQ1 - : 37 C.F.R. § 1.137(B)
0118US :
Title: HEADING-DEPENDENT :
ROUTING :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed January 23, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed April 30, 2008, 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 July 31, 2008. A notice of abandonment was mailed on December 23, 2008.

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, an amendment, and the proper statement of unintentional delay. A terminal disclaimer is not required. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on January 23, 2009 can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

concerning examination procedures or status of the application
should be directed to the Technology Center.

/Paul Shanoski/

Paul Shanoski

Senior Attorney

Office of Petitions



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XILINX, INC
ATTN: LEGAL DEPARTMENT
2100 LOGIC DR
SAN JOSE, CA 95124

Mail Date: 05/10/2010

Applicant : Andrew Wing-Leung Lai : DECISION ON REQUEST FOR
Patent Number : 7620862 : RECALCULATION of PATENT
Issue Date : 11/17/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,438 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/08/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **749** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant : Daniel Steinberg : DECISION ON REQUEST FOR
Patent Number : 7580833 : RECALCULATION of PATENT
Issue Date : 08/25/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,455 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/07/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1021** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Rob Mayben
5125 Golden Creek Drive
Angels Camp, CA 95222

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JUL 20 2007

In re Application of :
Robert Mayben :
Application No. 11/221,465 :
Filed: November 21, 2005 :
Attorney Docket No. :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.182 filed March 5, 2007, and in duplicate on March 28, 2007.

The petition is **dismissed**.

On November 21, 2005, the above-identified application was filed. However, on September 27, 2005, the Office of Initial Patent Examination mailed the Notice stating that application had not been accorded a filing date because at least one claim was not found with the application papers. The notice set a non-extendable period for reply two-month period for reply. On November 21, 2005, applicant filed claims in response to the Notice of September 27, 2005. The USPTO changed the filing date of the application to November 21, 2005—the date the claims were filed and the application became entitled to a filing date under 37 CFR 1.53.

The instant petition was first filed on March 5, 2007. Petitioner maintains that the application filing date should be restored to September 7, 2005, because the application was complete on that date in that the specification included language that could be construed as claims pursuant to 37 CFR 1.75. The argument presented is not persuasive. Further to this point, Section 608.01(m) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent part, that:

The claim or claims must commence on a separate physical sheet or electronic page and should appear after the detailed description of the invention. Any sheet including a claim or portion of a claim may not contain any other parts of the application or other material. While there is no set statutory form for claims, the present Office practice is to insist that each claim must be the object of a sentence starting with "I (or we) claim," "The invention claimed is" (or the equivalent). If, at the time of allowance, the quoted terminology is not present, it is inserted by the Office of Patent Publication. Each claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. See *Fressola v. Manbeck*, 36 USPQ2d 1211 (D.D.C. 1995). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation, 37 CFR 1.75(i).

A review of the specification as filed on September 7, 2005, did not reveal any portion that satisfies the guidelines set forth above. It is noted that the inventor filed the application papers *pro se* and that petitioner maintains that the inventor should not be penalized for being unaware of the nuances of drafting claims for a patent application. Generally, an applicant's lack of knowledge of the applicable statutes, rules, and policies governing the patent application prosecution process is not a defense for the applicant's failure to comply with the same,

notwithstanding applicant's *pro se* status. The application was properly denied the filing date of September 7, 2005, as there was nothing filed on that date that can be construed as a claim in accordance with 37 CFR 1.75 and MPEP 608.01(m). The petition is dismissed accordingly.

Petitioner is advised that the undersigned consulted with the Office of Patent Legal Administration prior to disposition of the petition.

The address cited on the petition differs from the address of record. Although a courtesy copy of this decision is being mailed to the address cited on the petition, all future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 United States Patent and Trademark Office
 Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

The application file is being directed to Technology Center 3600, GAU 3637 for further processing with a filing date of November 21, 2005.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:
John P. O'Banion
O'Banion & Ritchey, LLP
400 Capitol Mall Suite 1550
Sacramento, CA 95814



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IANDIORIO & TESKA
260 BEAR HILL ROAD
WALTHAM, MA 02451-1018

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OFFICE OF PETITIONS

In re Application of :
Wotton, Harold M. III :
Application No. 11/221,471 : **ON PETITION**
Filed: September 8, 2005 :
Attorney Docket No. SECUROS-109J :

This is a decision on the petition under 37 CFR §1.102(d), filed August 11, 2006, to make the above-identified application special. The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section II: Infringement.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

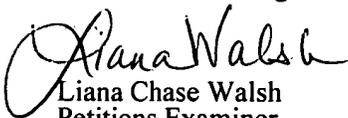
- (A) That there is an infringing device or product actually on the market or method in use;
- (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to 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 3732 for expedited prosecution.


Liana Chase Walsh
Petitions Examiner
Office of Petitions



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XILINX, INC
ATTN: LEGAL DEPARTMENT
2100 LOGIC DR
SAN JOSE, CA 95124

Mail Date: 05/11/2010

Applicant : Deepak Kumar Nayak : DECISION ON REQUEST FOR
Patent Number : 7655991 : RECALCULATION of PATENT
Issue Date : 02/02/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,507 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/08/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **264** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 200
AKRON, OH 44320

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Harry Kouris
Application No. 11/221,525
Filed: September 9, 2005
Attorney Docket No. 1345DIV

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This is a decision in response to the petition, filed January 23, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed March 30, 2006. A Notice of Abandonment was mailed on January 4, 2007. In response, on January 23, 2007, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay¹.

The application is being referred to Technology Center AU 28324 for consideration of the amendment filed January 23, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.



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PVF -- SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Morten Schanke	: DECISION ON REQUEST FOR
Patent Number	: 7583600	: RECALCULATION OF PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/221,535	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **788** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 7/2/09

TO SPE OF : ART UNIT 2893

SUBJECT : Request for Certificate of Correction for Appl. No.: 11221539 Patent No.: 7528477 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580**

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

*Davienne Menbleau
SPE all 2893
7/10/09*



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SYNTHES
1302 WRIGHTS LANE EAST
WEST CHESTER, PA 19380

Mail Date: 04/21/2010

Applicant	: Ralph Fritz Zwirnmann	: DECISION ON REQUEST FOR
Patent Number	: 7569058	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/221,546	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **715** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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FLETCHER YODER (ILLINOIS TOOL WORKS INC.)
P.O. BOX 692289
HOUSTON TX 77269-2289

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In re Application of :
Hieyoung W. Oh et al. :
Application No. 11/221,557 : **DECISION ON PETITION**
Filed: September 8, 2005 :
Attorney Docket No. **14397-71** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 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, December 28, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 2836 for appropriate action by the Examiner in the normal course of business.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

JoAnne Burke
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

HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES CA 90067

COPY MAILED
AUG 12 2008

In re Application of :
Hiromi Fudaka et al :
Application No. 11/221,577 : DECISION ON PETITION
Filed: September 7, 2005 :
Attorney Docket No. 89277.0065 :

This is a decision on the petition, filed October 3, 2006, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of February 6, 2006, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before May 6, 2006.

Petitioner states that a timely reply was mailed via certificate of mailing on August 4, 2006, which included the following papers: an Amendment, a petition for three months (3) Extension of Time and a return postcard. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated August 4, 2006, which would have rendered the reply timely if received.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of February 6, 2006 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center Art Unit 3683 for appropriate action in the normal course of business on the reply received with petition.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-0602.

Thurman K, Page
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

Mail Date: 04/21/2010

Applicant : Daniel H. Kim : DECISION ON REQUEST FOR
Patent Number : 7580753 : RECALCULATION of PATENT
Issue Date : 08/25/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,583 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/07/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **636** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Alexandria, Virginia 22313-1450
www.uspto.gov

SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

Mail Date: 05/18/2010

Applicant : Daniel H. Kim : NOTICE CONCERNING IMPROPER
Patent Number : 7580753 : CALCULATION OF PATENT TERM
Issue Date : 08/25/2009 : ADJUSTMENT BASED UPON USPTO
Application No : 11/221,583 : IMPROPERLY MEASURING REDUCTION
Filed : 09/07/2005 : 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 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 **663** 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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Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: Rino Micheloni	: DECISION ON REQUEST FOR
Patent Number	: 7581153	: RECALCULATION OF PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/221,584	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

By Hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Internet: EFS-Web¹

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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www.uspto.gov

ALLEN A. DICKE, JR.
224 MALL WAY
ANAHEIM CA 92804

MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of :
Charles A. Patterson :
Application No. 11/221,598 :
Filed: September 7, 2005 :
Attorney Docket No. 203-2 :

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 10, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 9, 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). In view of the 3-month extension of time filed December 9, 2008, the application became abandoned on December 10, 2008. A Notice of Abandonment was mailed January 28, 2009. On February 19, 2009, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed April 2, 2009. In response, on April 10, 2009 the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center AU 3643 for appropriate action in the normal course of business on the reply received April 10, 2009.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

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NOV 21 2005

OFFICE OF PETITIONS

In re Application of	:	
Naimark et al.	:	DECISION REFUSING STATUS
Application No. 11/221,647	:	UNDER 37 CFR 1.47(a)
Filed: September 7, 2005	:	
Attorney Docket No. 008563-999203	:	
Title of Invention: Stent With Pockets for	:	
Containing a Therapeutic Agent	:	

This is in response to the renewed petition filed October 18, 2005, under 37 C.F.R. §1.47(a).

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 "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on September 7, 2005, without a signed oath or declaration. Accordingly, on September 30, 2005, a "Notice to File Missing Parts of Application" was mailed requiring, for the purposes of this decision, an executed oath or declaration and a \$130.00 surcharge for its late filing.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition does not satisfy requirements (1).

As to item (1), Rule 47 applicant has failed to show that the non-signing inventor refused to sign the declaration after having been presented with the application papers. Rule 47 applicant indicates that inventor Panos refused to sign the application papers. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of



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FEB 17 2006

OFFICE OF PETITIONS

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of	:	
Wendy Naimark, Peter Shank, Maria Palasis,	:	DECISION
Toby Freyman, Anastasia Panos, Samuel	:	
Epstein and Alexandra Rousseau	:	
Application No.11/221,647	:	
Filed: September 7, 2005	:	
Attorney Docket No. 008563-999203	:	
Title of Invention: Stent with Pockets for	:	
Containing a Therapeutic Agent	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed January 19, 2006.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Panos has refused to join in the filing of the above-identified application after having been presented with the application papers. The petition attest a copy of the application was sent to non-signing inventor's last known address. The non-signing inventor's failure to respond to the application mailing sufficiently establishes that she refuses to execute the application papers.¹

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to the Office of Initial

¹Petitioner should note there is a distinction between an inventor who refuses to execute application papers and an inventor who cannot be reached or located. A grantable petition which argues an inventor cannot be reached must demonstrate diligent effort. Diligent effort was not evidenced in the original petition nor in the renewed petition. See MPEP 409.03(d).

Patent Examination for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is written in a cursive style with a large initial "C" and a stylized "G".

Charlema R. Grant
Petitions Attorney
Office of Petitions



Anastasia Panos
Holy Monastery of St. John the Baptist
Kareas P.O. Box 715
27 T.K. 162 33
Vyronas, Athens
Greece

COPY MAILED

FEB 17 2006

OFFICE OF PETITIONS

In re Application of
Wendy Naimark, Peter Shank, Maria Palasis, Toby :
Freyman, Anastasia Panos, Samuel Epstein and :
Alexandra Rousseau :
Application No.11/221,647 : LETTER
Filed: September 7, 2005 :
Attorney Docket No. 008563-999203 :
Title of Invention: Stent with Pockets for Containing :
a Therapeutic Agent :

Dear Ms. Panos:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, attorney (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant
Petitions Attorney
Office of Petitions

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017
ATTN: Brent P. RAY



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COMMISSIONER FOR PATENTS
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P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

COPY MAILED
AUG 22 2006
OFFICE OF PETITIONS

In re Application of :
Michael J. Brookman and Jeffery :
A. Alvey :
Application No. 11/221,661 :
Filed: September 8, 2005 : DECISION ON PETITION
Attorney Docket No. :
30810/39676D :
Title: POWERED AIR PURIFYING :
RESPIRATOR SYSTEM AND BREATHING :
APPARATUS :

This is in response to the petition submitted on filing under 37 C.F.R. §1.47(a)¹.

On September 8, 2005, the application was deposited, identifying Michael J. Brookman and Jeffery A. Alvey as joint inventors. On

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

October 3, 2005, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with 37 C.F.R. §1.63, as well as the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

It is noted that the Office sent a duplicate communication on May 5, 2006.

With the present petition, Petitioner has submitted a declaration which has been executed by Mr. Brookman, the petition fee, the surcharge associated with the late submission of an oath or declaration, and the last known address of the non-signing inventor.

The petition has met requirements (1) - (3) of 37 C.F.R. §1.47(a).

Regarding the fourth requirement of Rule 1.47(a), the petition contains a statement which asserts that the non-signing inventor "refuses to join in the application for patent or cannot be found or reached²."

The Petitioner cannot have it both ways. It does not make sense for one to allege the address of the non-signing inventor is unknown, and then assert that the inventor has refused to sign. He can either claim the person cannot be located, whereby he does not have to establish the inventor received the application papers, or he can allege a refusal to sign. If he is alleging a refusal to sign, he must establish that a *bona fide* attempt was made to present a copy of the application papers to each non-signing inventor³ (which would require a known address).

Petitioner has not performed a search for the non-signing inventor, and he has not sent a complete copy of the application to the last known address of the same.

Regarding the failure to send a complete copy of the application to the last known address of the non-signing inventor, Petitioner has instead chosen to send a copy of the application to a law firm. Petitioner has assumed that this law firm is representing the non-signing inventor for this particular application, based on the assertion that this law firm has represented the non-signing inventor in previous related patent applications. While

2 Petition, page 1.

3 See MPEP 409.03(d).

it is possible that Petitioner has retained the representation of his previously chosen counsel to represent him in the present matter, it is equally possible that he has since moved on to another law firm, or even chosen to forgo representation altogether. As such, the presentation of the application to a law firm which has represented the non-signing inventor in the past is insufficient to show, as required, that Rule 47 applicant presented the inventor with a copy of the entire application.

It follows that one cannot refuse to sign something which one has not been presented with. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 C.F.R §1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed⁴.

Regarding the fifth requirement of Rule 47(a), the declaration cannot be accepted, as it not compliant with 28 U.S.C. 1746; signing inventor Brookman has failed to affix a date adjacent to his signature.

For these reasons, the petition under 37 C.F.R. §1.47(a) must be **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.47(a)". 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 mail⁵, hand-delivery⁶, or facsimile⁷.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁸. All other inquiries

⁴ *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

⁵ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

⁶ Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

⁷ (571) 273-8300- please note this is a central facsimile number.

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

8 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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P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

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DEC 14 2006
OFFICE OF PETITIONS

In re Application of :
Michael J. Brookman and Jeffery :
A. Alvey :
Application No. 11/221,661 :
Filed: September 8, 2005 : DECISION ON RENEWED
Attorney Docket No. : PETITION UNDER 37 C.F.R.
30810/39676D : \$1.47(A)
Title: POWERED AIR PURIFYING :
RESPIRATOR SYSTEM AND BREATHING :
APPARATUS :

This is in response to the renewed petition submitted on November 20, 2006, under 37 C.F.R. §1.47(a)¹.

On September 8, 2005, the application was deposited, identifying Michael J. Brookman and Jeffery A. Alvey as joint inventors. On

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(f);
- (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 C.F.R. §1.63.

Decision on Renewed Petition pursuant to 37 C.F.R. §1.47(a)

October 3, 2005, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with 37 C.F.R. §1.63, as well as the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

The original petition was submitted on May 5, 2006, and was dismissed via the mailing of a decision on August 22, 2006 for failure to meet the fourth and fifth requirements of Rule §1.47(a).

With this renewed petition, Petitioner has met the fourth requirement of Rule §1.47(a), as the non-signing joint inventor has been located, a complete copy of the application has been sent to him, and he has expressly refused to join in the application.

Regarding the fifth requirement of Rule §1.47(a), the declaration cannot be accepted, as it does not contain the correct address for the non-signing joint inventor.

As such, this renewed petition under 37 C.F.R. §1.47(a) must be **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition Under 37 C.F.R. §1.47(a)". This is not a final agency action within the meaning of 5 U.S.C 704.

On second renewed petition, Petitioner should submit either an Application Data Sheet (ADS) that contains the correct address for the non-signing joint inventor, or have the signing joint inventor execute a declaration which has been updated to contain the correct addresses for both inventors.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail², hand-delivery³, or facsimile⁴.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁵. All other inquiries

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 Dulany Street, Alexandria, VA, 22314.

⁴ (571) 273-8300- please note this is a central facsimile number.

Decision on Renewed Petition pursuant to 37 C.F.R. §1.47(a)

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

5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

COPY MAILED

MAR 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Michael J. Brookman and Jeffery	:	
A. Alvey	:	
Application No. 11/221,661	:	
Filed: September 8, 2005	:	DECISION ON SECOND RENEWED
Attorney Docket No.	:	PETITION UNDER 37 C.F.R.
30810/39676D	:	§1.47(A)
Title: POWERED AIR PURIFYING	:	
RESPIRATOR SYSTEM AND BREATHING	:	
APPARATUS	:	

This is in response to the second renewed petition submitted on January 22, 2007, pursuant to 37 C.F.R. §1.47(a)¹.

On September 8, 2005, the application was deposited, identifying Michael J. Brookman and Jeffery A. Alvey as joint inventors. On

1A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(f);
- (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 C.F.R. §1.63.

Decision on Renewed Petition pursuant to 37 C.F.R. §1.47(a)

October 3, 2005, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with 37 C.F.R. §1.63, as well as the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

The original petition was submitted on May 5, 2006, and was dismissed via the mailing of a decision on August 22, 2006 for failure to meet the fourth and fifth requirements of Rule §1.47(a). The renewed petition was submitted on November 20, 2006, and was dismissed via the mailing of a decision on December 14, 2006 for failing to include an acceptable declaration (the declaration contained an incorrect address for the non-signing joint inventor.

With this second renewed petition, Petitioner has attempted to correct this deficiency, via the submission of a supplemental Application Data Sheet (ADS), amending the address of the non-signing joint inventor via striking-through the old address and underlining the inserted material, in compliance with Rule §1.76(c) (2).

However, this supplemental ADS cannot be accepted, as it has not been signed. An ADS filed with an 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 Rule §1.27(c) (2) (ii), filed in the application must be signed by an appropriate party. Therefore, this supplemental ADS, presented subsequent to the filing of the present application, must be signed in accordance with Rule §1.33(b).

Since this ADS cannot be accepted, Petitioner's submission is incomplete. As such, this second renewed petition pursuant to Rule §1.47(a) must be **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Third Renewed Petition Under 37 C.F.R. §1.47(a)". This is not a final agency action within the meaning of 5 U.S.C 704.

Decision on Renewed Petition pursuant to 37 C.F.R. §1.47(a)

The third renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail², hand-delivery³, or facsimile⁴.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁵. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

4 (571) 273-8300- please note this is a central facsimile number.

5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
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Paper No. None

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

COPY MAILED

JUN 14 2007

OFFICE OF PETITIONS

In re Application of	:	
Michael J. Brookman and Jeffery	:	
A. Alvey	:	
Application No. 11/221,661	:	
Filed: September 8, 2005	:	DECISION ON THIRD RENEWED
Attorney Docket No.	:	PETITION UNDER 37 C.F.R.
30810/39676D	:	\$1.47(A)
Title: POWERED AIR PURIFYING	:	
RESPIRATOR SYSTEM AND BREATHING	:	
APPARATUS	:	

This is in response to the third renewed petition submitted on May 18, 2007, pursuant to 37 C.F.R. §1.47(a)¹.

On September 8, 2005, the application was deposited, identifying Michael J. Brookman and Jeffery A. Alvey as joint inventors. On

1A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(f);
- (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 C.F.R. §1.63.

Decision on Third Renewed Petition pursuant to 37 C.F.R. §1.47(a)

October 3, 2005, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with 37 C.F.R. §1.63, as well as the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

An original petition was submitted on May 5, 2006, and was dismissed via the mailing of a decision on August 22, 2006. A renewed petition was submitted on November 20, 2006, and was dismissed via the mailing of a decision on December 14, 2006. A second renewed petition was submitted on January 22, 2007 along with a supplemental Application Data Sheet (ADS). This second renewed petition was dismissed via the mailing of a decision on March 30, 2007 as the ADS could not be accepted due to the fact that it had not been signed.

With this third renewed petition, an acceptable ADS has been provided. Therefore, this third renewed petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule §1.47, this Office will forward notice of this application's filing to the non-signing inventor at the address given on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225². All other inquiries concerning the status of the application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Jeffery A. Alvey
3936 Whistlewood
Lakeland, Florida 33811-3060

COPY MAILED

JUN 14 2007

OFFICE OF PETITIONS

In re Application of :
Michael J. Brookman and Jeffery :
A. Alvey :
Application No. 11/221,661 :
Filed: September 8, 2005 :
Attorney Docket No. :
30810/39676D, :
Title: POWERED AIR PURIFYING :
RESPIRATOR SYSTEM AND BREATHING :
APPARATUS :

LETTER

Dear Mr. Alvey:

You are named a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. §1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application, you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost 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, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Orum and Roth LLC
Suite #1616
53 W. Jackson Boulevard
Chicago IL 60604

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SEP 21 2006
OFFICE OF PETITIONS

In re Application of
Mitsuo Saito et al.
Application No. 11/221,673
Filed: September 8, 2005
Attorney Docket No. 14227

:
:
: **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 16, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Catherine L. Glemrich attorney/agent of record on behalf of herself.

Catherine L. Glemrich has been withdrawn as attorney or agent of record; all other attorneys remain of record.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Charles Smoot at 571-272-3299.


David Bucchi
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

Mail Date: 04/23/2010

Applicant : Ricardo Ardila : DECISION ON REQUEST FOR
Patent Number : 7599766 : RECALCULATION of PATENT
Issue Date : 10/06/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,716 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1022** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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FEB 09 2006

OFFICE OF PETITIONS

In re Application of :
Bong-Gi Kim :
Application No. 11/221,734 :
Filed: September 9, 2005 :
Attorney Docket No. 1349.1499/STB:csh :

ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed November 22, 2005, requesting that the above-identified application be accorded a filing date of September 9, 2005.

On September 9, 2005, applicant deposited the above-identified application. On September 26, 2005, the Office mailed a Notice of Incomplete Nonprovisional Application, stating that the specification did not include at least one claim and that the abstract was missing.

In response, on November 22, 2005, applicant filed the present petition and a copy of applicant's date-stamped postcard receipt acknowledging receipt of 16 pages of specification, claims and abstract on September 9, 2005. Additionally, applicant submitted copies of the specification, including 4 pages of claims and the abstract with the present petition.

Upon review of the record, the 4 pages of claims and the abstract, deposited on September 9, 2005, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on September 9, 2005, included 4 pages of claims and the abstract, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including the 4 pages of claims and the abstract, was complete on filing and will be granted a filing date of September 9, 2005.

Accordingly, the petition is granted.

The Notice of Incomplete Nonprovisional Application was sent in error and is hereby vacated.

The Office of Initial Patent Examination is directed to **accord the above-identified application a filing date of September 9, 2005**, using the 4 pages of claims and the abstract submitted on November 22, 2005, as part of the original disclosure, and to mail a filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Virginia Beach VA 23462

MAILED

JUN 21 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of
Wong, et al.
Application No. 11/221,752
Filed: September 9, 2005
Attorney Docket No. T957211US
For: METHOD AND APPARATUS FOR
SEQUENCING TRANSACTIONS
GLOBALLY IN A DISTRIBUTED
DATABASE CLUSTER

This is a decision on the petition, filed April 7, 2010, under 37 CFR 1.137(b) 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 above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the December 7, 2007 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on March 8, 2008. A Notice of Abandonment was mailed on July 16, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3).

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

- (1) the delay in reply that originally resulted in the abandonment;
- (2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and
- (3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for period (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of \$500 or a fee of \$50 **would not be granted where the abandonment** or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), *reprinted in* 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, petitioners must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). See *In re Application of G*, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (over two years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioners should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on March 7, 2008. That party, in turn must explain what efforts were made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not

result from a deliberate course of action (or inaction). Likewise, as several attorneys with Gowling LaFleur Henderson LLP were attorneys of record at the time of abandonment, they should explain why this application became abandoned while it was under their control and what efforts were made to further reply of itself and with whom this matter was discussed outside of the firm. Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required from responsible person(s), and whoever else was involved with this application at the time of abandonment. Statements are required from responsible person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. *See Lawman Armor v. Simon*, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); *Field Hybrids, LLC v. Toyota Motor Corp.*, 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); *Lumenyte Int'l Corp. v. Cable Lite Corp.*, Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). *See* MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. *See* H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. *See* Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (here, over two years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from any and all responsible person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

- (A) the date that the applicant first became aware of the abandonment of the application; and
- (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In either instance, applicants' failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application. *See also New York University v. Autodesk*, 2007 U.S. DIST LEXIS, U.S. District LEXIS 50832, *10 -*12 (S.D.N.Y. 2007)(protracted delay in seeking revival undercuts assertion of unintentional delay).

The unacceptable statement of unintentional delay was signed by a person who may not have been in a position of knowing that the delay in filing a timely response was unintentional. 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.

Any renewed petition may be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: RAFFI GOSTANIAN
1103 TWIN CREEKS DRIVE
ALLEN, TX 75013



ERIC ROBINSON
PMB 955
21010 SOUTHBANK ST.
POTOMAC FALLS VA 20165

MAILED

JAN 22 2009

In re Application of :
Hajime Kimura :
Application No. 11/221,770 :
Filed: September 9, 2005 :
Attorney Docket-No. 0756-7582 :

OFFICE OF PETITIONS
DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 21, 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 9, 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 2629 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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NOV 09 2005

In re Application of :
Sasaki et al. :
Application No. 11/221,799 :
Filed: September 9, 2005 :
Attorney Docket No. 122075.01 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR §1.102(d), filed October 13, 2005, to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section II: Infringement.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

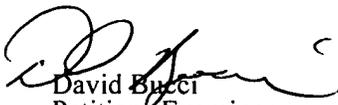
- (A) That there is an infringing device or product actually on the market or method in use;
- (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status

Telephone inquires concerning this decision should be directed to Paralegal Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2853 for expedited prosecution.


David Buccini
Petitions Examiner
Office of Petitions



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 07/21/2010

Applicant : Chia-Chen Li : DECISION ON REQUEST FOR
Patent Number : 7649024 : RECALCULATION of PATENT
Issue Date : 01/19/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,811 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1167** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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ROCKVILLE MD 20850

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JAN 27 2009

OFFICE OF PETITIONS

In re Application of :
Ruben et al. : DECISION ON APPLICATION
Application No. 11/221,849 : FOR
Filed: September 9, 2005 : PATENT TERM ADJUSTMENT
Attorney Docket No. PF524P1D1 :

This is a decision on the "APPLICATION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" filed November 20, 2008. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from 126 days to 153 days.

The application for patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 153 days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On September 9, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 126 days. On November 20, 2008, applicants timely submitted the instant application for patent term adjustment.¹

¹ The Office finance records reveal that the issue fee and publication fee were paid on November 20, 2008.

Applicants dispute the reduction of 27 days for filing of the "SUPPLEMENTAL RESPONSE" on July 24, 2008, after a reply had been filed. See 37 CFR 1.704(c)(8).² Applicants contend that they submitted the "SUPPLEMENTAL RESPONSE" at the request of the examiner.

Applicants' contention is well taken. The record supports a conclusion that the supplemental reply filed July 24, 2008, was expressly requested by the examiner within the meaning of 37 CFR 1.704(c)(8). Accordingly, the reduction of 27 days is not warranted and is being removed.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **153 days** (153 days of Office delay - 0 days of applicant delay).

Submission of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is 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 applicant will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

² 37 CFR 1.704(c)(8) states:

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[.]

Telephone inquiries regarding this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Kery A. Fries

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration

Enclosure: Copy of updated PAIR screen

Day : Tuesday
Date : 1/27/2009

Time : 09:19:56

PALM INTRANET**PTA Calculations for Application: 11/221849**

Application Filing Date:	09/09/2005	PTO Delay (PTO):	153
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	27
Post-Issue Petitions:	0	Total PTA (days):	153
PTO Delay Adjustment:	27		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
60	01/27/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	27		
51	09/09/2008	MAIL NOTICE OF ALLOWANCE			
50	09/08/2008	ISSUE REVISION COMPLETED			
49	09/09/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
48	09/09/2008	CASE DOCKETED TO EXAMINER IN GAU			
47	09/05/2008	DOCUMENT VERIFICATION			
46	08/25/2008	NOTICE OF ALLOWABILITY			
45	08/12/2008	DATE FORWARDED TO EXAMINER			
44	07/24/2008	SUPPLEMENTAL RESPONSE		27	37
43	07/24/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
42	07/24/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
41	07/28/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
40	07/24/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
39	06/22/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
38	07/15/2008	DATE FORWARDED TO EXAMINER			
37	06/27/2008	RESPONSE AFTER NON-FINAL ACTION			
36	03/28/2008	MAIL NON-FINAL REJECTION			
35	03/26/2008	NON-FINAL REJECTION			
34	02/12/2008	DATE FORWARDED TO EXAMINER			
33	02/01/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
32	02/12/2008	DATE FORWARDED TO EXAMINER			

31	02/01/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)			
30	02/12/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
29	02/01/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
28	01/14/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
27	03/08/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
26	11/02/2007	MAIL FINAL REJECTION (PTOL - 326)			
25	10/31/2007	FINAL REJECTION			
24	10/15/2007	DATE FORWARDED TO EXAMINER			
23	10/12/2007	RESPONSE AFTER NON-FINAL ACTION			
22	07/13/2007	MAIL NON-FINAL REJECTION			
21	07/11/2007	NON-FINAL REJECTION			
20	06/11/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	06/11/2007	REFERENCE CAPTURE ON IDS			
18	06/11/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	16
17	06/13/2007	DATE FORWARDED TO EXAMINER			
16	06/11/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
15	06/11/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
14	06/11/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	04/11/2007	MAIL RESTRICTION REQUIREMENT	153		-1
12	04/03/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
11	10/25/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	10/25/2005	CASE DOCKETED TO EXAMINER IN GAU			
9	09/29/2005	APPLICATION DISPATCHED FROM OIPE			
8	09/29/2005	APPLICATION IS NOW COMPLETE			
7	09/27/2005	CLEARED BY L&R (LARS)			
6	09/27/2005	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
5	09/27/2005	CASE CLASSIFIED BY OIPE			
4	09/21/2005	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
3	09/16/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	09/09/2005	CRF DISK HAS BEEN RECEIVED BY PREEXAM /			

		GROUP / PCT			
1	09/09/2005	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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Paper No. None

SUGHRUE MION, PLLC
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SUITE 800
WASHINGTON DC 20037

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DEC 11 2006

OFFICE OF PETITIONS

In re Application of	:	
Takeo Tanaami et al.	:	
Application No. 11/221,874	:	
Filed: September 9, 2005	:	DECISION ON PETITION
Attorney Docket No. Q89865	:	UNDER 37 C.F.R. §1.181(A)
Title: BIOCHIP PRODUCTION	:	
APPARATUS	:	

This is a decision on the petition filed on September 1, 2006 under 37 C.F.R. §1.137(a), which is properly treated as a petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment.

The petition fee will be refunded to Petitioner's Deposit Account in due course.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed December 14, 2005, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on February 15, 2006. A notice of abandonment was mailed on August 15, 2006.

With the present petition, Petitioner has set forth that the mailing was not received. The electronic file has been reviewed, and it is clear that the mailing was returned to the Office by the United States Postal Service with a stamp indicating delivery was "attempted, not known."

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 Office of Initial Patent Examination (OIPE) will be notified of this decision. OIPE will re-mail the notice of December 14, 2005, 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 Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office



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SUITE 200
VIENNA VA 22182-3817

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MAR 30 2009

In re Application of : OFFICE OF PETITIONS
Ushizawa, et al. :
Application No. 11/221,892 : DECISION ON PETITION
Filed: September 9, 2005 : UNDER 37 CFR 1.181
Attorney Docket No. 05-55 PUS :
For: PLASMA DISPLAY PANEL :

This is a decision on the petition captioned, "PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON EVIDENCE THAT A REPLY WAS TIMELY FILED," filed February 24, 2009. The petition will be treated as a feeless petition under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned due to applicants' alleged failure to file replacement drawings within two months of the mailing of the November 17, 2008 Notice to File Corrected Application Papers. The Office contended that this application became abandoned on January 18, 2009. A Notice of Abandonment was mailed on February 18, 2009.

Petitioners assert that the application is not abandoned because replacement drawings were timely received in the Office on January 14, 2009.

The originally filed replacement drawings are not present in the application file. However, petitioners have provided their return postcard receipt that contains an Office date stamp affixed thereto. The date stamp states that the Office received "Replacement Formal Drawings" for 11/221,892 on January 14, 2009. The return postcard receipt constitutes *prima facie* evidence that the items listed thereon were received in the Office on January 14, 2009. MPEP 503. Petitioners have provided a copy of the January 14, 2009 correspondence. Accordingly, the petition to withdraw the holding of abandonment is granted.

After the mailing of this decision, the application will be referred to the Office of Data Management for consideration of the drawings filed on January 14, 2009 and re-submitted with the present petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

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JUL 13 2009

OFFICE OF PETITIONS

In re Application of :
Erwin R. Boghaert et al :
Application No. 11/221,902 :
Filed: September 9, 2005 :
Attorney Docket No. 040000-0317285 :

ON PETITION

This is a decision on the petition, filed July 10, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 11, 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.

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

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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AUG 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Boghaert et al.	:	
Application No. 11/221,902	:	ON APPLICATION FOR
Filed: September 9, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No. 040000-0317285	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R. § 1.705(b), filed June 11, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is five hundred thirty-six (536) days, not two hundred and six (206) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction 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 patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a

determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

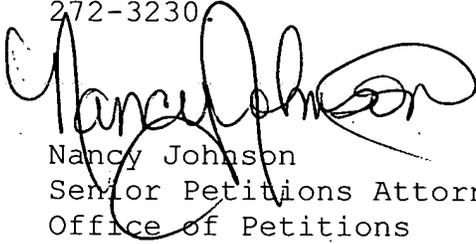
The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

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.

After the mailing of this decision, the application will be referred to Technology Center AU 1643 for processing the RCE filed July 10, 2009 and for consideration of the concurrently filed IDS.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is written in a cursive, flowing style with a large loop at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



WENDEROTH, LIND & PONACK, L.L.P.
Suite 800
2033 "K" Street N.W.
Washington DC 20006

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OFFICE OF PETITIONS

In re Application of :
Okumura, et al. :
Application No. 11/221,924 : DECISION ON PETITION
Filed: September 9, 2005 :
Docket No.: 2005-1452 :
:

This is a decision on the petition under 37 CFR 1.181, filed August 25, 2006, to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit a properly reply to the Office communication mailed November 16, 2005. The Office communication set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed July 18, 2006.

Petitioners assert non-receipt of the Office communication.

In the absence of any irregularity in the mailing of the Office communication, there is a strong presumption that the Office communication was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office communication was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See, MPEP 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

The arguments and supporting documentation presented have been carefully considered and support the conclusion that the non-final Office was not received.

In view thereof the Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

The application file is being forwarded to Technology Center 3700 for re-mailing of the non-final Office action. The time period for reply will be set in the re-mailed Office action.

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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ENDICOTT, NY 13760

Mail Date: 04/20/2010

Applicant : Jean-Jacques Dequevy : DECISION ON REQUEST FOR
Patent Number : 7661139 : RECALCULATION of PATENT
Issue Date : 02/09/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/221,961 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/08/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1189** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

JUN 05 2009

In re Patent No. 7,445,239 : OFFICE OF PETITIONS
Issued: November 4, 2008 :
Application No. 11/221,984 : PATENT TERM ADJUSTMENT
Filed: September 9, 2005 :
Dkt. No.: 086142-0823 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R §1.705", filed November 4, 2008. This matter is being properly treated as an application for patent term adjustment pursuant to 37 CFR 1.705(d).

The request for reconsideration of patent term adjustment (PTA) is **DISMISSED**.

The above-identified application matured into U.S. Pat. No. 7,445,239 on November 4, 2008. The patent issued with a PTA 428 days. The request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See, 37 CFR 1.705(d). Patentees request that the patent term adjustment be increased from 428 days to 484 days.

Patentees request reconsideration 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 contend that pursuant to Wyeth, a PTO delay under 35 U.S.C. 154(b)(1)(A) overlaps with a delay under 35 U.S.C. 154(b)(1)(B) only if the delays occur on the same day.

Patentees maintain that the period of adjustment due to the three year delay by the Office, pursuant to 37 CFR 1.702(b), of 56 days and the period of adjustment due to examination delay, pursuant to 37 CFR 1.702(a), of 428 days do not overlap as these periods do not occur on the same day. The 56-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on September 9, 2005 and the application having issued as a patent on November 4, 2008. Patentees assert that in addition to this 56-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a) of 428 days.

Under 37 CFR 1.703(f), patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR 1.702 reduced by the period of time equal to the period of time during which patentees failed to engage in reasonable efforts to

conclude prosecution pursuant to 37 CFR 1.704. In other words, patentees are entitled to the period of Office delay reduced by the period of applicant delay.

Patentees do not dispute that the total period of Office delay is the sum of the period of three years delay and the period of examination delay, to the extent that these periods of delay are not overlapping. However, in effect, patentees contend that no portion of the three year delay period overlaps with the period of examination delay. Accordingly, patentees submit that the total period of adjustment for Office delay is 484 days (the sum of the period of three year delay (56 days) and the period of examination delay (428 days), reduced by zero days of overlap. As such, patentees assert entitlement to a patent term adjustment of 484 days (56 days *plus* 428 days *less* zero days of overlap *less* zero days of applicant delay).

The Office agrees that as of the issuance of the patent on November 4, 2008, the application was pending three years and 56 days after its filing date. The Office agrees that certain action was not taken within a specified time frame, and, thus, the entry of a period of adjustment of 428 days is correct. At issue is whether patentees should accrue an additional 56 days of patent term adjustment for the Office taking in excess of three years to issue the patent as well as 428 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 56 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. S14,718¹.

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

As such, the period for over three-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, September 9, 2005, to the date the patent issued on November 4, 2008. Prior to the issuance of the patent, 428 days of patent term adjustment were accorded for the Office failing to respond within a specified time frame during the pendency of the application.

The application actually issued three years and 56 days after its filing date. However, the Office did not delay 428 days and then delay an additional 56 days. Accordingly, 428 days of patent term adjustment (not 428 days and 56 days) was properly entered because the entire period of delay of 56 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 428 days attributable to grounds specified in § 1.702(a)(1). Entry of both periods is not warranted.

In view thereof, no adjustment to the patent term will be made.

The Office acknowledges submission of the required application fee of \$200.00. See, 37 CFR 1.18(e). The request for refund of the required application fee is hereby DISMISSED. Submission of the application fee is a prerequisite prior to treatment on the merits of any application for patent term adjustment.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions

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).



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c/o Frommer Lawrence & Haug LLP
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NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Irvin Henderson	: DECISION ON REQUEST FOR
Patent Number	: 7587482	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/221,994	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **193** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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c/o Frommer Lawrence & Haug LLP
745 Fifth Avenue
NEW YORK, NY 10151

Mail Date: 05/18/2010

Applicant : Irvin Henderson : NOTICE CONCERNING IMPROPER
Patent Number : 7587482 : CALCULATION OF PATENT TERM
Issue Date : 09/08/2009 : ADJUSTMENT BASED UPON USPTO
Application No : 11/221,994 : IMPROPERLY MEASURING REDUCTION
Filed : 09/07/2005 : 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 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 **264** 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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SUITE 507
BELLEVUE WA 98004

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OFFICE OF PETITIONS

In re Application of :
Taya et al. :
Application Number: 11/222022 : ON PETITION
Filing Date: 09/08/2005 :
Attorney Docket Number: :
UNIV0299 :

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION UNDER 37 C.F.R. 1.181(A)," filed on October 14, 2008.

This application was held abandoned for failure to timely reply to the non-final Office action mailed on February 7, 2008, which set a three (3) month shortened statutory period for reply.¹ Notice of Abandonment was mailed on May 30, 2008.

Petitioners assert that the non-final Office action mailed on February 7, 2008 was never received. In support of that allegation, petitioners have submitted a copy of a file jacket and docket record and provided a statement by registered patent practitioner Michael C. King, stating that a search of the practitioner's records, including the file jacket and the application contents, indicates that the Office Action was not received. The practitioner's statement also references the practitioner's file jacket and docket records.

A review of the record indicates no irregularity in the mailing of the non-final Office action mailed on February 7, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the non-final Office action mailed on February 8, 2008 was properly mailed to the address of record. This

¹ A review of the Image File Wrapper for the subject application reveals that it contains a copy of a non-final Office action dated June 19, 2008. The papers in the file dated June 19, 2008 contain no mailing cover sheet, however, and state on the Office Action Summary cover sheet that the mail date is "20080204," the same date as is contained on the Office action mailed on February 7, 2008. It is further noted that there is no corresponding PALM entry indicating that an Office action was in fact mailed on June 19, 2008. Accordingly, it is concluded that the papers located in IFW dated June 19, 2008, are merely a copy of the non-final Office action mailed on February 7, 2008, and do not represent the mailing of a new Office action.

presumption may be overcome by a showing that the non-final Office action mailed on February 7, 2008 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)

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is GRANTED.

Receipt of the amendment filed in response to the non-final Office action mailed on February 7, 2008 is acknowledged. As a reply to the non-final Office action has been filed, it is unnecessary to remail the aforementioned Office action.

The application is being referred to Technology Center Art Unit 2832 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448

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OFFICE OF PETITIONS

In re Application of
DIWU, Zhenjun et al.
Application No. 11/222,049
Filed: September 07, 2005
Attorney Docket No. **08AA-118265**

**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 14, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to SHEPPARD, MULLIN, RICHTER & HAMPTON LLP has been revoked by the applicant of the patent application on July 27, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **212 CONSULTING, INC.**
851 MORAGA ROAD, BUNGALOW B
LAFAYETTE, CA 94549



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SQUIRE, SANDERS & DEMPSEY LLP
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SUITE 300
SAN FRANCISCO CA 94111

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OFFICE OF PETITIONS

In re Application of :
Pacetti et al. : **DECISION REFUSING STATUS**
Application No. 11/222,053 : **UNDER 37 CFR 1.47(a)**
Filed: September 7, 2005 :
Attorney Docket No. 050623.00551 :

This is in response to the petition under 37 CFR 1.47(a), filed July 20, 2007.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

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 lacks item (1) set forth above. There is no indication herein that the inventor, Mr. Moein, was presented with a copy of the complete application papers for this application. It appears only the Declaration under 37 CFR 1.131 was sent.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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By Hand: U. S. Patent and Trademark Office
Customer Window, Mail Stop PETITIONS
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/
David Bucci
Petitions Examiner
Office of Petitions



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EL SEGUNDO, CA 90245-0956

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OFFICE OF PETITIONS

In re Application of : DECISION ON PETITION
Eroz et al. :
Application No. 11/222,084 :
Filed: September 8, 2005 :
Attorney Docket Number: :
PD-204043 :

This is a decision on the Petition to Revive the Application based upon unintentional abandonment, filed June 28, 2006.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (hereinafter "Notice"), mailed September 27, 2005. The Notice required an executed oath or declaration and a late filing fee oath or declaration surcharge. The Notice set a two (2) month period for reply from the mail date of the Notice, and also provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned November 28, 2005. A Notice of Abandonment was mailed June 6, 2006.

Applicant files the instant petition, executed oath/declaration and the appropriate fees.

The application file is being referred to the Office of Initial Patent Examination for continued processing in due course.

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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Suite 1616
Chicago IL 60604-3606

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OFFICE OF PETITIONS

In re Application of
SAITO, et al.
Application No. 11/222,106
Filed: September 08, 2005
Attorney Docket No. 14220

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**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 16, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

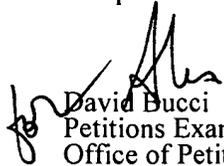
The request was signed by Catherine L. Gemrich.

Catherine L. Gemrich has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.


David Bucci
Petitions Examiner
Office of Petitions



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BRIARCLIFF MANOR, NY 10510

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FEB 09 2009

OFFICE OF PETITIONS

In re Application of :
David W. Clark :
Application No. 11/222,151 :
Filed: September 8, 2005 :
Attorney Docket No. US040368 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 18, 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 extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is January 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810 and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This application is being referred to Technology Center AU 3737 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions



ARTHUR FREILICH
9045 CORBIN AVE, #260
NORTHRIDGE CA 91324-3343

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SEP 06 2006

OFFICE OF PETITIONS

In re Application of

DAS

Application No. 11/222,161

Filed: September 8, 2005

Attorney Docket No. 204/512 US: MA-145

:
:
: **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 2, 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 Arthur Freilich 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 Monica A. Graves at 571-272-7253.


Amelia Au
Petitions Examiner
Office of Petitions

cc: Stephen D. Das
7 Dakota Ridge Place
The Woodlands, TX 77381

cc: Advanced Bionics Corporation
ATTN: BRYANT R. GOLD
25129 Rye Canyon Loop
Valencia, CA 91355



WONG, CABELLO, LUTSCH, RUTHERFOR
& BRUCCULER, LLP
20333 SH 249
SUITE 600
HOUSTON, TX 77070

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Daniel Joseph Klostermann	:	
Application No. 11/222,170	:	DECISION ON PETITION
Filed: September 8, 2005	:	TO WITHDRAW
Attorney Docket No. 585-0011US / AB-618U	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 15, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, “ownership transfer of listed patents and patent applications”, does not meet any of the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary

evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

The request to withdraw less than all attorneys appointed by customer number 70573 cannot be approved. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number should be made by submitting a "Request for Customer Number Data Change" (PTO/SB/124) which will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest who appointed all of the practitioners associated with such Customer Number. See MPEP 403 Section I. Customer Number Practice.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/April M. Wise/
April M. Wise
Petitions Examiner
Office of Petitions



ANATOLIY STANETSKIY
2450 85TH STREET, #2F
BROOKLYN, NY 11214

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FEB 03 2006

OFFICE OF PETITIONS

In re Application of :
Anatoliy Stanetskiy et al : **DECISION ON PETITION**
Application No. 11/222,192 : **TO MAKE SPECIAL UNDER**
Filed: September 8, 2005 : **37 CFR 1.102**
For: Permanent magnetic motor :

This is a decision on the petition under 37 CFR 1.102, filed December 27, 2005, 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 matter is being referred to Technology Center AU 2834 for action in its regular turn.



Amelia A.
Petitions Examiner
Office of Petitions

Enclosure: MPEP 708.02



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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K&L Gates LLP
P.O. Box 1135
CHICAGO, IL 60690

Mail Date: 04/20/2010

Applicant	: Mark C. Nicely	: DECISION ON REQUEST FOR
Patent Number	: 7614946	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/222,203	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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YOUNG LAW FIRM
A PROFESSIONAL CORPORATION
4370 ALPINE ROAD SUITE 106
PORTOLA VALLEY, CA 94028

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DEC 30 2005

OFFICE OF PETITIONS

In re Application of	:	
Richard C. Johnson	:	
Application No. 11/222,241	:	DECISION ON PETITION
Filed: September 7, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. IWW5925	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 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 **GRANTED**.

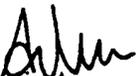
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence showing such as a doctor's certificate or other medical certificate that the state of health of the applicant is such that he or she might not 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 letter from Dr. Denise A. Abselet D.O. attesting to the fact that the applicant was diagnosed with liver failure in 2001 along with being afflicted with other side effects and diseases. It is there clear from the evidence that the applicant might not be able to assist in the prosecution of the application due to the diagnosed illness if said prosecution were to run it's normal course. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 2632 for action on the merits commensurate with this decision.


Amelia Au
Petitions Examiner
Office of Petitions



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ALEXANDRIA, VA 22313-1450
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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

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JUN 09 2009

In re Application of
Baeurle et al.
Application No. 11/222,250
Filed: September 9, 2005
Attorney Docket No. JS-0049

OFFICE OF PETITIONS

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition filed May 5, 2009 requesting under 37 CFR 1.182 that the terminal disclaimer filed April 9, 2009 be withdrawn. The \$ 400.00 petition fee has been received.

The petition is **granted**.

Petitioners assert that the terminal disclaimer filed on April 9, 2009 contained a typographical error for one of the co-pending applications. Petitioners submitted a new terminal disclaimer on May 5, 2009, which corrects the errors. The undersigned has consulted with the examiner in charge of this application, and has found that the examiner concurs with petitioners' assertion. Accordingly, the terminal disclaimer is withdrawn and replaced with the terminal disclaimer submitted on May 9, 2009.

This application is being forwarded to Art Unit 1626 for correction in the PALM database and file records consistent with this decision.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-3215

Charlema Grant
Petitions Attorney
Office of Petitions



JOHN R. BLICHMANN
912 LOGAN AVE.
LAFAYETTE IN 47905

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JUN 09 2008

In re Application of	:	
John Blichmann	:	
Application No. 11/222,253	:	ON PETITION
Filed: September 8, 2005	:	
Attorney Docket No. 08-05	:	

This is in response to the "Petition Pursuant to 37 CFR 1.181 to Withdraw Holding Abandonment", filed May 12, 2008.

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 May 14, 2007, the Office mailed a Notice Requiring Excess Claims Fees, which set a one month shortened statutory period to reply. The application became abandoned on June 15, 2007, for failure to submit a timely response to the May 14, 2007 Notice. On February 22, 2008, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the Notice Requiring Excess Claims Fees. Specifically, petitioner states that the Notice Requiring Excess Claims Fees was never received and is requesting withdrawal of the holding of abandonment.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice Requiring Excess Claims Fees, 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 Requiring Excess Claims Fees of May 14, 2007, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after May 14, 2007, to demonstrate nonreceipt of the Notice Requiring Excess Claims Fees. 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. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office action, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the Notice Requiring Excess Claims Fees was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after May 14, 2007; the period when he would have received the Notice Requiring Excess Claims Fees.

In the present petition, petitioner did not submit any statements, 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 Requiring Excess Claims Fees. Therefore, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the May 14, 2007 Notice Requiring Excess Claims Fees accompanies this decision for petitioner's convenience.

ALTERNATIVE VENUE

Petitioner is strongly encouraged 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), **\$770.00 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) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the Notice Requiring Excess Claims Fees May 14, 2007.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
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e 05/14/2007

JOHN R. BLICHMANN
912 LOGAN AVE.
LAFAYETTE, IN 47905

Paper No.

Application No.: 11/222,253 	Date Mailed: 05/14/2007
First Named Inventor: Blichmann, John, R.	Examiner: GUTIERREZ, DIEGO F
Attorney Docket No.: 08-05	Art Unit: 2859
Confirmation No.: 5687	Filing Date: 09/08/2005

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

NOTICE REQUIRING EXCESS CLAIMS FEES	Application No.	Applicant(s)	
	11/222,253	BLICHMANN, JOHN R.	
		Art Unit	
		2800	

The excess claim(s) filed on 30 April, 2007 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$ _____, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid ABANDONMENT. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

- 1. The funds in Deposit Account No. _____ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- 2. The Credit Card payment to cover the entire fee due to Account _____ (**Card type + last 4 digits ONLY**) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- 4. The fee submitted in this application is insufficient. A balance of \$ 150.00 is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- 5. Other.

Explanation (*Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due*): there is one independent claim and two dependent claims

THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Technical Support Staff (TSS): Diane Williams Phone Number: 571-272-2595

Note to TSS: Please do NOT use this notice if the application is under a final rejection.

<p align="center">PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))</p>	<p align="center">Docket Number (Optional)</p>
<p>First named inventor:</p> <p>Application No.: _____ Art Unit: _____</p> <p>Filed: _____ Examiner: _____</p> <p>Title: _____</p> <p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300</p> <p align="center">NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).</p> <p align="center">PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b)</p> <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Other than small entity – fee \$ _____ (37 CFR 1.17(m))</p> <p>2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))</p> <p>Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is _____.</p>	

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____	_____
Signature	Date
_____	_____
Typed or printed name	Registration Number, if applicable
_____	_____
Address	Telephone Number

Address	

- Enclosures: Fee Payment
 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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

JOHN R. BLICHMANN
912 LOGAN AVE.
LAFAYETTE IN 47905

COPY MAILED

SEP 15 2008

In re Application of
John Blichmann
Application No. 11/222,253
Filed: September 8, 2005
Attorney Docket No. 08-05

ON PETITION

This is in response to the "Renewed Petition Pursuant to 37 CFR 1.181 to Withdraw Holding Abandonment", filed July 21, 2008.

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 May 14, 2007, the Office mailed a Notice Requiring Excess Claims Fees, which set a one month shortened statutory period to reply. The application became abandoned on June 15, 2007, for failure to submit a timely response to the May 14, 2007 Notice. On February 22, 2008, the Office mailed a Notice of Abandonment. A petition filed under 37 CFR 1.181 was dismissed on June 9, 2008.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the Notice Requiring Excess Claims Fees. Specifically, petitioner states that the Notice Requiring Excess Claims Fees was never received and is requesting withdrawal of the holding of abandonment.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

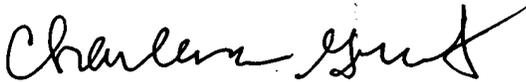
A review of the record indicates no irregularity in the mailing of the Notice Requiring Excess Claims Fees, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

Petitioner has sufficiently described the system in place to track due dates. However, petitioner needs to provide additional evidence to support the system in place. For instance petitioner should provide any additional reminders that were loaded into Ms Outlook. Specifically where was the Notice of Abandonment entered? If the reminders are deleted after action than a statement to that effect should be provided. Please provide a statement that you have checked all

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) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions



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Alexandria, VA 22313-1450
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JOHN R. BLICHMANN
912 LOGAN AVE.
LAFAYETTE IN 47905

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DEC 15 2008

OFFICE OF PETITIONS

In re Application of :
John Blichmann :
Application No. 11/222,253 :
Filed: September 8, 2005 :
Attorney Docket No. 08-05 :

ON PETITION

This is in response to the “Renewed Petition Pursuant to 37 CFR 1.181 to Withdraw Holding Abandonment”, filed November 3, 2008.

The petition is GRANTED.

On May 14, 2007, the Office mailed a Notice Requiring Excess Claims Fees, which set a one month shortened statutory period to reply. The application became abandoned on June 15, 2007, for failure to submit a timely response to the May 14, 2007 Notice. On February 22, 2008, the Office mailed a Notice of Abandonment. Petitions filed under 37 CFR 1.181 were dismissed on June 9, 2008 and September 15, 2008.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the Notice Requiring Excess Claims Fees. Specifically, petitioner states that the Notice Requiring Excess Claims Fees was never received and is requesting withdrawal of the holding of abandonment.

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 2855 for re-mailing the Notice Requiring Excess Claims Fees of May 14, 2007. The period for reply will run from the mailing date of the Notice Requiring Excess Claims Fees.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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DEC 09 2009

OFFICE OF PETITIONS

PEARNE & GORDON LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

In re Application of :
Hartmut Rohrmann, et al. :
Application No. 11/222,270 : **DECISION ON PETITION**
Filed: September 8, 2005 : **TO WITHDRAW**
Attorney Docket No. 048635-044000 : **FROM RECORD**
:

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, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Pearne & Gordon LLP has been revoked by the assignee of the patent application on October 21, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.


Terri Johnson
Petitions Examiner
Office of Petitions

cc: **NIXON PEABODY, LLP**
401 9th Street, NW
Suite 900
Washington, DC 20004-2128



RIMAS LUKAS
530 JACKSON ST
2ND FLOOR
SAN FRANCISCO CA 94133

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SEP 28 2006

OFFICE OF PETITIONS

In re Application of	:	
Donovan, et al.	:	
Application No. 11/222,281	:	DECISION ON PETITION
Filed: September 8, 2005	:	TO WITHDRAW
Attorney Docket No. ARC01-20104.00	:	FROM RECORD
	:	

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, 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 Rimas T. Lukas on behalf of all attorneys of record who are associated with customer No. 34690.

All attorneys/agents associated with the Customer Number 34690 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 April Wise at 571-272-1642.



April M. Wise
Petitions Examiner
Office of Petitions

cc: FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022



PATRICK G. BURNS, ESQ.
GREER, BURNS & CRAIN, LTD.
SUITE 2500
300 SOUTH WACKER DRIVE
CHICAGO IL 60606

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JUN 15 2006

OFFICE OF PETITIONS

In re Application of :
Masaki Kameyama :
Application No. 11/222,294 : ON PETITION
Filed: September 8, 2005 :
Attorney Docket No. 3531.73880 :

This is a decision on the petition, filed June 9, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 16, 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 2627 will consider the request for continued examination under 37 CFR 1.114.


Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

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JUL 17 2007

OFFICE OF PETITIONS

In re Application of
Kishore K. Chakravorty
Application No. 11/222,320
Filed: September 8, 2005
Attorney Docket No. 884.267US2

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 6, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Walter W. Nielsen on behalf of all attorneys of record who are associated with customer No. 45457.

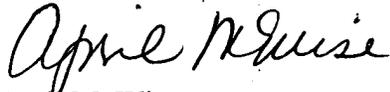
All attorneys/agents associated with the Customer Number 45457 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed March 16, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.



April M. Wise
Petitions Examiner
Office of Petitions

cc: KISHORE K. CHAKRAVORTY
6407 BERKWICKSHIRE WAY
SAN JOSE, CA 95120

cc: DAVE L. GUGLEIMI
INTEL CORPORATION
2111 NE 25TH AVENUE
M/S JF3-147
HILLSBORO, OR 97124-5961



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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
11/222,320	09/08/2005	Kishore K. Chakravorty	884.267US2

CONFIRMATION NO. 7528

21186
 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
 P.O. BOX 2938
 MINNEAPOLIS, MN 55402



OC000000024847757

Date Mailed: 07/16/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/06/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

April M. Gause

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY



MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

COPY MAILED

JUN 22 2009

In re Application
John L. Diener et al.
Application No. 11/222,346
Filed: September 7, 2005
Attorney Docket No. **23239-582**

: **OFFICE OF PETITIONS**
:
: **DECISION ON APPLICATION**
: **FOR PATENT TERM ADJUSTMENT**
:

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" filed December 5, 2008. Applicant requests that the determination of patent term adjustment be corrected from ninety-one (91) days to two hundred ninety-six (296) days. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.703(b).

Applicant is given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Applicant may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

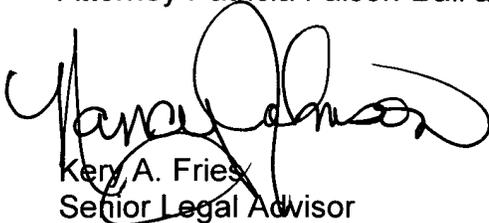
Rather than file the request for reconsideration of Patent Term Adjustment at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, the Office will consider any request for reconsideration of the

patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.



Kerry A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Examination Policy



MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED
JUN 23 2010
OFFICE OF PETITIONS

In re Patent No. 7,566,701 : DECISION ON REQUEST
Issued: July 28, 2009 : FOR RECONSIDERATION
Application No. 11/222,346 : OF PATENT TERM ADJUSTMENT
Filed: September 7, 2005 : AND
Attorney Docket No: 23239-582 : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed on September 15, 2009. Applicant requests that the determination of patent term adjustment be corrected from 88 days to 415 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and in light of the court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).¹

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is adjusted by one four hundred fifteen (415) days is **GRANTED**.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred fourteen (415) days**.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

¹Reconsidered in light of the Court of Appeals for the Federal Circuit's decision in Wyeth v. Kappos, 2009-1120 (Fed. Cir. 1-7-2010).

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,566,701 B2

DATED : July 28, 2009

INVENTOR(S) : John L. Diener

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (88) days

Delete the phrase "by 88 days" and insert -- by 415 days--



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AUG 18 2006

OFFICE OF PETITIONS

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

In re Application of :
Vikram Chalana et al. :
Application No. 11/222,360 : DECISION ON PETITION UNDER
Filed: September 8, 2005 : 37 C.F.R. §1.137(A)
Attorney Docket Number: DXUC-1- :
1047 :
Title: SYSTEMS AND METHODS FOR :
ULTRASOUND IMAGING USING AN :
INERTIAL REFERENCE UNIT :

This is a decision on the petition filed June 2, 2006, under 37 C.F.R. §1.137(a)¹, to revive the above-identified application.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 28, 2005, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 29, 2005.

¹ A grantable petition pursuant to 37 C.F.R. §1.137(a) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. §1.17(1);
- (3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. §1.20(d)) required pursuant to paragraph (d) of this section.

A discussion follows.

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard.

"In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference."²

"[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense."³

"The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'"⁴

"The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency."⁵

2 Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA) 1152 (Fed. Cir. 1988) ("an agency's interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

3 Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

4 Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. 706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

5 Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q.2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

The standard

The burden of showing the cause of the delay is on the person seeking to revive the application⁶.

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."⁷

The Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and the applicant is bound by the consequences of those actions or inactions⁸. Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 USC 133⁹.

The actions of the attorney are imputed to the client, for when a petitioner voluntarily chooses an attorney to represent him, the petitioner cannot later distance himself from this attorney, so as to avoid the repercussions of the actions or inactions of this selected representative, for clients are bound by the acts of their lawyers/agents, and constructively possess "notice of all facts, notice of which can be charged upon the attorney"¹⁰.

Courts hesitate to punish a client for its lawyer's gross negligence, especially when the lawyer affirmatively misled the client," but "if the client freely chooses counsel, it should be bound to counsel's actions"¹¹.

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account"¹².

RELEVANT LAW

35 U.S.C. 133: Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than

⁶ Id.

⁷ See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

⁸ Link v. Wabash, 370 U.S. 626, 633-634 (1962).

⁹ Haines, 673 F.Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32; Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 103, 131 (Comm'r Pat. 1891).

¹⁰ Link at 633-634.

¹¹ Inryco, Inc. v. Metropolitan Engineering Co., Inc., 708 F.2d 1225, 1233 (7th Cir. 1983). See also, Wei v. State of Hawaii, 763 F.2d 370, 372 (9th Cir. 1985); LeBlanc v. I.N.S., 715 F.2d 685, 694 (1st Cir. 1983).

¹² Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.

thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

(Amended Nov. 29, 1999, Public Law 106-113, sec. 1000(a)(9), 113 Stat. 1501A-582 (S. 1948 sec. 4732(a)(10)(A)).)

ANALYSIS

With the present petition, Petitioner has submitted the petition fee, a declaration, the surcharge associated with the late submission of the same, the fee associated with the filing of excess claims, and replacement drawings.

Petitioner has also included a three-month extension of time. An extension of time under 37 C.F.R. §1.136 must be filed prior to the expiration of the maximum extendable period for reply¹³. Accordingly, since the \$ 510 extension of time submitted with the petition on June 2, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

With the present petition, Petitioner has asserted that his law firm received the notice, prepared the response, and a paralegal inadvertently docketed the response date as June 2, 2006.

As such, Petitioner has asserted that the entire period of delay occurred due to a docketing error. A delay resulting from a docketing error on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay.

Such a showing should identify the specific error¹⁴, the individual who made the error, and the business routine in place for performing the action which resulted in the error. The showing must establish that the individual who erred was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care. The showing should

¹³ See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

¹⁴ Petitioner must identify the error which caused the delay. If the specific error cannot be identified, the petitioner must identify any and all possible causes and prove that any of them, if they were the true cause, constitute unavoidable delay. A full and complete discussion for each possible error must be presented. Petitioner is reminded that petitioner has the burden of proof.

include information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

As such, a docketing error on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

- (1) the error was the cause of the delay at issue,
- (2) a business routine was in place for performing the clerical function that could reasonably be relied upon to avoid errors in its performance, and;
- (3) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

See MPEP 711.03(c) (III) (C) (2).

An adequate showing should include (when relevant):

- (1) statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them;
- (2) a thorough explanation of the docketing and call-up system in use;
- (3) identification of the type of records kept;
- (4) identification of the persons responsible for the maintenance of the system;
- (5) copies of mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing;
- (6) include an indication as to why the system failed in this instance, and;
- (7) information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

With the present petition, Petitioner has identified the error which was the cause of the delay at issue. Petitioner has not established that a business routine was in place for performing the clerical function that could reasonably be relied upon to avoid errors in its performance, and that the employee was

sufficiently trained and experienced with regard to the function and routine for its performance such that reliance upon such employee represented the exercise of due care.

More specifically, Petitioner has failed to provide:

- statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them;
- a thorough explanation of the docketing and call-up system in use;
- identification of the type of records kept;
- identification of the persons responsible for the maintenance of the system;
- copies of mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing;
- an indication as to why the system failed in this instance;
- information regarding the training provided to the paralegal Petitioner has asserted is responsible for the docketing error;
- the degree of supervision of this paralegal;
- examples of other work functions carried out by this paralegal, and;
- checks on the described work of this paralegal which were used to assure proper execution of assigned tasks.

As such, the present petition must be **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.137(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 Shanowski, and may be submitted by mail¹⁵, hand-delivery¹⁶, or facsimile¹⁷.

15 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

16 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

17 (571) 273-8300- please note this is a central facsimile number.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225¹⁸. 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

¹⁸ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

COPY MAILED

NOV 13 2006

OFFICE OF PETITIONS

In re Application of :
Vikram Chalana et al. :
Application No. 11/222,360 : DECISION ON PETITION UNDER
Filed: September 8, 2005 : 37 C.F.R. §1.137(B)
Attorney Docket Number: DXUC-1- :
1047 :
Title: SYSTEMS AND METHODS FOR :
ULTRASOUND IMAGING USING AN :
INERTIAL REFERENCE UNIT :

This is a decision on the petition filed on October 17, 2006, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 28, 2005, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 29, 2005.

¹ A grantable petition pursuant to 37 C.F.R. 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

A petition under 37 C.F.R. §1.137(a) was filed on June 2, 2006, which was dismissed via the mailing of a decision on August 18, 2006. With the previous petition, Petitioner supplied a declaration, the surcharge associated with the late submission of the same, the fee associated with the filing of excess claims, and replacement drawings.

With the present petition, Petitioner submitted the petition fee and the proper statement of unintentional delay. A terminal disclaimer is not required.

As such, the petition is **GRANTED**.

The Office of Initial Patent Examination (OIPE) will be notified of this decision, so that the present application can receive further processing.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225². All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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NOV 25 2008

OFFICE OF PETITIONS

Dag Johansen
P.O. Box 7512
Menlo Park CA 94025

In re Application of :
Sundar Iyer, et. al. :
Application No. 11/222,387 : **DECISION ON PETITION**
Filed: September 7, 2005 :
Attorney Docket No. NEMO.P0004 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 16, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant (37 CFR 1.121) Amendment mailed, September 20, 2007, which set a shortened statutory period for reply of one (1) months or 30 days whichever is longer from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136 (a) were obtained. Accordingly, the application became abandoned on October 23, 2007 (October 20, 2007 was a Saturday).

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.

The statement of delay is not acceptable. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);

- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under §3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

In this present situation, the petition is not signed by the registered patent attorney and thus, is considered to not contain a proper statement of unintentional delay.

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 Denise Williams at (571) 272-8930.


Brian W. Brown
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

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JAN 28 2009

OFFICE OF PETITIONS

In re Application of :
Sundar Iyer, et. al. :
Application No. 11/222,387 : **DECISION ON PETITION**
Filed: September 7, 2005 :
Attorney Docket No. 1370.284US1 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 23, 2008, to revive the above-identified application.

The renewed petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$1620, 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 2187 for appropriate action by the Examiner in the normal course of business on the reply received.

Brian W. Brown
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO, FL 32802-3791

Mail Date: 05/24/2010

Applicant	: Xavier Cauchy	: DECISION ON REQUEST FOR
Patent Number	: 7627070	: RECALCULATION OF PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/222,412	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **261** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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OCT 04 2006

TECHNOLOGY CENTER 3600

RICHARD L. MILLER
12 PARKSIDE DRIVE
DIX HILLS NY 11746

In re application of
Laverne L. Stewart
Application No. 11/222,426
Filed: September 8, 2005
For: DEVICE THAT AUTOMATICALLY ROCKS A
ROCKING A CHAIR AND SIMILAR ARTICLES

: **DECISION ON PETITION**
:
: **TO MAKE SPECIAL**
:
: **(ACCELERATED**
:
: **EXAMINATION)**

This is in response to the renewed petition filed on August 23, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt **bona fide** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.



Kenneth J. Domer
Special Programs Examiner
Technology Center 3600
571-272-6587

KJD/dcg: 9/14/06



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RICHARD L. MILLER
12 PARKSIDE DRIVE
DIX HILLS, NY 11746

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In re Application of :
Laverne L. Stewart :
Application No. 11/222,426 : **ON PETITION**
Filed: September 8, 2005 :
Attorney Docket No: STEL96A :

This is a decision on the petition, filed September 29, 2008, to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b).

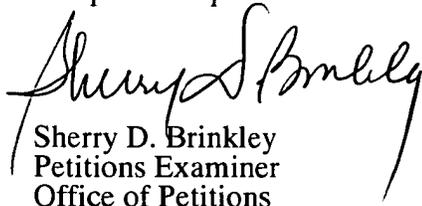
The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before May 1, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 1, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 2, 2008. A Notice of Abandonment was mailed on June 24, 2008. On September 29, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$720 and the publication fee of \$300, (2) the petition fee of \$770; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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RUDOLF O. SIEGESMUND
SUITE 2650
2100 ROSE AVENUE
DALLAS, TX 75201

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MAY 21 2008

OFFICE OF PETITIONS

In re Application of
Mary-Lou Laetitia, et al.
Application No. 11/222,431
Filed: September 8, 2005
Attorney Docket No. ASMO.001

:
:
:
:
:
:

ON PETITION

This is a decision in response to the petition, filed January 4, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

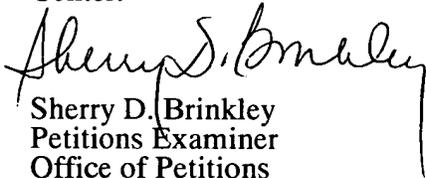
The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed May 18, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. A Notice of Abandonment was mailed on December 27, 2007. On January 4, 2008, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$770; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3636 for consideration of the amendment filed January 4, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

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NOV 24 2006
OFFICE OF PETITIONS

In re Application of	:	
Ralph H. Johnson et al	:	
Application No. 11/222,433	:	DECISION ON PETITION
Filed: September 8, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 15436.476.1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 31, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Inventor James R. Biard stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 2828 for action on the merits commensurate with this decision.


Irvin Dingle
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
3711

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
SUITE 225
445 BROAD HOLLOW ROAD
MELVILLE, NY 11747

COPY MAILED

JAN 20 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Falciglia, Sal Sr. :
Application No. 11/222,437 :
Filed: September 8, 2005 :
Attorney Docket No. 674-22 CIP :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 26, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Petitions Examiner Liana Chase at 571-272-3206.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.


David Bucchi
Petitions Examiner
Office of Petitions



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Date Mailed : 02/04/08

Patent No. : 7181819 B2
Patent Issued : 02/27/07
Docket No. : 9281-5177

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.

In the title, it is the practice to exclude words such as "Improvements in", "A", "Novel", etc., from the printed patent. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

In view of the foregoing, your request in this matter is hereby denied.

A handwritten signature in cursive script that reads "Lamonte M. Newsome".

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703)-305-5358 or (703) 308-9390 #112

**BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610**

LMN



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501 Skysail Lane
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Fort Collins, CO 80525-3133

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MAY 08 2008

OFFICE OF PETITIONS

In re Application of
Arie Ross
Application No. 11/222,443
Filed: September 8, 2005
Attorney Docket No. ROSS-100A

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DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 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 Jean Macheledt on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.



Terri Williams
Petitions Examiner
Office of Petitions

cc: **Arie Ross**
12303 King George Highway
Surrey, V3V-3K2
Canada

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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
11/222,443	09/08/2005	Arie Ross	ROSS-100A

CONFIRMATION NO. 7001

POWER OF ATTORNEY NOTICE



28304
JEAN M. MACHELEDT
501 SKYSAIL LANE
SUITE B100
FORT COLLINS, CO 80525-3133

Date Mailed: 05/07/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/26/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

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.

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MINNEAPOLIS MN 55402-2100

MAILED

AUG 20 2009

OFFICE OF PETITIONS

In re Patent No. 7,517,355 :
Drake et al. : DECISION ON
Issue Date: April 14, 2009 : REQUEST FOR
Application No. 11/222,444 : RECONSIDERATION OF
Filed: September 8, 2005 : PATENT TERM ADJUSTMENT
Attorney Docket No. 3718.12US01 :

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.705(d)," filed June 10, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from four hundred eighty-seven (487) days to six hundred ninety (690) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On April 14, 2009, the above-identified application matured into US Patent No. 7,517,355 with a patent term adjustment of 487 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 C.F.R. § 1.705(d).

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

Patentees request recalculation of the patent term adjustment to include a 218-day period of adjustment pursuant to 37 C.F.R. § 1.703(b). Patentees maintain entitlement to a period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), of 218 days and the period of adjustment due to other examination delay, pursuant to 37 CFR §§ 1.702(a)(1) and (a)(2), of 517 days.

The 218-day period is calculated based on the application having been filed under 35 U.S.C. § 111(a) on September 8, 2005, and the instant patent issued on April 14, 2009, which is 3 years and 218 days after its filing date.

Under 37 CFR § 1.703(f), Patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR § 1.702 reduced by the period of time equal to the period of time during which Patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR § 1.704. In other words, the period of Office delay reduced by the period of applicant delay.

The period of reduction of 30 days for applicant delay is not in dispute.

The period of 517 days for Office delay is not in dispute.

Patentees do not dispute that the total period of Office delay is the sum of the period of Three Years Delay (218 days) and the period of Examination Delay (517 days) to the extent that these periods of delay are not overlapping. However, Patentees contend that 15 days of the period of delay under 35 U.S.C. § 154(b)(1)(A) overlaps with the period of delay under 35 U.S.C. § 154(b)(1)(B).

Accordingly, Patentees submit that the total period of adjustment for Office delay is 720 days, which is the sum of the period of Three Year Delay (218 days) and the period of Examination Delay (517 days), reduced by the period of overlap (15 days).

As such, Patentees assert entitlement to a patent term adjustment of 690 days (218 + 517 reduced by 15 overlap - 30 (applicant delay)).

The Office agrees that the application issued 3 years and 218 days after its filing date. The Office agrees that certain actions were not taken within the specified time frames, and thus, the entry of a period of adjustment of 517 days for Office delay is correct. At issue is whether Patentees should accrue 203 days of patent term adjustment for the Office taking in excess of three years to issue the patent (218 days less the 15 days of overlap), as well as 517 days for Office failure to take

certain actions within a specified time frame (or examination delay).

The Office contends that the entire 218-day period overlaps. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any

additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding 37 C.F.R. § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3 year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718¹

As such, the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, September 8, 2005 to April 14, 2009. 517 days of patent term adjustment were accorded prior to the issuance of the patent for the Office failing to respond within specified time frames during the pendency of the application. All of the 218 days for Office delay in issuing the patent overlap with the 517 days of Office delay. During that time, the issuance of the patent was delayed by 517 days, not $517 + (218 - 15 = 203)$ days. Other than the periods of Office delay pursuant to 37 C.F.R. §§ 1.702(a)(1) and (a)(2) which total 517 days, the Office took all actions set forth in 37 C.F.R. § 1.702(a) within the prescribed timeframes.

Nonetheless, given the initial 517 days of Office delay and the 30 days of applicant delay and the time allowed within the time frames for processing and examination, the patent issued three years and 218 days after its filing date. The Office did not

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).

delay 517 days and then an additional 203 days. The 218 days attributed to the delay in the issuance of the patent overlaps with the adjustment of 517 days attributable to the grounds specified in 37 C.F.R. §§ 1.702(a)(1) and (a)(2). Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment for the Office taking in excess of 3 years to issue the patent. 517 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 218 days over three years to the issuance of this patent.

In view thereof, no adjustment to the patent term will be made.

Telephone inquiries specific to this matter should be directed to Paul Shanoski, Senior Attorney, at (571) 272-3225.

C. L. Donnell for

Anthony Knight
Supervisor
Office of Petitions

STATUTE AND REGULATION

35 U.S.C. § 154(b) as amended by § 4402 of the American Inventors Protection Act of 1999² (AIPA) provides that:

ADJUSTMENT OF PATENT TERM. —**(1) PATENT TERM GUARANTEES. —**

(A) GUARANTEE OF PROMPT PATENT AND TRADEMARK OFFICE RESPONSES. — Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to —

(i) provide at least one of the notifications under section 132 of this title or a notice of allowance under section 151 of this title not later than 14 months after —

(I) the date on which an application was filed under section 111(a) of this title; or

(II) the date on which an international application fulfilled the requirements of section 371 of this title;

(ii) respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after the date on which the reply was filed or the appeal was taken;

(iii) act on an application within 4 months after the date of a decision by the Board of Patent Appeals and Interferences under section 134 or 135 or a decision by a Federal court under section 141, 145, or 146 in a case in which allowable claims remain in the application; or

(iv) issue a patent within 4 months after the date on which the issue fee was paid under section 151 and all outstanding requirements were satisfied, the term of the patent shall be extended 1 day for each day after the end of the period specified in clause (i), (ii), (iii), or (iv), as the case may be, until the action described in such clause is taken.

(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY. — 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 —

² Public Law 106-113, 113 Stat. 1501, 1501A-557 through 1501A-560 (1999).

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

(C) GUARANTEE OR ADJUSTMENTS FOR DELAYS DUE TO INTERFERENCES, SECRECY ORDERS, AND APPEALS. - Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to -

(i) a proceeding under section 135(a);

(ii) the imposition of an order under section 181;

or

(iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

(2) LIMITATIONS. -

(A) IN GENERAL. - To the extent that 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.

The implementing regulation, 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

(a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be

adjusted if the issuance of the patent was delayed due to the failure of the Office to:

(1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

(2) Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken;

(b) Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including³:

In pertinent part, 37 CFR § 1.703 provides for calculation of the periods, as follows:

Period of adjustment of patent term due to examination delay.

(a) The period of adjustment under § 1.702(a) is the sum of the following periods:

(1) The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(b) The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day

³ (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods⁴:

37 CFR 1.703(f) provides that:

The adjustment will run from the expiration date of the patent as set forth in 35 U.S.C. 154(a)(2). 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. The term of a patent entitled to adjustment under § 1.702 and this section shall be adjusted for the sum of the periods calculated under paragraphs (a) through (e) of this section, to the extent that such periods are not overlapping, less the sum of the periods calculated under § 1.704. The date indicated on any certificate of mailing or transmission under § 1.8 shall not be taken into account in this calculation.

⁴ (1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued;

(2) (i) The number of days, if any, in the period beginning on the date an interference was declared or redeclared to involve the application in the interference and ending on the date that the interference was terminated with respect to the application; and (ii) The number of days, if any, in the period beginning on the date prosecution in the application was suspended by the Office due to interference proceedings under 35 U.S.C. 135(a) not involving the application and ending on the date of the termination of the suspension;

(3) (i) The number of days, if any, the application was maintained in a sealed condition under 35 U.S.C. 181; (ii) The number of days, if any, in the period beginning on the date of mailing of an examiner's answer under § 41.39 of this title in the application under secrecy order and ending on the date the secrecy order was removed; (iii) The number of days, if any, in the period beginning on the date applicant was notified that an interference would be declared but for the secrecy order and ending on the date the secrecy order was removed; and (iv) The number of days, if any, in the period beginning on the date of notification under § 5.3(c) of this chapter and ending on the date of mailing of the notice of allowance under 35 U.S.C. 151; and,

(4) The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.


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APPL NO.	FILING OR 371 (e) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/222,445	09/08/2005	2821	1380	GCSD-1681 (51438)	15	25	3

27975
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 P.O. BOX 3791
 ORLANDO, FL 32802-3791

CONFIRMATION NO. 7004
CORRECTED FILING RECEIPT



OC000000017306791

Date Mailed: 10/21/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Harry R. Phelan, Palm Bay, FL;
 Mark L. Goldstein, Palm Bay, FL;

Assignment For Published Patent Application

Harris Corporation, Melbourne, FL

Power of Attorney: The patent practitioners associated with Customer Number **27975**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/23/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/222,445**

Projected Publication Date: 03/08/2007

Non-Publication Request: No

Early Publication Request: No

Title

Phased array antenna with subarray lattices forming substantially rectangular aperture

Preliminary Class

343

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



TOWNSEND AND TOWNSEND AND CREW, LLP
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MAR 31 2008

OFFICE OF PETITIONS

In re Application of :
Yasir Skeiky et al :
Application No. 11/222,451 : DECISION ON PETITION
Filed: September 7, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 014058-008011US :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 25, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The amendment is not acceptable because Application No. 11/201,519 does not have a common inventor with Application No. 10/358,460 and 10/358,460 does not have a common inventor with Application No. 09/287,849. In order for an application to claim the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America, each prior-filed

application must name as an inventor at least one inventor named in the later-filed application and disclose the named inventor's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112. See MPEP 201.11 and 37 CFR § 1.78(a)(1).

The reference to add the above-noted, prior-filed application 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 application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

On filing, the present application claimed benefit of an incorporated by reference provisional Application No. 60/158,585, filed October 7, 1999. However, Application No. 09/684,215 was not incorporated by reference upon filing. Therefore, Application No. 09/684,215 may not be incorporated by reference. The present amendment seeks to claim benefit of priority to nonprovisional Application Nos. 09/684,215, filed October 6, 2000; 11/201,519, filed August 10, 2005; 10/358,460, filed February 5, 2003; 09/287,849, filed April 7, 1999 and 09/223,040, filed December 30, 1998. The amendment to claim benefit of priority to nonprovisional Application No. 10/358,460 and 09/287,849 are improper in this application as it lacks the proper chain of priority. In this regard, nonprovisional Application No. 11/201,519 does not claim priority to 10/358,460 and 10/358,460 does not claim priority to 09/287,849.

Where an application claims a benefit under 35 U.S.C. 120 of a chain of applications, the application must make a reference to the first (earliest) application and every intermediate application. *See Sampson v. Ampex Corp.*, 463 F.2d 1042, 1044 45, 174 USPQ 417, 418 19 (2d Cir. 1972); *Sticker Indus. Supply Corp. v. Blaw Knox Co.*, 405 F.2d 90, 93, 160 USPQ 177, 179 (7th Cir. 1968); *Hovlid v. Asari*, 305 F.2d 747, 751, 134 USPQ 162, 165 (9th Cir. 1962). *See also* MPEP § 201.11. In addition, every intermediate application must also make a reference to the first (earliest) application and every application after the first application and before such intermediate application. MPEP Section 201.06(d).

In view of the above, petitioner must first correct the claim for benefit of priority to Application No. 09/287,849 and Application No. 10/358,460 if petitioner wishes to claim priority of that application in the present application.

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
 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 Irvin Dingle at (571) 272-3210.


David Bucci
Petition Examiner
Office of Petitions



TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

COPY MAILED

OCT 27 2008

OFFICE OF PETITIONS

In re Application of :
Yasir Skeiky et al :
Application No. 11/222,451 : DECISION ON PETITION
Filed: September 7, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 014058-008011US :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed April 28, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment and Supplemental Application Data Sheet filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37

CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1656 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.


David Bucsi
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/222,451, 09/07/2005, 1656, 775, 014058-008011US, 31, 3

CONFIRMATION NO. 6949

CORRECTED FILING RECEIPT



20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 10/27/2008

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)

Yasir Skeiky, Seattle, WA;
Jeffrey Guderian, Lynnwood, WA;

Assignment For Published Patent Application

Corixa Corporation, Seattle, WA

Power of Attorney:

Kevin Bastian--34774
William Kezer--37369
Annette Parent--42058
Kathleen Choi--43433

Domestic Priority data as claimed by applicant

This application is a DIV of 09/684,215 10/06/2000 PAT 7,009,042
which claims benefit of 60/158,585 10/07/1999
This application 11/222,451
is a CIP of 11/201,519 08/10/2005 ABN
which is a DIV of 10/359,460 02/05/2003 PAT 6,977,069
which is a CON of 09/287,849 04/07/1999 PAT 6,627,198
which is a CIP of 09/223,040 12/30/1998 PAT 6,544,522

Foreign Applications

If Required, Foreign Filing License Granted: 10/03/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/222,451

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Methods of using a Mycobacterium tuberculosis coding sequence to facilitate stable and high yield expression of the heterologous proteins

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS MI 49501

In re Application of:
Huisken, Richard et al
Serial No. 11/222,461
Filed: Sep. 8, 2005
Docket: ADV16 P300
Title:

FIXTURE FOR MACHINE TOOLS

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed on Jan. 16, 2008 by which petitioner requests reconsideration and withdrawal of the restriction requirement mailed Sep. 27, 2007, and that non-elected claims 27-51 be rejoined and examined on the merits. Claims 21-26 were elected and examined and claims 27-51 were withdrawn from consideration due to non-elected invention. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **granted**.

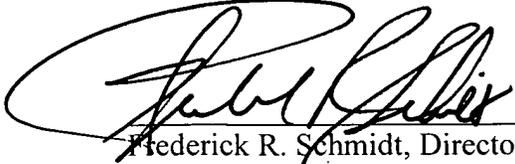
In his Jan. 16, 2008 petition, petitioner requests the examiner to withdraw the restriction requirement issued on Sep. 27, 2007 regarding the restriction requirement under M.P.E.P. 806.06(d). In particular, petitioner requests that the restriction requirement be withdraw. In the petition, petitioner argues that the claims 21-51 simply provide different definitions of the same disclosed subject matter, varying in breadth or scope of definition. In finding petitioner's points of argument persuasive, the requested relief is granted.

After consulting with the examiner, it was agreed that the restriction requirement should be withdrawn. Claims 27-51 will be rejoined with the elected invention. An Office action on the merits including claims 27-51 will follow in due course. The restriction requirement mailed on Sep. 27, 2007 is hereby withdrawn. Therefore, the request for withdrawal of the restriction requirement and rejoinder of claims 27-51 in the application is hereby granted. The examiner has been directed to issue an Office action to rejoin and treat the non-elected claims 27-51 on the merits in response to the amendment filed Feb. 8, 2008.

The application is being forwarded to Supervisory Patent Examiner of Art Unit 3723 for further consideration of non-elected claims 27-51 along with the amendment filed on Feb. 8, 2008.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.



Frederick R. Schmidt, Director
Technology Center 3700



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MIKE C. CORBETT
2336 Kirkland Road
Dover FL 33527

MAILED

SEP 17 2009

OFFICE OF PETITIONS

In re Application of :
Mike C. Corbett :
Application No. 11/222,491 : **DECISION ON PETITION**
Filed: September 8, 2005 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 10, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 7, 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). 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).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Examiner's Amendment mailed December 3, 2007 which applicant authorized, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571)6842.

This application is being referred to Technology Center AU3748 for re-mailing of a Notice of Allowance.

Carl Friedman
Petitions Examiner
Office of Petitions



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SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY, MN 55125

Mail Date: 04/20/2010

Applicant	: John W. Forsberg	: DECISION ON REQUEST FOR
Patent Number	: 7640059	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/222,495	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **170** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY, MN 55125

Mail Date: 05/17/2010

Applicant : John W. Forsberg : NOTICE CONCERNING IMPROPER
Patent Number : 7640059 : CALCULATION OF PATENT TERM
Issue Date : 12/29/2009 : ADJUSTMENT BASED UPON USPTO
Application No : 11/222,495 : IMPROPERLY MEASURING REDUCTION
Filed : 09/08/2005 : 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 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 **340** 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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Honeywell International Inc.
Law Department Patent Services
101 Columbia Road
Morristown, NJ 07962

Mail Date: 04/21/2010

Applicant	: Bo Yang	: DECISION ON REQUEST FOR
Patent Number	: 7611787	: RECALCULATION OF PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/222,506	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1091** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

COPY MAILED
MAR 09 2010

In re Patent No. 7,575,768 :
Perlman et al. : DECISION ON REQUEST FOR
Issue Date: August 18, 2009 : RECONSIDERATION OF
Application No. 11/222,512 : PATENT TERM ADJUSTMENT
Filed: September 7, 2005 : AND NOTICE OF INTENT
Attorney Docket No. 073442-4901 : TO ISSUE CERTIFICATE OF
Title: DIETARY SUPPLEMENTS AND : CORRECTION
PREPARED FOODS CONTAINING :
TRIGLYCERIDE-RECRYSTALLIZED :
NON-ESTERIFIED PHYTOSTEROLS :

This is a decision on the petition filed on October 16, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred eighty-nine (989) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred eighty-nine (989) days is **GRANTED**.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by nine hundred eighty-nine (989) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required. The fee set forth in 37 CFR 1.18(e) is a requirement and will not be refunded.

Telephone inquiries specific to this matter should be directed to Petitions Attorney, Charlema Grant 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

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,575,768 B2

DATED : **August 18, 2009**

DRAFT

INVENTOR(S) : Perlman 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 644 days

Delete the phrase "by 644 days" and insert – by 989 days--



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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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of :
Geoffrey Outhred, et al. :
Application No. 11/222,514 : DECISION GRANTING PETITION
Filed: September 8, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. MSI-2813US :

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed July 17, 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 2, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2123 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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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McCarthy Law Group
5830 Northwest Expressway, #353
Oklahoma City OK 73132

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DEC 31 2009

OFFICE OF PETITIONS

In re Application of :
Timothy A. Riener, et al. :
Application No. 11/222,553 : **DECISION ON PETITION**
Filed: September 9, 2005 :
Attorney Docket No. 3123-726 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 30, 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 September 14, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 12, 2009. Accordingly, the date of abandonment of this application is September 15, 2009. The Notice of Abandonment was mailed October 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.


Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

McCarthy Law Group
5830 Northwest Expressway, #353
Oklahoma City, OK 73132

Mail Date: 04/21/2010

Applicant	: Timothy A. Riener	: DECISION ON REQUEST FOR
Patent Number	: 7660071	: RECALCULATION OF PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/222,553	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **534** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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United States Patent and Trademark Office
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CIRA CENTRE 12th Floor
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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OFFICE OF PETITIONS

In re Application of	:	
ZHANG, Hongliang	:	
Application No. 11/222,554	:	DECISION ON PETITION
Filed: September 9, 2005	:	TO WITHDRAW
Attorney Docket No. CING-0811/713.US.C1.C1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 22, 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 it was not signed.

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: **PARKS KNOWLTON - C001**
1117 PERIMETER CENTER WEST, SUITE E402
ATLANTA, GA 30338



GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

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JAN 19 2007

OFFICE OF PETITIONS

Applicant: Adams et al.
Appl. No.: 11/222,587
Filing Date: September 9, 2005
Title: TREATMENT WITH ANTI-ERBB2 ANTIBODIES AND ANTI-HORMONAL COMPOUNDS
Attorney Docket No.: P1467R2D3
Pub. No.: US 2006/0073143 A1
Pub. Date: April December 8, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 24, 2006, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in dependent claim 13 wherein “wherein the cancer expresses but does not overexpress” is misprinted as “wherein thelancer expresses but does not overexpress.”

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requestor in dependent claim 13 wherein the phrase “the cancer” is misprinted as “thelancer” is not a material Office error under 37 CFR 1.221. The typographical error noted by requestor in this published application may be due to the poor quality of the text in the application as it is very small. The mistake is a minor printing error, which does not affect the understanding of the application. The mistake does not affect the public’s ability to appreciate the technical disclosure of the patent application publication, or determine the scope

¹Changes 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).

of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The error noted by requestor in this published application may be due to the poor quality of the text in the application. The text in the application is very small (approximately font size 8 pt). The text of the application must be written by either a typewriter or machine printed in dark ink. See 37 CFR 1.52. While the text is readable, it is difficult to read due to the small font size, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. When, the text in the application is small and close together, it is difficult to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having larger text (recommended 12 pt), which is cleaner and with sufficient clarity and contrast to permit reproduction to avoid errors in the patent application publication process. See 37 CFR 1.52. Patent application publications with errors, which are due to the legibility of the text in the application will not be corrected by corrected publication under 37 CFR 1.221(b).

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



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

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SEP. 02 2009

OFFICE OF PETITIONS

In re Patent No. 7,498,030	:	
Adams et al.	:	DECISION DISMISSING
Application No. 11/222,587	:	REQUEST FOR
Issue Date: March 3, 2009	:	RECONSIDERATION OF
Filed: September 9, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	UNDER 37 CFR 1.705
P1467R2D3	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PTA UNDER 37 C.F.R. § 1.705(d), filed on April 1, 2009. Patentees request that the determination of patent term adjustment be corrected from one hundred twenty-eight (128) days to three hundred three (303) days.

The request for reconsideration of patent term adjustment is **DISMISSED** with respect to making any change in the patent term adjustment determination under 35 U.S.C. § 154(b) of 128 days.

BACKGROUND

This application was filed on September 9, 2005. On October 14, 2008, the Office mailed a notice that the initial determination of patent term adjustment under 35 U.S.C. 154(b) to date is 128 days¹. On March 3, 2009, the application matured into U.S. Patent No. 7,498,030 with a revised patent term adjustment of 128 days. The Office determined that the 175 days of Office delay pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b)^{2,3}

¹ 231 days of Office delay was reduced by 103 days of applicant delay for a patent term adjustment of 128 days. No request for reconsideration of this initial determination was filed.

² Pursuant to 35 U.S.C. 154(b)(1)(B), 37 CFR 1.702(b) provides, in pertinent part, that:

Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this

overlaps with the 231 days of Office delay pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1)^{4,5} accorded prior to the issuance of the patent. As such, no additional days of patent term adjustment were entered at issuance under the three-year pendency provision. Given the applicant delay of 103 days, the patent issued with a revised patent term adjustment of 128 (231 - 103) days.

On April 1, 2009, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 303 days under the court's interpretation of the overlap provision as set forth in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentee asserts that pursuant to Wyeth, a PTO delay under §154(b)(1)(A) overlaps with a delay under §154(b)(1)(B) only if the delays "occur on the same day." Patentee maintains that the total non-overlapping PTO delay under §154(b)(1)(A) & (B) is 406 (231 + 175) days as these periods do not occur on the same day. Further, given the applicant delay of 103 days, patentee asserts entitlement to 303 (406 - 103) days of patent term adjustment.

subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application.

³ As of the issuance of the patent on March 3, 2009, the application was pending three years and 175 days.

⁴ 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

(a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:

(1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

⁵ A first Office action was not mailed until June 28, 2007, fourteen months and 231 days after the application filing date, September 9, 2005.

OPINION

Patentee's interpretation of the period of overlap has been considered, but found inconsistent with the Office's interpretation of the overlap provision, 35 U.S.C. 154(b)(2)(A). 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f)*⁶ 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

⁶ 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.

§ 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

Further, as stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding §1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the period during which the application was pending before the Office beginning on the application filing date under 35 U.S.C. 111(a), September 9, 2005, and ending on the date of issuance of the patent, March 3, 2009, (not including any other periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)).

Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1), 231 days of patent term adjustment were accorded during the pendency of the application for Office delay. Pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b), 175 days of patent term adjustment accrued for Office issuance of the patent more than 3 years after the filing date of the application.

The 175 days of patent term adjustment under 37 CFR 1.702(b) overlap with the 231 days of patent term adjustment under 37 CFR 1.702(a). Entry of both the 231 days and the 175 days is neither permitted nor warranted. 231 days is the actual number of days issuance of the patent was delayed.

Accordingly, at issuance, the Office properly entered no additional days of adjustment pursuant to § 1.702(b) for a total of the greater period of 231 days for Office delay.

CONCLUSION

In view thereof, the Office affirms that the revised determination of patent term adjustment at the time of the issuance of the patent is 128 days (231 days of Office delay - 103 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.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Douglas I. Wood, at (571) 272-3231.

Christina Lartera Donnell for

Anthony Knight
Supervisor
Office of Petitions



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One DNA Way
South San Francisco, CA
94080

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APR 07 2010

OFFICE OF PETITIONS

In re Patent No. 7,498,030 :
Adams et al. : DECISION UPON REMAND AND
Issue Date: March 3, 2009 : RECONSIDERATION OF
Application No. 11/222,587 : PATENT TERM ADJUSTMENT
Filed: September 9, 2005 : AND NOTICE OF INTENT
Attorney Docket No. P1467R2D3 : TO ISSUE CERTIFICATE OF
Title: Treatment with Anti- : CORRECTION
ERBB2 Antibodies and Anti- :
Hormonal Compounds :

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 three hundred and three (303) 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 three hundred and three (303) days.

Telephone inquiries specific to this matter should be directed to Senior Legal Advisor, Kery A. Fries at (571) 272-7757.

/Kery A. Fries/

Patent No. 7,498,030

Application No. 11/222,587

Page 2

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 : 7,498,030 B2

DATED : March 3, 2009

DRAFT

INVENTOR(S) : Adams 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 128 days

Delete the phrase "by 128 days" and insert – by 303 days--

Day : Friday
Date: 4/2/2010
Time: 13:46:56


PALM INTRANET
PTA Calculations for Application: 11/222587

Application Filing Date:	09/09/2005	PTO Delay (PTO):	231
Issue Date of Patent:	03/03/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	103
Post-Issue Petitions:	0	Total PTA (days):	303
PTO Delay Adjustment:	175		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
85	04/02/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	175		
77.5	02/11/2009	PTA 36 MONTHS			
77	03/03/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
76	02/04/2009	EXPORT TO FINAL DATA CAPTURE			
75	02/03/2009	FINISHED INITIAL DATA CAPTURE			
74	02/03/2009	DISPATCH TO FDC			
73	01/16/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
72	01/13/2009	ISSUE FEE PAYMENT VERIFIED			
71	01/13/2009	ISSUE FEE PAYMENT RECEIVED			
70	10/24/2008	SEQUENCE FORWARDED TO PUBS ON TAPE			
67	10/14/2008	MAIL NOTICE OF ALLOWANCE			
66	10/01/2008	ISSUE REVISION COMPLETED			
65	10/01/2008	DOCUMENT VERIFICATION			
64	10/01/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
63	10/01/2008	CASE DOCKETED TO EXAMINER IN GAU			
62	10/01/2008	EXAMINER'S AMENDMENT COMMUNICATION			
61	10/01/2008	NOTICE OF ALLOWABILITY			
58	05/19/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
57	07/14/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
56	07/17/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
55	07/17/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		14	53

54	08/06/2008	DATE FORWARDED TO EXAMINER			
53	07/03/2008	RESPONSE AFTER NON-FINAL ACTION		28	43
52	07/03/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
51	07/17/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
50	07/14/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
47	05/19/2008	REFERENCE CAPTURE ON IDS			
46	05/19/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	05/19/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
43	03/05/2008	MAIL NON-FINAL REJECTION			
42	02/19/2008	NON-FINAL REJECTION			
40	11/07/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
39	12/14/2007	DATE FORWARDED TO EXAMINER			
38	11/28/2007	RESPONSE AFTER NON-FINAL ACTION		61	31
37	11/28/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
36	11/28/2007	MISCELLANEOUS INCOMING LETTER			
35	11/07/2007	REFERENCE CAPTURE ON IDS			
34	11/07/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
32	11/07/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	06/28/2007	MAIL NON-FINAL REJECTION	231		-1
30	06/25/2007	NON-FINAL REJECTION			
29	06/19/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
28	06/19/2007	REFERENCE CAPTURE ON IDS			
27	06/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	06/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	08/31/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	04/19/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	09/09/2005	INFORMATION DISCLOSURE STATEMENT			

		CONSIDERED			
22	01/19/2007	MAIL-PETITION DECISION - DISMISSED			
21	04/24/2006	PETITION ENTERED			
20	08/31/2006	REFERENCE CAPTURE ON IDS			
19.7	08/31/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	08/31/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18.7	04/19/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	04/19/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	01/09/2006	CASE DOCKETED TO EXAMINER IN GAU			
16	01/09/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15.7	09/09/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	09/09/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	12/28/2005	APPLICATION RETURN FROM OIPE			
13	12/28/2005	APPLICATION IS NOW COMPLETE			
12	12/16/2005	ADDITIONAL APPLICATION FILING FEES			
11	12/16/2005	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
10	10/27/2005	CORRECTED PAPER			
8	09/29/2005	CLEARED BY OIPE CSR			
7	09/22/2005	APPLICATION RETURN TO OIPE			
6	09/22/2005	APPLICATION DISPATCHED FROM OIPE			
5	09/22/2005	APPLICATION IS NOW COMPLETE			
4	09/19/2005	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
3	09/16/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	09/09/2005	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	09/09/2005	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY, MN 55125

Mail Date: 04/30/2010

Applicant : Erik S. Daniel : DECISION ON REQUEST FOR
Patent Number : 7643957 : RECALCULATION of PATENT
Issue Date : 01/05/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/222,604 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1102** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



ROY A. EKSTRAND
3158 REDHILL, STE 150
COSTA MESA CA 92626

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JAN 22 2008

OFFICE OF PETITIONS

In re Application of :
Schafer, et al. :
Application No. 11/222,606 : DECISION
Filed: 9 September, 2005 :
Attorney Docket No. 05679 :

This is a decision on the petition filed on 13 October, 2006, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to intentional delay.

The Office regrets the delay in addressing the instant matter, however, the application was presented to the Office of Petitions only at this writing.¹

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the Notice of Missing Parts (oath/declaration, surcharge) mailed on 27 September, 2005, with reply due absent extension of time on or before 27 October, 2005;
- the application went abandoned by operation of law after midnight 27 October, 2005;

¹ For more than a century, punctuality and due diligence, equally with good faith, have been deemed essential requisites to the success of those who seek to obtain the special privileges of the patent law, and they are demanded in the interest of the public and for the protection of rival inventors. See: Porter v. Loudon, 7 App.D.C. 64 (C.A.D.C. 1895), citing Wollensak v. Sargent, 151 U.S. 221, 228, 38 L. Ed. 137, 14 S. Ct. 291 (1894). An invention benefits no one unless it is made public, and the rule of diligence should be so applied as to encourage reasonable promptness in conferring this benefit upon the public. Automatic Electric Co. v. Dyson, 52 App. D.C. 82; 281 F. 586 (C.A.D.C. 1922). Generally, 35 U.S.C. §6; 37 C.F.R. §§1.181, 182, 183.

Application No. 11/222,606

- the Office mailed the Notice of Abandonment on 6 June, 2006;
- on 13 October, 2006, Petitioner filed the original petition under 37 C.F.R. §1.137(b (and fee), with reply (in the form of the oath/declaration and surcharge), and averred, *inter alia*, that the delay was unintentional—Petitioner's statement therein is read to state that the entire delay from the due date of the reply to the filing of a grantable petition was unintentional, and Petitioner must notify the Office if this reading is incorrect—to satisfy the requirements of the regulation.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).³

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

See specifically, the regulations at 37 C.F.R. §10.18.

³ 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

Application No. 11/222,606

the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.⁴

Delays in responding properly raise the question whether delays are unavoidable.⁵ Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).⁶

And the Petitioner must be diligent in attending to the matter.⁷ Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.⁸))

As to the Allegations of Unintentional Delay

The requirements for a grantable petition under 37 C.F.R. §1.137(b) are the petition and fee, a statement/showing of unintentional delay, a proper reply, and—where appropriate—a terminal disclaimer and fee.

It appears that Petitioner has satisfied the requirements of the regulation.

CONCLUSION

The instant petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to OIPE for further processing in due course.

⁴ Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

⁵ See: *Changes to Patent Practice and Procedure; Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

⁶ See: *In re Application of G*, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

⁷ See: *Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment*, 1124 *Off. Gaz. Pat. Office* 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 *Off. Gaz. Pat. Office supra*.

⁸ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 11/222,606

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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WILSON SONSINI GOODRICH
& ROSATI
650 PAGE MILL ROAD
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APR 02 2007

In re Application of :
Mark A. Reiley :
Application No. 11/222,609 :
Filed: September 9, 2005 :
Attorney Docket No. 29914-701.307 :

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 8, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Wilson Sonsini Goodrich & Rosati has been revoked by the assignee of the patent application on 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 be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

There are no pending Office actions at the present time.

Telephone inquires concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
April Wise
Petitions Examiner
Office of Petitions

cc: JAMES R. SHAY
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
11/222,609	09/09/2005	Mark A. Reiley	29914-701.307

21971
 WILSON SONSINI GOODRICH & ROSATI
 650 PAGE MILL ROAD
 PALO ALTO, CA 94304-1050

CONFIRMATION NO. 6561


OC000000022955228

Date Mailed: 03/19/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/08/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervned as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY



Paul L. Brown
Emrich & Dithmar LLC
Suite 2080
125 South Wacker Drive
Chicago, IL 60606-4401

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NOV 02 2006

OFFICE OF PETITIONS

In re Application of :
Aranciva : DECISION ON PETITION
Application No. 11/222,617 :
Filed: September 9, 2005 :
For: Pelaez 119 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 19, 2006 to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned November 29, 2005 for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed September 28, 2005. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time in accordance with 37 C.F.R. § 1.136 was timely submitted. Notice of Abandonment was mailed November 29, 2005.

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 lacks requirement (1) set forth above. The declaration lacks the required surcharge. Any renewed petition must be accompanied by a complete reply to the outstanding Notice.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile:

(571) 273-8300

By hand delivery:

U.S. Patent and Trademark Office
Customer Window, **Mail Stop Petition**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions



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Paul L. Brown
Emrich & Dithmar LLC
Suite 2080
125 South Wacker Drive
Chicago, IL 60606-4401

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DEC 15 2006

OFFICE OF PETITIONS

In re Application of :
Aranciva : DECISION ON PETITION
Application No. 11/222,617 :
Filed: September 9, 2005 :
For: Pelaez 119 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 24, 2006 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned November 29, 2005 for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed September 28, 2005. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time in accordance with 37 C.F.R. § 1.136 was timely submitted. Notice of Abandonment was mailed November 29, 2005.

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 Initial Patent Examination for further processing.

Application No. 11/222,617

2

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'AMB', with a long horizontal flourish extending to the right.

Alesia M. Brown
Petitions Attorney
Office of Petitions



KILPATRICK STOCKTON LLP
1001 WEST FOURTH STREET
WINSTON-SALEM NC 27101

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MAY 05 2006

OFFICE OF PETITIONS

In re Application of :
Poonen, et al. : DECISION GRANTING STATUS
Application No. 11/222,620 : UNDER 37 CFR 1.47(a)
Filed: September 9, 2005 :
Atty. Dkt. No.: 52583-320271 :
For: METHOD AND SYSTEM FOR IN- :
PROCESS TRACKING OF AN :
OPERATION :

This decision is in response to the petition under 37 CFR 1.47(a), filed March 29, 2006.

The petition is **GRANTED**.

Petitioner has shown that inventor Mark M. Zanecki has refused to execute the declaration for the above-identified application after having been presented with the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.


Alesia M. Brown
Petitions Attorney
Office of Petitions



Mark M. Zanecki
110 Ridget Lane
Chapel Hill, NC 27514

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MAY 05 2006

OFFICE OF PETITIONS

In re Application of :
Poonnen, et al. :
Application No. 11/222,620 : LETTER
Filed: September 9, 2005 :
Atty. Dkt. No.: 52583-320271 :
For: METHOD AND SYSTEM FOR IN- :
PROCESS TRACKING OF AN :
OPERATION :

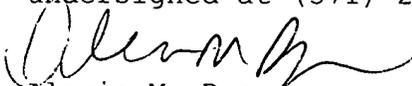
Dear Sir:

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



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Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304-1050

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OFFICE OF PETITIONS

In re Application of
Mark A. Reiley
Application No. 11/222,622
Filed: September 9, 2005
Attorney Docket No. 29914-701.306

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:
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DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 8, 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 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 Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Shay Law Group**
2755 Campus Drive
Suite 210
San Mateo, CA 94403



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K&L Gates LLP
P.O. Box 1135
CHICAGO, IL 60690

Mail Date: 04/20/2010

Applicant : Anthony J. Baerlocher : DECISION ON REQUEST FOR
Patent Number : 7572184 : RECALCULATION of PATENT
Issue Date : 08/11/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/222,695 : OF WYETH
Filed : 09/07/2005 :
:
:

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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K&L Gates LLP
P.O. Box 1135
CHICAGO, IL 60690

Mail Date: 05/17/2010

Applicant : Anthony J. Baerlocher : NOTICE CONCERNING IMPROPER
Patent Number : 7572184 : DISMISSAL OF THE REQUEST
Issue Date : 08/11/2009 : FOR RECALCULATION OF
Application No : 11/222,695 : PATENT TERM ADJUSTMENT
Filed : 09/07/2005 : IN VIEW OF WYETH

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO mistakenly dismissed a small number of requests as ineligible. The dismissals involve requests that were filed on February 9-12, 2010, for patents that were granted on August 11, 2009. Any request that was filed on February 8, 2010 was properly deemed eligible for patent term adjustment (PTA) and was recalculated.

Patents meeting the above criteria were eligible because the USPTO was closed February 8-11, 2010, due to a snowstorm. See Closing of the United States Patent and Trademark Office from Monday February 8, 2010, through Thursday, February 11, 2010, 1352 *Off. Gaz. Pat. Office* 146 (March 16, 2010). The Office considered each day from Monday, February 8, 2010, through Thursday, February 11, 2010, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 CFR 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any actions that were due from Monday, February 8, 2010, through Thursday, February 11, 2010, (or the preceding Saturday (February 6, 2010) or Sunday (February 7, 2010)) will be considered timely if the action was taken on the next succeeding business day on which the USPTO was open, which was February 12, 2010.

This notice **VACATES** the previous mailed decision in the patented file that deemed patentee ineligible for the request for recalculation. Patentee's request for recalculation is GRANTED.

The patent term adjustment has been determined to be **320** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** 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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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 : Nicholas Jerome Wilke II : DECISION ON REQUEST FOR
Patent Number : 7597777 : RECALCULATION of PATENT
Issue Date : 10/06/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/222,701 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1049** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant : Keren Horowitz : DECISION ON REQUEST FOR
Patent Number : 7624447 : RECALCULATION of PATENT
Issue Date : 11/24/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/222,730 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/08/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1112** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

Anthony I. Provitola
Post Office Box 2855
DeLand FL 32721-2855

In re Application of
Anthony I. Provitola
Application No. 11/222,733
Filed: September 10, 2005
For: **ENHANCEMENT OF VISUAL
PERCEPTION**

**DECISION ON PETITION
TO MAKE SPECIAL**

This is a decision on the petition to make special pursuant to 37 C.F.R. §1.102 and MPEP §708.02 (IV) (applicant's age) filed September 10, 2005.

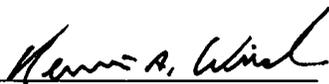
A petition to make special under MPEP §708.02, IV, must show that petitioner is 65 years of age, or more. Acceptable evidence includes a birth certificate, copy of a driver's license, or simply a statement by the applicant. No fee is required.

The petition includes a copy of the inventor's certificate of birth, which reflects a birth date of September 7, 1939, evidencing that the inventor 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 file is being forwarded to the examination art unit for expedited prosecution.


Ken Wieder
Special Program Examiner
Technology Center 2600
Communications



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(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

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FEB 03 2006

OFFICE OF PETITIONS

In re Application of
Tenger et al.
Application No. 11/222,742
Filed: September 12, 2005
Attorney Docket No. 011350-357
Title: Image Processing Device, Image
Processing Method, and Computer Readable
Recording Medium Stored with Image
Processing Program

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition filed December 27, 2005, under 37 CFR. §1.47(a).

The petition under 37 CFR. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on September 12, 2005, without an executed oath or declaration. Accordingly, on September 27, 2005, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of November 27, 2005.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, declarations oand a partially executed declaration pursuant to 37 CFR 1.63. To make timely a one month extension of time was obtained.

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



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OFFICE OF PETITIONS

BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
Gonchigzeveg Tenger, Hiroshi Kato and	:	DECISION GRANTING STATUS
Takahiro Fukuhara	:	
Application No.11/222,742	:	UNDER 37 CFR 1.47(A)
Filed: September 12, 2005	:	
Attorney Docket No. 011350-357	:	
Title: Image Processing Device, Image	:	
Processing Method, and Computer Readable	:	
Recording Medium Stored with Image	:	
Processing Program	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed March 29, 2005.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor Tenger can not be reached or located and diligent effort has been used to locate the inventor. The efforts outlined by petitioner demonstrate diligent effort was used to attempt to locate non-signing inventor.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions



Gonchigzeveg Tenger
Room 202 Cosmic City A, 2-44-1
Miyazawa, Seya-Ku
Yokohama-Shi, Kanagawa 246-0038
Japan

In re Application of
Gonchigzeveg Tenger, Hiroshi Kato and
Takahiro Fukuhara
Application No. 11/222,742
Filed: September 12, 2005
Attorney Docket No. 011350-357
Title: Image Processing Device, Image
Processing Method, and Computer Readable
Recording Medium Stored with Image
Processing Program

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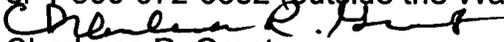
OFFICE OF PETITIONS

Dear Mr. Tenger:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).


Charlema R. Grant
Petitions Attorney
Office of Petitions

BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404
ATTN: TRAVIS D. BOONE



Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

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OFFICE OF PETITIONS

In re Application of
Gary W. Van Tassel
Application No. 11/222,750
Filed: September 12, 2005
Attorney Docket No. P27694

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 1, 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 Neil F. Greenblum 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 Gary W. Van Tassel 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.


David Bucci
Petitions Examiner
Office of Petitions

cc: Gary W. Van Tassel
102 New York Point Drive
Seaford, VA 23698

cc: Gary W. Van Tassel
889 Alder Ave., Suite 300
P.O. Box 8060
Incline Village, NV 89452

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : June 30, 2008

TO SPE OF : ART UNIT 2852

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/222788 Patent No.: 7215909 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.

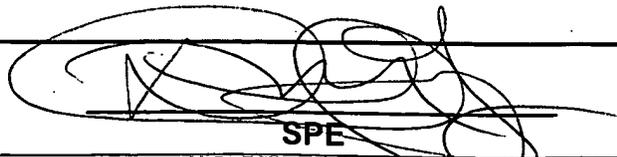
Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____


SPE

2852
Art Unit



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/222,807	09/12/2005	Sang-sin Koh	Q86967	1423
7590 10/19/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER GRANT, CHRISTOPHER C	
			ART UNIT	PAPER NUMBER
			2623	
			MAIL DATE	DELIVERY MODE
			10/19/2007	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

Adjustment date: 10/22/2007 KKing1
09/14/2005 STEUHEL1 00000008 11222807
02 FC:1111 -500.00 OP

Repln. Ref: 10/22/2007 KKing1 0013454100
DAH:194880 Name/Number:11222807
FC: 9204 \$500.00 CR



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ROSSI, KIMMS & McDOWELL LLP.
20609 Gordon Park Square, Suite 150
Ashburn, VA 20147

Mail Date: 05/04/2010

Applicant : David M. Goldenberg : DECISION ON REQUEST FOR
Patent Number : 7641901 : RECALCULATION of PATENT
Issue Date : 01/05/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/222,838 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/12/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **656** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

Mail Date: 04/21/2010

Applicant	: In-Hyung Jung	: DECISION ON REQUEST FOR
Patent Number	: 7643619	: RECALCULATION OF PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/222,843	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1118** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304**

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OCT 22 2009

OFFICE OF PETITIONS

In re Application of :
Sean E. Rick, et al. :
Application No. 11/222,852 : **DECISION ON PETITION**
Filed: September 12, 2005 :
Attorney Docket No. 59764.22581 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 20, 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, July 30, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 31, 2008. The Notice of Abandonment was mailed March 11, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3656 for appropriate action by the Examiner in the normal course of business on the reply received

A handwritten signature in cursive script that reads "Terri Johnson".

Terri Johnson
Petitions Examiner
Office of Petitions



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Martin Moynihan
PRTSI, Inc.
P.O. Box 16446
Arlington, VA 22215

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NOV 10 2005

OFFICE OF PETITIONS

In re Application of :
Nagler, et al. :
Application No. 11/222,855 : ON PETITION
Filed: September 12, 2005 :
Attorney Docket No. 30519 :

This is a decision on the petition filed October 28, 2005, to vacate the language in the "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") relative to the alleged omitted figure.

The petition is **dismissed**.

On September 12, 2005, the above-identified application was filed. However, on September 27, 2005, the Office of Initial Patent Examination mailed the Notice stating that application had been accorded a filing date of September 12, 2005, and advising applicant that Figures 9 as described in the specification appeared to have been omitted. Relative to the alleged omitted item, the notice set a non-extendable period for reply two-month period for reply.

In response, on October 28, 2005, applicant filed the present petition, a copy of the alleged omitted figure, and an Office date-stamped postcard receipt acknowledging receipt of 13 sheets of the drawings, among other items.

Upon review of the record, the alleged omitted figure was not located among the application papers. However, the evidence is convincing that the application papers deposited September 12, 2005, included Figure 9, which was subsequently misplaced by the Office. Unfortunately, the present petition must be dismissed because applicants failed to submit a copy of Figure 9. Although petitioner indicates that the omitted figure accompanied the instant petition, Figure 9 was not found when the undersigned reviewed the record for disposition of this petition.

Accordingly, the petition is dismissed without prejudice. Any renewed petition under 37 CFR 1.182 must be filed within TWO MONTHS of the date of this decision and be accompanied by Figure 9 as described in the specification. This period is not extendable. See 37 CFR 1.181(f).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-0025
Attn: Office of Petitions

In re Application of Nagler, et al.
11/222,855

Page 2

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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Commissioner for Patents
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Martin Moynihan
PRTSI, Inc.
P.O. Box 16446
Arlington, VA 22215

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OFFICE OF PETITIONS

In re Application of :
Nagler, et al. :
Application No. 11/222,855 : ON PETITION
Filed: September 12, 2005 :
Attorney Docket No. 30519 :

This is a decision on the renewed petition filed January 10, 2006, to vacate the language in the "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") relative to the alleged omitted figure.

The petition is **granted**.

On September 12, 2005, the above-identified application was filed. However, on September 27, 2005, the Office of Initial Patent Examination mailed the Notice stating that application had been accorded a filing date of September 12, 2005, and advising applicant that Figures 9 as described in the specification appeared to have been omitted. Relative to the alleged omitted item, the notice set a non-extendable period for reply two-month period for reply.

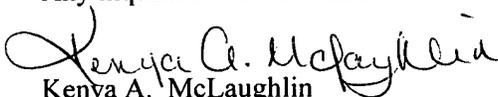
In response, on October 28, 2005, applicant filed the present petition, a copy of the alleged omitted figure, and an Office date-stamped postcard receipt acknowledging receipt of 13 sheets of the drawings, among other items.

Upon review of the record, the alleged omitted figure was not located among the application papers. However, the evidence is convincing that the application papers deposited September 12, 2005, included Figure 9, which was subsequently misplaced by the Office.

Accordingly, the petition is granted; the Notice is vacated, accordingly.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of September 12, 2005, including Figure 9 as described in the specification.

Any inquiries related to this decision should be directed to the undersigned at (571)272-3222.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QC H3A2Y-3 CA CANADA

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SEP 28 2006

OFFICE OF PETITIONS

In re Application of	:	
Khalid	:	
Application No. 11/222,863	:	DECISION ON PETITION
Filed: September 12, 2005	:	TO WITHDRAW
Attorney Docket No. 10313-18US	:	FROM RECORD
	:	

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 Alexandra Daoud on behalf of all attorneys of record who are associated with customer No. 20988.

All attorneys/agents associated with the Customer Number 20988 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Najeeb Khalid at the address indicated below.

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 is an outstanding Office action mailed August 15, 2006 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.



April M. Wise
Petitions Examiner
Office of Petitions

cc: NAJEEB KHALID
1 SUMMIT CIRCLE
WESTMOUNT QUEBEC H3Y 1B4
CANADA

cc: ESCGER-GRAD TECHNOLOGIES, INC.
1375 - 32ND AVENUE
LACHINE QUEBEC H8T 3H2
CANADA



February 4, 2009

Steven G. Parmelee
Fitch, Even, Tabin & Flannery
120 South LaSalle Street
Suite 1600
Chicago, IL 60603-3406

Patent No.: 7,486,761 B2
Application No.: 11/222,864
Inventor(s): John F. Moore
Issued: February 3, 2009
Title: COMPUTER TOMOGRAPHY FACILITATION METHOD AND APPARATUS

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.117(h) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

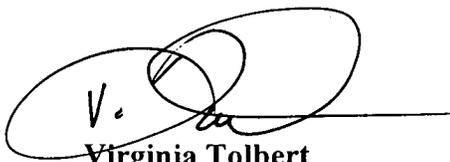
Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-0025
 ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) 308-9390 ext 113

vt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 04/21/2010

Applicant : Sven Baumgarten : DECISION ON REQUEST FOR
Patent Number : 7600535 : RECALCULATION of PATENT
Issue Date : 10/13/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/222,866 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/12/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **545** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Alexandria, VA 22313-1450
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JUNICHI MIMURA
OKI AMERICA INC.
1101 14TH STREET, N.W.
SUITE 555
WASHINGTON DC 20005

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JUL 28 2008

OFFICE OF PETITIONS

In re Application of :
Tadashi Yamaguchi :
Application Number: 11/222911 : DECISION ON PETITION
Filing Date: 09/12/2005 :
Attorney Docket Number: :
02DCAI009-CA :

This is a decision on the petition filed on May 28, 2008, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on December 12, 2007, for failure to timely reply to the non-final Office action mailed on September 11, 2007, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on May 15, 2008.

The subject petition is accompanied by an amendment as the required reply.

The application is referred to Technology Center Art Unit 2822 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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MAY 29 2008

OFFICE OF PETITIONS

**JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017**

In re Application of
TRINH, Peter L. et al.
Application No. 11/222,916
Filed: September 09, 2005
Attorney Docket No. **079807-999002**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 14, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Jones Day has been revoked by the assignee of the patent application on March 05, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **PATENT LAW GROUP LLP
2635 NORTH FIRST STREET
SUITE 223
SAN JOSE, CA 95134**



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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J.C. Patents
Suite 250
4 Venture
Irvine, CA 92618

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JAN 04 2006

OFFICE OF PETITIONS

In re Application of	:
Hong, et al.	: DECISION GRANTING STATUS
Application No. 11/222,922	: UNDER 37 CFR 1.47(a)
Filed: September 8, 2005	:
Atty. Dkt. No.: JCLA16731	:
For: LIGHT EMITTING DEVICE	:
HAVING PROTECTION UNIT	:

This decision is in response to the petition under 37 CFR 1.47(a), filed November 22, 2005.

The petition is GRANTED.

Petitioner has shown that inventor Mr. Tseng has refused to execute the declaration for the above-identified application after having been presented with the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions



Tzu-Feng Tseng
No. 52, Lane 301
Desting Rd.
17 Neighborhood
Hesing Village
Hukou Township, Hsinchu, County 303
Taiwan, R.O.C.

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JAN 04 2006

OFFICE OF PETITIONS

In re Application of :
Hong, et al. :
Application No. 11/222,922 : LETTER
Filed: September 8, 2005 :
Atty. Dkt. No.: JCLA16731 :
For: LIGHT EMITTING DEVICE :
HAVING PROTECTION UNIT :

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 DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 10/22/2009
Patent No. : 7,574,392 B2
Serial No. : 11/222,930
Inventor(s) : Schaub
Issue Date : August 11, 2009
Title : SYSTEM, METHOD AND APPARATUS FOR INVESTMENT USING
A DEED OF TRUST OR MORTGAGE INSTRUMENT
Doc./File No. : 2088.2.3

Re: Certificate of Correction

Consideration has been given your request for a certificate of correction, for the above-identified patent under the provisions of Rule 1.322.

Respecting the alleged error(s) in your request, the alleged errors in the drawing figures is/are printed in accordance with the record in the office, new drawings including changes must be submitted and approved by the examiner for consideration of a certificate of correction.

In view of the foregoing, your request in this matter is denied.

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, LIE (703) 756-1590
ernest.white@uspto.gov
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch

Kunzler & McKenzie
8 EAST BROADWAY
SUITE 600
SALT LAKE CITY UT 84111

ecw



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Dr. William T. Ralston
Kirton & McConkie
60 East South Temple
Suite 1800
Salt Lake City, UT 84111

Mail Date: 04/20/2010

Applicant	: Wilco R. Stuhmer	: DECISION ON REQUEST FOR
Patent Number	: 7568916	: RECALCULATION OF PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/222,931	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **923** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant : Alex Hong : DECISION ON REQUEST FOR
Patent Number : 7600919 : RECALCULATION of PATENT
Issue Date : 10/13/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/222,944 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/12/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1065** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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WASHINGTON, DC 20037-3213

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OFFICE OF PETITIONS

In re Application of :
Toshiki Taguchi et al :
Application No. 11/222,976 : DECISION GRANTING PETITION
Filed: September 12, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q90225 :

This is a decision on the petition, filed October 30, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 9, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1755 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\fhicks\My Documents\470\Oct11\222976.wpd

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment.



Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
McLean, VA 22102

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AUG 06 2007

In re Application of :
Ruolin Li et al. :
Application No. 11/222,992 :
Filed: September 8, 2005 :
Attorney Docket No. INTEL1650 (P20982) :

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 22, 2007.

The request is **NOT APPROVED**.

A review of the file record indicates that Morrison & Foerster LLP does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **DLA Piper LLP**
4365 Executive Drive
Suite 1100
San Diego, CA 92121-2133



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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Mail Date: 04/21/2010

Applicant	: Takahiro Hagiwara	: DECISION ON REQUEST FOR
Patent Number	: 7656548	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,041	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1178** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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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
11/223,055	09/08/2005	2827	1450	SNDK.299US1	6	25	4

CONFIRMATION NO. 9789

CORRECTED FILING RECEIPT



OC000000017350986

36257
 PARSONS HSUE & DE RUNTZ LLP
 595 MARKET STREET
 SUITE 1900
 SAN FRANCISCO, CA 94105

Date Mailed: 10/28/2005

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)

Khandker N. Quader, Sunnyvale, CA;
 Raul-Adrian Cernea, Santa Clara, CA;

Power of Attorney: None**Domestic Priority data as claimed by applicant**

This application is a CON of 10/671,847 09/25/2003 PAT 6,958,936

Foreign Applications**If Required, Foreign Filing License Granted:** 10/04/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/223,055

Projected Publication Date: 02/09/2006**Non-Publication Request:** No**Early Publication Request:** No

Title

Erase inhibit in non-volatile memories

Preliminary Class

365

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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HITACHI GLOBAL STORAGE TECHNOLOGIES, INC.
5600 COTTLE ROAD, NHGB/0142
IP DEPARTMENT
SAN JOSE, CA 95193

Mail Date: 04/26/2010

Applicant : Masaki Kudoh : DECISION ON REQUEST FOR
Patent Number : 7583461 : RECALCULATION of PATENT
Issue Date : 09/01/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/223,068 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/08/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **45** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BRADLEY N. RUBEN
503 MITCHELL COURT
CHAMPAIGN, IL 61821-3535

MAILED

MAR 18 2010

OFFICE OF PETITIONS

In re Application of :
Per Marin :
Application No. 11/223,074 :
Filed: September 10, 2005 :
Attorney Docket No. 106FD-001D :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed December 11, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

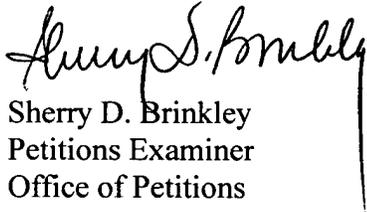
The application became abandoned for failure to timely pay the issue and publication fees on or before November 13, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed August 13, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 14, 2009. A Notice of Abandonment was subsequently mailed on December 1, 2009. On December 11, 2009, the present petition was filed.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

Petitioner states that the error in modifying the transmittal form to include the deposit account number resulted in the error leading to the abandonment. Petitioner explains that while he does proof read papers filed with the Office, he now does comparatively little patent work because of attending veterinary medical school and he was schedule to have an examination later that day. Further,

By internet: EFS-Web¹

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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BRADLEY N. RUBEN
503 MITCHELL COURT
CHAMPAIGN, IL 61821-3535

MAILED

JUL 01 2010

In re Application of	:	OFFICE OF PETITIONS
Per Marin, et al.	:	
Application No. 11/223,074	:	ON PETITION
Filed: September 10, 2005	:	
Attorney Docket No.: 106FD-001D	:	

This is a decision on the renewed petition under 37 CFR 1.137(a), filed May 17, 2010, to revive the above-identified application.

The petition is **DISMISSED**. This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue and publication fees on or before November 13, 2009. A Notice of Abandonment was mailed on December 1, 2009. On December 11, 2009, a petition to revive under the provisions of 37 CFR 1.137(a) was filed; however, the petition was dismissed in a decision mailed March 18, 2010. On May 17, 2010, the present petition was filed.

Petitioner request reconsideration, arguing that a clerical error was the cause of delay in acting to prevent the application from becoming abandoned.

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.

Petitioner argues that there was a business routine in place that could reasonably be relied upon to avoid errors, and that he has had over 25 years experience as a registered practitioner and sufficient experience filing out and submitting such forms over the years. However, modifying the transmittal form resulted in the clerical error leading to the abandonment.

Petitioner’s argument is not well taken. A failure to check for omissions in an issue fee transmittal form that petitioner modifies is not seen as a clerical error within the meaning of 37 CFR 1.137(a). Clearly, a reasonable prudent person would take care to verify the presence of all required items in a modified issue fee transmittal, especially the method of payment of the issue fee since it is one of the main purposes for this particular form.

The petition has been reconsidered, but the result is the same. The showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 35 U.S.C. § 151 and 37 CFR 1.137(a).

Petitioner may wish to consider filing a petition under the provisions of 37 CFR 1.137(b) rather than filing a renewed petition under 37 CFR 1.137(a). Petitioner is reminded that a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly.

Further correspondence with respect to revival of this application should be filed within **TWO (2) MONTHS** from the mail date of this decision and delivered through one of the following mediums:

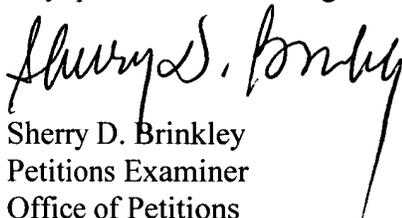
By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

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-Web¹

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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.



Lamonte M. Newsome
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 #112 or (703) 308-8309

MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON MA 02108

LMN



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MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON MA 02108

COPY MAILED

JUN 16 2008

In re Patent No. 7,108,040 :
Issue Date: 09/19/2006 :
Application No. 11/223,081 : **ON PETITION**
Filed: 09/09/2005 :
Attorney Docket No: ZIP-0001CON6 :

This is a decision on the request under 37 CFR 3.81(b)¹ filed June 6, 2007, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. 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.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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HOFFMAN WARNICK LLC
75 STATE ST
14TH FLOOR
ALBANY, NY 12207

Mail Date: 04/20/2010

Applicant : Kavita Chavda : DECISION ON REQUEST FOR
Patent Number : 7623463 : RECALCULATION of PATENT
Issue Date : 11/24/2009 : TERM ADJUSTMENT IN VIEW
Appliction No : 11/223,096 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **906** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Mail Date: 04/20/2010

Applicant	: Masanori Takahashi	: DECISION ON REQUEST FOR
Patent Number	: 7628190	: RECALCULATION OF PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,104	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **418** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

MAR 16 2009

In re Application of : **OFFICE OF PETITIONS**
Ashida, et al. : LETTER REGARDING PTA
Application No. 11/223,105 :
Filed: September 12, 2005 :
Atty. Dkt. No.: 023971-0604 :

This letter is in response to the "LETTER (UNDER 37 A GENERAL OBLIGATION OF CANDOR AND GOOD FAITH IN PRACTICE BEFORE THE OFFICE)," filed October 23, 2008. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed September 26, 2008 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 76 days. Applicants assert that the correct adjustment is 75 days.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 75 days, as asserted by applicants.

As reflected in the Determination of Patent Term Adjustment, an adjustment of 110 days in accordance with 37 CFR 1.702(a)(1) and 1.703(a)(1) can be attributed to the Office connection with the non-final Office action mailed July 27, 2007.

As further reflected in the Determination of Patent Term Adjustment, the adjustment is properly reduced 33 days in accordance with 37 CFR 1.704(b) in connection with the reply filed May 27, 2008 in response to the non-final Office action mailed January 24, 2008.

As advised by applicants, the adjustment is properly reduced two days in connection with the request for continued examination filed October 28, 2007. In accordance with 37 CFR 1.704(b), the reduction commenced October 28, 2007, the day after the date that the final rejection was mailed, and ended October 29, 2007, the date that the RCE was filed.

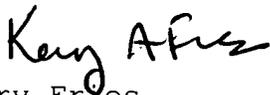
Accordingly, at the time of allowance, the application is entitled to an adjustment 75 days (adjustment for Office delays totalling 110 days and reductions for applicants' delays totalling 35 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Monday
Date: 3/16/2009

Time: 11:20:19

PALM INTRANET**PTA Calculations for Application: 11/223105**

Application Filing Date:	09/12/2005	PTO Delay (PTO):	110
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	34
Post-Issue Petitions:	0	Total PTA (days):	75
PTO Delay Adjustment:	-1		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
52	03/16/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
45	09/26/2008	MAIL NOTICE OF ALLOWANCE			
44	09/25/2008	ISSUE REVISION COMPLETED			
43	09/25/2008	DOCUMENT VERIFICATION			
42	09/25/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
41	09/15/2008	NOTICE OF ALLOWABILITY			
38	07/10/2008	DATE FORWARDED TO EXAMINER			
37	05/27/2008	RESPONSE AFTER NON-FINAL ACTION		33	33
36	05/27/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
35	05/05/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
34	04/30/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
33	01/24/2008	MAIL NON-FINAL REJECTION			
32	01/22/2008	NON-FINAL REJECTION			
31	11/06/2007	DATE FORWARDED TO EXAMINER			
30	10/28/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
29	11/06/2007	DATE FORWARDED TO EXAMINER			
28	10/28/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		1	25
27	11/06/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
26	10/29/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
25	07/27/2007	MAIL FINAL REJECTION (PTOL - 326)	110		21
24	07/23/2007	FINAL REJECTION			

23	07/23/2007	PARALEGAL TD ACCEPTED			
22	05/17/2007	DATE FORWARDED TO EXAMINER			
21	12/08/2006	RESPONSE AFTER NON-FINAL ACTION			
20	12/28/2006	PARALEGAL TD NOT ACCEPTED			
19	09/08/2006	MAIL NON-FINAL REJECTION			
18	09/05/2006	NON-FINAL REJECTION			
17	10/06/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
16	09/12/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
15	05/25/2006	CASE DOCKETED TO EXAMINER IN GAU			
14	11/10/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	11/10/2005	CASE DOCKETED TO EXAMINER IN GAU			
12	09/12/2005	REFERENCE CAPTURE ON IDS			
11.7	09/12/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	09/12/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10.7	10/06/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	10/06/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	10/03/2005	APPLICATION RETURN FROM OIPE			
8	10/04/2005	APPLICATION IS NOW COMPLETE			
7	10/03/2005	APPLICATION RETURN TO OIPE			
6	10/03/2005	APPLICATION DISPATCHED FROM OIPE			
5	10/03/2005	APPLICATION IS NOW COMPLETE			
4	09/28/2005	CLEARED BY OIPE CSR			
3	09/28/2005	CASE CLASSIFIED BY OIPE			
2	09/16/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/12/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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Joe McKinney Muncy
PO Box 1364
Fairfax VA 22038-1364

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AUG 25 2008

In re Application of :
Chou :
Application No. 11/223,116 : DECISION ON PETITION
Filed: September 12, 2005 : UNDER 37 CFR 1.181
Attorney Docket No. 2450-1106PUS1 :
For: POWER SUPPLY APPARATUS
PROVIDING MEDIUM VOLTAGE DIRECT
CURRENT

This is a decision on the petition under 37 CFR 1.181, filed July 2, 2008, to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned due to applicant's alleged failure to reply within an extendable three month period of the mailing of the October 15, 2007 non-final Office action. The Office contended that this application became abandoned on January 16, 2008. A Notice of Abandonment was mailed on June 20, 2008.

Petitioner asserts that a reply was timely received in the Office on December 12, 2007. In support of this assertion, petitioner has provided a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination date stamp, citing December 12, 2007 as the date of receipt, affixed thereto. The postcard lists, *inter alia*, that the filing included a 7 page amendment.

The return postcard constitutes *prima facie* evidence that the items listed thereon were received in the Office on December 12, 2007. MPEP 503. Petitioner has provided a copy of the December 12, 2007 correspondence.

It is apparent that the December 12, 2007 amendment was received in the Office and then later misplaced.

The petition to withdraw the holding of abandonment is granted and the June 20, 2008 Notice of Abandonment is vacated.

After the mailing of this decision, the application file will be returned to Technology Center A.U. 2838 for consideration of the amendment filed on December 12, 2007 and resubmitted with the present petition on July 2, 2008.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/223,118 09/12/2005 Yasumi Uchida 277279US0 6882

7590 02/19/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

HARTLEY, MICHAEL G

ART UNIT PAPER NUMBER

1618

NOTIFICATION DATE DELIVERY MODE

02/19/2009

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Handwritten signature: Nomi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref: 02/19/2009 0030066844

Adjustment date: 02/19/2009 NFARMER
09/14/2005 SHASSEN1 00000019 11223118
03 FC:2111 -250.00 OP
05 FC:2203 -180.00 OP

Credit Card Refund Total: \$430.00

Am Exp.: XXXXXXXXXXXX1007



STEPHENS DAVIS MILLER & MOSHER LLP
1615 L ST NW
SUITE 850
WASHINGTON DC 20036

COPY MAILED

JAN 10 2006

OFFICE OF PETITIONS

In re Application of :
Patrick Smith :
Application No. 11/223,127 : DECISION ON PETITION
Filed: September 12, 2005 :
Attorney Docket No. TPP 31746A :

This is a decision on the "PETITION FOR FILING DATE OF SEPTEMBER 12, 2005", filed December 14, 2005, to accord the above-identified application a filing date of September 12, 2005, with 3 sheets of drawings and 13 pages of specification as part of the original disclosure.

The petition is GRANTED.

Application papers in the above-identified application were filed on September 12, 2005. However, on December 8, 2005, the Initial Patent Examination Division mailed Applicant a "Notice of Incomplete NonProvisional Application." Applicant was notified that the application papers had not been accorded a filing date because the application was deposited without drawings and a specification.

In response, Applicant filed the instant petition. Accompanying the petition was a copy of 3 drawing sheets and 13 pages of specification. Applicant maintains that the application as originally filed included these pages of drawings and specification. In support thereof, applicant submitted a receipt identifying this application, itemizing "13 Pages of Specification" and "Drawings - 3 sheets" as enclosed, bearing a United States Patent and Trademark Office date-stamp of September 12, 2005, and lacking any notation of non-receipt of any item listed.

A 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.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of September 12, 2005, using the application papers received in the Office on that date and the 3 pages of drawings and 13 pages of specification as re-supplied on petition filed December 14, 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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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York, NY 10036

Mail Date: 04/21/2010

Applicant	: David A. Scheinberg	: DECISION ON REQUEST FOR
Patent Number	: 7598221	: RECALCULATION OF PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,139	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **751** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN VA 22102

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SEP 14 2006
OFFICE OF PETITIONS

In re Application of :
Tim Boescke and Matthias Goldblach : DECISION ON PETITION
Application No. 11/223,145 :
Filed: September 12, 2005 :
Attorney Docket No. 543822017500 :

This is a decision on the "PETITION UNDER 37 CFR 1.182 TO CHANGE THE ORDER OF NAMES", filed December 29, 2005.

The petition under 37 CFR 1.182 is **GRANTED**.

Petitioner has paid the petition fee under 37 CFR 1.182 and indicated the desired order of inventorship.

Records in the above-identified application have been changed to reflect that Tim Boescke, is the first named inventor and Matthias Goldblach is the second named inventor.

The petition fee of \$400 required by 37 CFR 1.182 has been charged to Deposit Account No. 03-1952, as authorized.

The matter is being forwarded to Group Art Unit 2811 for examination.

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD, SUITE 400
MCLEAN, VA 22102

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NOV 02 2007

OFFICE OF PETITIONS

In re Application of :

BOESCKE, et al. :

Application No. 11/223,145 :

Filed: September 12, 2005 :

Attorney Docket No. **1525.030531** . :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

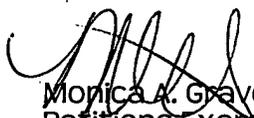
This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 9, 2007.

The request is **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 October 23, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.


Monica A. Graves
Petitions Examiner
Office of Petitions

CC: **PATTERSON & SHERIDAN, LLP**
GERO MCCLELLAN / INFINEON / QIMONDA
3040 POST OAK BLVD., SUITE 1500
HOUSTON, TX 77056



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SEP 20 2007

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

In re Application of :
Klaus-Dieter UFERT :
Application No. 11/223,146 :
Filed: September 12, 2005 :
Attorney Docket No. 543822017400 :

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 2, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Deborah 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: KLAUS-DIETER UFERT
FURTWEG 53
81479 UNTERSCHLEISSHEIM
GERMANY

cc: SLATER & MATSIL L.L.P.
17950 PRESTON ROAD,
SUITE 1000
DALLAS, TX 75252


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/223,146	09/12/2005	Klaus-Dieter Ufert	543822017400

CONFIRMATION NO. 6698

25227
 MORRISON & FOERSTER LLP
 1650 TYSONS BOULEVARD
 SUITE 400
 MCLEAN, VA 22102



Date Mailed: 08/24/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/02/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
 FORMER ATTORNEY/AGENT COPY

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/15/09 Paper No.: _____
TO SPE OF : ART UNIT 1796 *Elhilo EISA*
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/223149 Patent No.: 7425221

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

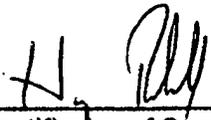
Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580



Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

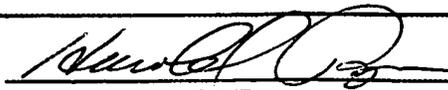
Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____



SPE

1796
Art Unit



J. C. PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE, CA 92618

MAILED

FEB 17 2009

OFFICE OF PETITIONS

In re Application of :
Min-Ching HSU, et al :
Application No. 11/223,161 : **DECISION ON PETITION**
Filed: September 8, 2005 :
Attorney Docket No. JCLA16385 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before December 23, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed September 23, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of \$1440 and Publication Fee of \$300; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.


Thurman Page
Petitions Examiner
Office of Petitions



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Table with 7 columns: APPL NO., FILING OR 371 (c) DATE, ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, DRAWINGS, TOT CLMS, IND CLMS. Row 1: 11/223,164, 09/09/2005, 2161, 1680, 450103-05462, 5, 31, 3

CONFIRMATION NO. 8895

20999
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

UPDATED FILING RECEIPT



OC000000017514058

Date Mailed: 11/25/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Brian D. Lakamp, Malibu, CA;
David C. Blight, Oceanside, CA;

Power of Attorney:

William Frommer-25506
Samuel Lee-42791

Domestic Priority data as claimed by applicant

Foreign Applications

Projected Publication Date: To Be Determined - pending completion of Security Review

Non-Publication Request: No

Early Publication Request: No

Title

Individualizing and encrypting on-demand media content in retail kiosks

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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Orum & Roth LLC
53 W Jackson Boulevard
Suite 1616
Chicago IL 60604-3606

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OCT 10 2006
OFFICE OF PETITIONS

In re Application of	:	
SAITO, et al.	:	
Application No. 11/223,183	:	DECISION ON PETITION
Filed: September 09, 2005	:	TO WITHDRAW
Attorney Docket No. 14222	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 16, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

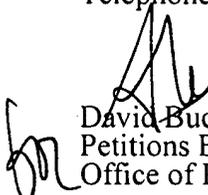
The request was signed by Catherine L. Gemrich.

Catherine L. Gemrich has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.


David Bucci
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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53 W Jackson Boulevard
Suite 1616
Chicago IL 60604-3606

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OCT 10 2006

OFFICE OF PETITIONS

In re Application of	:	
SAITO, et al.	:	
Application No. 11/223,184	:	DECISION ON PETITION
Filed: September 09, 2005	:	TO WITHDRAW
Attorney Docket No. 14221	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 16, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

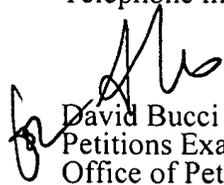
The request was signed by Catherine L. Gemrich.

Catherine L. Gemrich has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.


David Bucci
Petitions Examiner
Office of Petitions



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Orum & Roth LLC
53 W Jackson Boulevard
Suite 1616
Chicago IL 60604-3606

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In re Application of	:	
SAITO, et al.	:	
Application No. 11/223,185	:	DECISION ON PETITION
Filed: September 09, 2005	:	TO WITHDRAW
Attorney Docket No. 14223	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 16, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Catherine L. Gemrich.

Catherine L. Gemrich has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.



David Bucci
Petitions Examiner
Office of Petitions



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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Mail Date: 04/20/2010

Applicant	: Godehard A. Guenther	: DECISION ON REQUEST FOR
Patent Number	: 7653208	: RECALCULATION OF PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,214	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

MAILED

FEB 11 2009

OFFICE OF PETITIONS

In re Application of :
James L. Overstreet :
Application No. 11/223,215 : **DECISION GRANTING PETITION**
Filed: September 9, 2005 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 1684-7223US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 10, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 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 regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 3672 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

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JUN 19 2009

OFFICE OF PETITIONS

In re Application of	:
James L. Overstreet	:
Application No. 11/223,215	: DECISION GRANTING PETITION
Filed: September 9, 2005	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1684-7223US	:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 18, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 22, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3672 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 04/20/2010

Applicant	: James L. Overstreet	: DECISION ON REQUEST FOR
Patent Number	: 7597159	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,215	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **358** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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MAY 16 2006

MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PIONEER HI-BRED
801 GRAND AVENUE, SUITE 3200
DES MOINES IA 50309-2721

In re Application of :
Pinnisch et al. :
Serial No.: 11/223,220 : SUSPENSION OF ACTION
Filed: September 9, 2005 :
Attorney Docket No.: P06403US01 - PHI 1603C :

This is in reply to the petition under 37 CFR 1.103 to suspend action on this application at applicants' request for a period of six months, filed March 30, 2006.

A review of the file history shows that this is an unexamined application. Applicants request that action on this application be suspended for six months in view of the fact that the claims in this case are substantially similar to claims in cases currently on appeal with the same Assignee.

§ 1.103 Suspension of action by the Office.

- (a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
 - (1) A showing of good and sufficient cause for suspension of action; and
 - (2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

Applicants' petition requests suspension in view of the fact that the claims in this case are substantially similar to claims in cases currently on appeal with the same Assignee. No indication is given as to when these cases were filed, their status or approximate date of decision or resolution, nor how any decision would affect prosecution or patentability in this application. Also, in the instant case, no issues have as yet been developed and the issues ultimately developed may not be the same as those at the Board of Appeals. Further, it is not the general practice of the Office to suspend prosecution in unexamined applications except in extraordinary circumstances. None have been set forth in the petition. In summary, no showing of good or sufficient cause has been made.

In view of the above reason the petition is **DENIED**.

The application will be forwarded to the examiner for initial examination in turn.

Should there be any questions with respect to this action, please contact Marianne C. Seidel, by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the Office general facsimile number, 571-273-8300.

A handwritten signature in cursive script that reads "George C. Elliott".

George Elliott
Director, Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/223,224	09/09/2005	Lokesh R. Boregowda	H0009375	1047
7590 09/11/2009				
Honeywell International Inc. Law Dept. AB2 P.O. Box 2245 Morristown, NJ 07962-9806		EXAMINER COUSO, JOSE L		
		ART UNIT PAPER NUMBER		
		2624		
		MAIL DATE DELIVERY MODE		
		09/11/2009 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.



Honeywell International Inc.
Law Dept. AB2
P.O. Box 2245
Morristown, NJ 07962-9806

MAIL

SEP 11 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Lokesh R. Boregowda *et al.*
Serial No.: 11/223,224
Filed: September 9, 2005
For: **FUSION OF COLOR SPACE DATA
TO EXTRACT DOMINANT COLOR**

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 CFR §1.84(a)(2) filed January 30, 2006 requesting acceptance of color drawings.

The petition requests that the color drawings identified in Figures 1 - 4 and 9 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications



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Honeywell International Inc.
Law Dept. AB2
P.O. Box 2245
Morristown, NJ 07962-9806

Mail Date: 04/21/2010

Applicant	: Lokesh R. Boregowda	: DECISION ON REQUEST FOR
Patent Number	: 7606414	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,224	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **997** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



**BARNES & THORNBURG
11 SOUTH MERIDIAN
INDIANAPOLIS IN 46204**

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APR 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Solomon et al.	:	DECISION ON PETITION
Application No. 11/223,229	:	TO MAKE SPECIAL
Filed: September 9, 2005	:	37 CFR 1.102(c)
Attorney Docket No. 8090-78576	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(iii), filed March 16, 2006, to make the above-identified application special based on the invention materially contributing to countering terrorism as set forth in M.P.E.P. § 708.02, Section XI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(iii) and MPEP § 708.02, Section XI: Inventions for Countering Terrorism, should state that special status is sought because the invention materially contributes 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...

If the disclosure it not clear on its face that the claimed invention is materially directed to countering terrorism, the petition must be accompanied by a statement by the applicant, assignee or a registered attorney/agent explaining how the materiality standard is met. 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. No fee is required.

The USPTO's final rule amending 37 CFR 1.102(c)(2) states:

The materially 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 advance examination merely because some minor aspect of the claimed invention may be directed to countering terrorism... [Response to Comment 65] applicants should not expect to have their petitions granted without a clear demonstration that the claimed invention is materially related to countering terrorism. 69 Fed. Reg. 56511 (Sept. 21, 2004)

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in MPEP § 708.02(XI). The specification and claims as originally filed provide no indication of an intention to counter terrorism in the protection of persons and property from ballistic projectiles. The disclosure failed to indicate countering terrorism. Further steps would be required to actually offset or nullify terrorism, yet no suggestion of "countering terrorism" is found in the disclosure. As a result, no advancement in the technology of countering terrorism has been persuasively shown.

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 application is currently being processed in the Office of Initial Patent Examination. Thereafter, this matter is being referred to the Technology Center Art Unit 3641 for action in its regular turn.



David Bucci
Petitions Examiner
Office of Petitions



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

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OFFICE OF PETITIONS

In re Application of
Gregory J. Solomon, et al.
Application No. 11/223,229
Filed: September 9, 2005
Attorney Docket No. 8090-78576

:
:
:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 6, 2009, to revive the above-identified application.

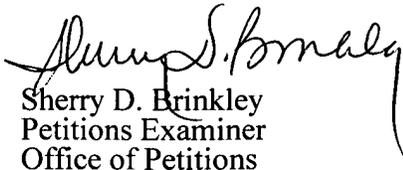
The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed January 30, 2009, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed on August 10, 2009. On October 6, 2009, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114, including the fee of \$810; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 1791 for processing 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



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AVAYA INC.
MARGARET CARMICHAEL, DOCKETING SPECIALIST
1300 W. 120TH AVENUE
ROOM B1-F53
WESTMINSTER, CO 80234

Mail Date: 04/21/2010

Applicant	: Michael A. Lloyd	: DECISION ON REQUEST FOR
Patent Number	: 7596811	: RECALCULATION OF PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,236	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **180** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BALLY GAMING INC.
6601 S. BERMUDA ROAD
LAS VEGAS, NV 89119

Mail Date: 04/20/2010

Applicant : David B. Schultz : DECISION ON REQUEST FOR
Patent Number : 7588251 : RECALCULATION of PATENT
Issue Date : 09/15/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/223,272 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **169** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Martin LeFevour
Law Office of Martin LeFevour
Suite 5
4365 Lawn Avenue
Western Springs, IL 60558

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FEB 28 2008

OFFICE OF PETITIONS

In re Application of :
Robert W. Springhorn :
Application No. 11/223,282 : **DECISION ON PETITION**
Filed: September 9, 2005 : **TO WITHDRAW**
Attorney Docket No. NOR-1339US : **FROM RECORD**
:

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 17, 2007.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Law Office of Martin LeFevour 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.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Wood, Herron & Evans, LLP (Nordson)**
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202



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WOOD, HERRON & EVANS, LLP
2700 VINE STREET
CINCINNATI, OH 45202

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JUL 26 2010

OFFICE OF PETITIONS

In re Patent No. 7,621,428 : DECISION ON
Robert W. Springhorn : REQUEST FOR
Issue Date: November 24, 2009 : RECONSIDERATION OF
Application No. 11/223,282 : PATENT TERM ADJUSTMENT
Filed: September 9, 2005 : and
Atty Docket No. NOR-1339US : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 21, 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 **nine hundred thirty-one (931) days**.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred thirty-one (931) days is **GRANTED**.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred thirty-one (931) days**.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Shirene W. Brantley at (571) 272-3230.

Shirene W. Brantley
Shirene W. Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,621,428 B2

DATED : November 24, 2009

DRAFT

INVENTOR(S) : Springhorn

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 490 days

Delete the phrase "by 490 days" and insert – by 931 days--



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LOVELAND, CO 80537

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SEP 22 2008

OFFICE OF PETITIONS

In re Application of :
Jean-Luc Truche, et al. :
Application No. 11/223,285 : DECISION GRANTING PETITION
Filed: September 8, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 10051096-1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 17, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 8, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.


April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). *Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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MAY 24 2010

OFFICE OF PETITIONS

NIXON PEABODY LLP
300 S RIVERSIDE PLAZA
16TH FLOOR
CHICAGO IL 60606

In re Application of :
Englman, et al. :
Application No. 11/223,296 : DECISION ON PETITION
Filed: September 9, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 247079-000207USP1 :

This is a decision on the “PETITION UNDER 35 C.F.R. 1.78(a)”, filed April 19, 2010, which is being treated as a petition under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) and § 120 for the benefit of priority to prior-filed application PCT/US2005/015687, filed May 5, 2005, and provisional application 60/570,583, filed May 13, 2004, both 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) and (a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(3) and (a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) and § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) and (a)(6) 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 application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3714 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to prior-filed application PCT/US2005/015687 and under 35 U.S.C. § 119(e) to prior filed application No. 60/570,583.



Anthony Knight
Director
Office of Petitions

Enc: Corrected Filing Receipt (3 pages)



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Values: 11/223,296, 09/09/2005, 3714, 1250, 247079-000207USP1, 21, 4

CONFIRMATION NO. 8407

CORRECTED FILING RECEIPT



70243
NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO, IL 60606

Date Mailed: 05/20/2010

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)

Allon G. Englman, Residence Not Provided;
Larry J. Pacey, Prospect Heights, IL;
Peter A. Anderson, Residence Not Provided;
Jeremy M. Hornik, Chicago, IL;

Assignment For Published Patent Application

WMS Gaming Inc.

Power of Attorney: The patent practitioners associated with Customer Number 70243

Domestic Priority data as claimed by applicant

This application is a CIP of 10/612,478 07/02/2003 PAT 7,662,040
and is a CIP of PCT/US2005/015687 05/13/2004
which claims benefit of 60/570,583 05/13/2004

Foreign Applications

If Required, Foreign Filing License Granted: 09/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/223,296

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

GAMING MACHINE HAVING A COMMUNITY GAME WITH SIDE WAGERING

Preliminary Class

463

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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OFFICE OF PETITIONS

In re Application of :
Hart, et al. :
Application No. 11/223,304 : ON PETITION
Filed: September 9, 2005 :
Attorney Docket No. P415043 :

This is a decision on the petition to revive under
37 CFR 1.137(b), filed April 2, 2008.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed June 25, 2007. This Office action set a shortened statutory period for reply of one (1) month. No reply having been received, the application became abandoned on July 26, 2007. A Notice of Abandonment was mailed on January 9, 2008.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an election.

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 matter is being forwarded to Group Art Unit 3728 for consideration of the Election filed April 2, 2008.

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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LOS ANGELES CA 90025-1030

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OFFICE OF PETITIONS

In re Application of :
Vlahos, Petro :
Application No. 11/223,308 : **ON PETITION**
Filed: September 8, 2005 :
Attorney Docket No. 007633.P001 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 13, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a copy of the applicant's driver's license, which includes his date-of-birth. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Petitions Examiner Liana Chase at 571-272-3206.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3736 for action on the merits commensurate with this decision.

Denise Pothier
Petitions Examiner
Office of Petitions



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SQUIRE, SANDERS & DEMPSEY LLP
1 MARITIME PLAZA
SUITE 300
SAN FRANCISCO, CA 94111

Mail Date: 04/21/2010

Applicant	: Thomas David Esbeck	: DECISION ON REQUEST FOR
Patent Number	: 7574308	: RECALCULATION OF PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,309	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1007** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Mr. Donald Lenz
Box 88
Vibank SK S0G 4Y0 CA CANADA

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SEP 29 2008

In re Application of :
Donald Lenz : ON PETITION
Application No. 11/223,318
Filed: September 12, 2005
Attorney Docket No.

This is a decision on the petition under 37 CFR §1.137(b), September 12, 2008, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply to the Notice of Allowability mailed April 11, 2008, which set a statutory period for reply of three-months from its mailing date. The Notice of Allowability required corrected drawings to be filed. No response was received within the allowable period, and the application became abandoned on July 12, 2008. A Notice of Abandonment was mailed on August 8, 2008.

Corrected drawings were received on September 12, 2008.

The application is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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LOWE HAUPTMAN & BERNER LLP
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SUITE 300
ALEXANDRIA VA 22314

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DEC 14 2005

OFFICE OF PETITIONS

In re Application of :
Lin, et al. :
Application No. 11/223,326 : DECISION ON PETITION
Filed: September 9, 2005 :
Attorney Docket No. 0002-0052 :

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.181 TO ACCORD AN ORIGINAL FILING DATE UNDER 37 C.F.R. § 1.53(e)", filed November 3, 2005, to accord the above-identified application a filing date of September 9, 2005, with 2 sheets of drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on September 9, 2005. However, on September 28, 2005, the Initial Patent Examination Division mailed Applicants a "Notice of Incomplete NonProvisional Application." Applicants were notified that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, Applicants filed the instant petition. Accompanying the petition was a copy of 2 drawing sheets. Applicants maintain that the application as originally filed included 2 pages of drawings. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "2 sheets of

drawings containing 4 figures" as enclosed, bearing a United States Patent and Trademark Office date-stamp of September 9, 2005, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, the \$400 petition fee has been refunded to Deposit Account No. 50-3181.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of September 9, 2005, using the application papers received in the Office on that date and the 2 pages of drawings as resupplied on petition filed November 3, 2005, and for indication in Office records that 2 sheets of drawings were present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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OCT 27 2008

OFFICE OF PETITIONS

In re Application of :
Frank C. Bennett et al. :
Application No. 11/223,337 : **ON PETITION**
Filed: September 9, 2005 :
Attorney Docket No. ISPH-0567US.C1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 15, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 24, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 25, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$770; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/179,479.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Continuity/Reexam Information for 11/223337

Parent Data

11223337, filed 09/09/2005

is a continuation of 09938048, filed 08/23/2001 and having 2 RCE-type filings therein

Child Data

12179479, filed on 07/24/2008 is a continuation of 11223337, filed on 09/09/2005

[Appln Info](#)[Contents](#)[Petition Info](#)[Atty/Agent Info](#)[Continuity/Reexam](#)[Foreign Data](#)

Search Another: Application #

or Patent#

PCT / /

or PG PUBS #

Attorney Docket #

Bar Code #

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

First named inventor	:	Bennett et al.
App. No.	:	11/223,337
Filed	:	September 9, 2005
Title	:	USE OF ANTISENSE OLIGONUCLEOTIDE LIBRARIES FOR IDENTIFYING GENE FUNCTION
Examiner	:	Sean McGarry

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed on January 24, 2008. Applicants intended to extend the shortened statutory period by three months from April 24, 2008 to July 24, 2008, by payment of a three-month extension of time fee in order for it to be co-pending with continuing application No. 12/179,479, filed on July 24, 2008, but unintentionally failed to do so. Applicants request that the above-identified application be revived for the purposes of continuity with continuing application No. 12/179,479, and that, conditioned on granting the petition and establishment of continuity, the above-identified application be abandoned in favor of continuing application No. 12/179,479.

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION

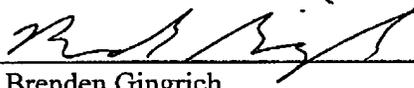
1. Petition fee
(X) Small entity - fee \$770
The present application qualifies for small entity status under 37 C.F.R. § 1.27.
2. Reply and/or fee:
 - a. Petitioner filed a Continuation Application No. 12/179,479 on July 24, 2008 which claims priority to the above-identified application.

3. Because this utility application was filed after June 8, 1995, no terminal disclaimer is required.
 4. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.
- (X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 8/15/08

By: 

Brenden Gingrich
Registration No. 60,295
Attorney of Record
Customer No. 55,389
(619) 235-8550

11/223337

Examiner: MCGARRY, SEAN

GAU: 1635

Inventor: BENNETT, C., et al

Classification: 435/006.000

Status: 161 - ABANDONED -- FAILURE TO RESPOND TO AN OFFICE ACTION

Title: USE OF ANTISENSE OLIGONUCLEOTIDE LIBRARIES FOR IDENTIFYING GENE FUNCTION

Start Date: End Date:

bib_fee report (12 items, not sorted)

Acct Date	Seq. Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
08/18/2008	5111	4	2453	\$770.00	08/15/2008	CC
07/27/2007	4166	4	2202	\$125.00	07/26/2007	CC
07/27/2007	4167	4	2201	\$100.00	07/26/2007	CC
07/27/2007	4168	4	2252	\$225.00	07/26/2007	CC
01/19/2006	27	1	2251	\$60.00	01/18/2006	DA 500252
01/19/2006	28	1	2051	\$65.00	01/18/2006	DA 500252
09/14/2005	155	1	2011	\$150.00	09/09/2005	DA 501275
09/14/2005	156	1	2111	\$250.00	09/09/2005	DA 501275
09/14/2005	157	1	2311	\$100.00	09/09/2005	DA 501275
09/14/2005	158	1	2202	\$225.00	09/09/2005	DA 501275
09/14/2005	159	1	2201	\$200.00	09/09/2005	DA 501275
09/14/2005	160	1	2081	\$125.00	09/09/2005	DA 501275



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899 CASSATT ROAD
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JUN 02 2009

OFFICE OF PETITIONS

In re Application of	:	
Bennett et al.	:	DECISION ON PETITION
Application No. 11/223,337	:	TO WITHDRAW
Filed: September 9, 2005	:	FROM RECORD
Attorney Docket No. ISPH-0567US.C1	:	

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 5, 2006.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to practitioners associated with the above identified application has been revoked by the assignee of the patent application on June 29, 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.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614



UNITED STATES PATENT AND TRADEMARK OFFICE

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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

Mail Date: 04/20/2010

Applicant	: Woo-Sung Sohn	: DECISION ON REQUEST FOR
Patent Number	: 7629613	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,338	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **231** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

Mail Date: 05/17/2010

Applicant : Woo-Sung Sohn : NOTICE CONCERNING IMPROPER
Patent Number : 7629613 : CALCULATION OF PATENT TERM
Issue Date : 12/08/2009 : ADJUSTMENT BASED UPON USPTO
Application No : 11/223,338 : IMPROPERLY MEASURING REDUCTION
Filed : 09/09/2005 : 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 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 **263** 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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AGILENT TECHNOLOGIES, INC.
LEGAL DEPARTMENT, DL429
INTELLECTUAL PROPERTY ADMINISTRATION
P.O. BOX 7599
LOVELAND CO 80537-0599

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AUG 01 2006

OFFICE OF PETITIONS

In re Application of :
Ray A. Mentzer, et al :DECISION GRANTING FILING
Application No. 11/223,343 :DATE OF September 9, 2005
Filed: September 9, 2005 :
Attorney Docket No. 10050837-1 :

This is a decision on the petition under 37 CFR 1.10, filed November 23, 2005, requesting that the above-identified application be accorded a filing date of September 9, 2005, rather than the presently accorded date of September 10, 2005.

Petitioner alleges that the date indicated in the Date-In field of the Express Mail label is incorrect. In support, petitioner has submitted a copy of the USPS Track & Confirm search results of Express Mail Label No. ER560147126US showing the enroute date of September 9, 2005. The same Express Mail receipt number appears on the original "Application Transmittal."

In view of the above, it is concluded that the application was deposited as "Express Mail" with the USPS on September 9, 2005.

The petition is granted.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of **September 9, 2005**, and for the mailing of a corrected Filing Receipt.

Telephone inquiries specific to this decision on petition should be directed to Karen Creasy at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions



**LAW OFFICE OF PHILIP A. STEINER
1212 MARSH STREET
SUITE 3
SAN LUIS OBISPO, CA 93401**

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Louis B. Rosenberg	:	
Application No. 11/223,368	:	DECISION ON PETITION
Filed: September 09, 2005	:	TO WITHDRAW
Attorney Docket No. OL09052005	:	FROM RECORD
	:	

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 4, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, “[A]ttorney of record has been hired by another law firm...,” does not meet any of the conditions set forth in 37 CFR 10.40.

A courtesy copy of this decision is being mailed to applicant.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant or assignee.

There are no pending Office actions at this time.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.


Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Louis B. Rosenberg
520 Torrey Pine Place
Arroyo Grande, CA 93420

cc: Sinsheimer, Juhnke, Lebens & Mcivor, LLP
1010 Peach Street
P.O. Box 31
San Luis Obispo, CA 93406



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 11/223,381, 09/09/2005, George Radominski, 200503061-1, 1092

7590 04/21/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

CRUZ, MAGDA

ART UNIT PAPER NUMBER

2851

NOTIFICATION DATE DELIVERY MODE

04/21/2008

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Handwritten signature: Niomi Garner
Patent Publication Branch
Office of Data Management

Adjustment date: 04/21/2008 DIERRY 11223381
02/14/2005 REKADIL 082025
300:00 CR
04 FG:1202 600:00 CR



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Kathy Manke
Avago Technologies Limited
4380 Ziegler Road
Fort Collins, CO 80525

MAILED

JUN 14 2010

OFFICE OF PETITIONS

In re Application of :
Richard C. Rudy :
Application No. 11/223,386 : DECISION ON PETITION
Filed: September 9, 2005 :
Attorney Docket No. 10050938-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 3, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 10, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). 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, 2009. A Notice of Abandonment was mailed on June 3, 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 Notice of Appeal and \$540.00 fee; (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Christina Tartera Donnell at (571) 271-3211.

This application is being referred to Technology Center Art Unit 2837 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

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DEC 29 2005

OFFICE OF PETITIONS

In re Application of Cong :
Application No. 11/223,411 : Decision on Petition
Filing Date: October 20, 2005 :
Attorney Docket No. 4710-9 :

This is a decision on the petition filed October 20, 2005, to accord the above-identified application a filing date of September 9, 2005.

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 NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.53." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The application was deposited on September 9, 2005. On October 5, 2005, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of the drawings.

Petitioner states 6 sheets of drawings were filed with the original application. Petitioner has provided a copy of a postcard receipt listing the number of sheets of drawings as 5 sheets due to a typographical error by petitioner.

The postcard receipt:

The postcard is sufficient to establish 5 sheets of drawings were filed on September 9, 2005. However, petitioner argues that 6 sheets of drawings were filed on September 9, 2005.

It appears that applicant intended to file 6 sheets of drawings with the application. The specification references Figures 1-11. The facts, however, lead to the conclusion that 5 sheets of drawings were filed on September 9, 2005, and 1 drawing sheet was omitted. The postcard receipt does not establish which figures were included in the 5 sheets of drawings. Any one of the sheets may have been omitted. Neither the applicant nor the Office can be certain which of the 6 sheets of drawings were present on filing the application. Moreover, it would be arbitrary for the Office to choose which of the 6 sheets of drawings were present on filing. Accordingly, the drawings cannot be entered based on the postcard receipt.

Incorporation by reference:

The first paragraph of the specification incorporates by reference the contents of application no. 10/971,335. A brief review of the contents of application no. 10/971,335 indicates the presence of drawings *appearing* identical to 3 sheets of drawings filed with the petition.

Since the petition does not state the drawings are an exact copy of the drawings from application no. 10/971,335, the drawings will not be entered. If petitioner wishes to have the drawings entered based on the incorporation by reference, a renewed petition should be filed explicitly stating the drawings are an exact copy of drawings filed in application no. 10/971,335.

Declaration, Utility Transmittal Form, and ADS:

The declaration, Utility Transmittal Form, and ADS establish petitioner intended to file 6 sheets of drawings. However, proof of an intent to file 6 sheets of drawings is not equivalent to proof all 6 sheets of drawings were actually filed. Unfortunately, patent applicants and their representatives, who believe they are filing complete applications, occasionally file applications which are missing one or more pages, due to clerical error, a copying machine error (such as papers sticking together), papers falling out of a file, or another reason.

An applicant alleging that a paper was filed in the USPTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

Declarations by individuals involved in the preparation and filing of the original application reciting their personal recollection or belief of what was contained in the application that they reviewed are generally not more persuasive of what was actually filed in the USPTO than the contents of the application file.¹

The official government record, maintained by disinterested USPTO employees as a part of their customary and usual duties, along with the postcard receipt, fail to indicate all 6 sheets of drawings were filed on September 9, 2005. The evidence has been considered. However, the evidence that 6 sheets of drawings were filed does not have more probative value than the

¹ Declarations are generally insufficient to prove the filing date for an application or the specific contents of the original application. The Office has refused to accept mere declarations in order to prove the filing date of an application. For example, the Office refused to allow applicants to use 37 CFR 1.8 for purposes of obtaining a filing date since 37 CFR 1.8 does not require *independent corroboration by an employee of the U.S. Postal Service*.

Federal Register at 48 *Fed. Reg.* 2696 (January 20, 1983), and in the Patent and Trademark Office *Official Gazette* at 1027 *Off. Gaz. Pat. Office* 9 (February 1, 1983) (“Comment: One person commented that he found the idea of using a declaration or affidavit to establish a date of deposit unacceptable because it exposes the integrity of the assignment of filing dates to the risk of deception. Reply: The use of declarations or affidavits is usually intended to help explain activities which can be supported by exhibits. For example, if the Office copy of the mailing label was not entirely readable, applicant’s copy of the “Express Mail” mailing label could accompany a declaration and serve as the basis for granting a filing date.”)

Honigsbaum v. Lehman, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995), aff’d without opinion, 95 F.3d 1166 (Fed. Cir.1996) stated,

Plaintiff thereafter submitted three affidavits, a declaration, and copies of two pages of records from his attorney’s law firm, but the Commissioner finally denied plaintiff’s petition for a filing date. . . . Nothing submitted by plaintiff to the Patent and Trademark Office is corroborated by anything outside the office of the submitting counsel. . . . The decision was for the Commissioner to make, and I cannot find on the basis of the record presented to me that the Commissioner’s decision was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

postcard receipt and the official government record of what was actually received in the USPTO on September 9, 2005.

Common subject matter:

Petitioner may accompany any request for reconsideration with drawings that contain subject matter contained on more than one of the drawing sheets. Since the Office received 5 of the 6 sheets, any subject matter contained no more than one page must have been received by the USPTO.

Petitioner's current options:

- (1) Take no action and accept filing date of October 20, 2005, with six sheets of drawings being part of the application.
- (2) Request reconsideration, filing date of September 9, 2005, and entry of Sheets 1-3 based on the drawings being an exact copy of drawings filed in application no. 10/971,335.
- (3) Request reconsideration, filing date of September 9, 2005, and entry of Sheets 1-3 based on the drawings being an exact copy of drawings filed in application no. 10/971,335 *and* add other drawings based on common subject matter found on more than one of the drawing sheets.
- (4) Request reconsideration, filing date of September 9, 2005, and provide new evidence and/or arguments to support entry of all 6 sheets of drawings.

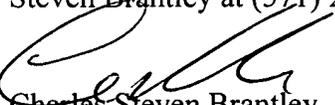
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

The Office of Initial Patent Examination will accord the application a filing date of October 20, 2005, the date the petition was filed with six sheets of drawings.

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



PATENT, COPYRIGHT & TRADEMARK LAW GROUP
430 WHITE POND DRIVE
SUITE 200
AKRON OH 44320

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AUG 15 2007

OFFICE OF PETITIONS

Applicant: Vladilen Safanov
Appl. No.: 11/223,419
Filing Date: September 12, 2005
Title: TURBINE GENERATOR VIBRATION DAMPER SYSTEM
Attorney Docket No.: 1344
Pub. No.: US 2006/0091741 A1
Pub. Date: May 4, 2006

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 15, 2006, for the above-identified application

The request is DISMISSED as moot.

Applicant requests that the application be republished because the patent application publication contains material errors in paragraphs [0087], [0090], [0107], [0145], [0148], [0149], [0151], [0152], [0153], [0154], [0166] and [0168].

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

Since the application has already issued as U.S. Patent No. 7,250,699 on July 31, 2007, the request is deemed moot.

It is noted that a benefit claim was filed by an amendment on October 12, 2006. To make a benefit/priority claim, 37 CFR 1.78 in summary requires that the benefit claim to an earlier filed

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

application be contained in the first sentence of the application or be submitted in an amendment or application data sheet within the required time frame within the later of **four months from the actual filing date** or the date on which the national stage commenced, **or sixteen months from the filing date of the prior-filed application**. According to 37 CFR 1.55, the priority claim must identify the foreign application and filing date, within the required time frame within the later of four months from the actual filing date or the date on which the national stage commenced, or sixteen months from the filing date of the prior-filed application.² It is noted that Applicant did not claim foreign priority to the PCT/US04/039854 on the Declaration filed on September 12, 2005. Since a proper benefit claim to an earlier filed application was not made within the required time period, the benefit has been waived.

In order to make a late benefit claim to the earlier filed applications, applicant must submit a petition to accept an unintentionally delayed claim under 35 U.S.C. 119 and 120 for the benefit of the earlier filed applications. The petition must include 1) the surcharge (\$1370) set forth in 37 CFR 1.14(t) and 2) a statement that the entire delay between the date the claim was due under paragraph (a)(5) of this section and the date the claim was filed was unintentional. The petition must also include a proper reference (amendment) to the prior applications in order for the petition to be granted. It is noted that 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 MPEP 201.06(c).

Most of the errors indicated do not exist in the published application US 2006/0091741 A1. The text version of the patent application is not the official patent application publication. The text version will not have symbols, while the patent application publication image will contain symbols.

In paragraphs [0087], [0148], [0149] and [0154] there are Office errors where "a" should read "α". However, the errors are not material Office errors under 37 CFR 1.221. The errors are not a material Office error because the error does not affect the understanding of the publication, as the symbol is correctly shown in the figures. The application is clearly understandable to one of ordinary skill in the art reading the application and claims. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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.

² See Claiming the Benefit of a Prior-Filed Application under 35 U.S.C. §§ 119(e), 120, 121, and 365(c), 1268 Off. Gaz. Pat. Office Notices 89 (March 18, 2003).

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read "M. Polutta". The signature is written in a cursive style with a large initial "M" and a long horizontal stroke.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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 United States Patent and Trademark Office
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
11/223,419	09/12/2005	2834	925	1344	6	1

CONFIRMATION NO. 8873

33055
 PATENT, COPYRIGHT & TRADEMARK LAW GROUP
 430 WHITE POND DRIVE
 SUITE 200
 AKRON, OH 44320

CORRECTED FILING RECEIPT



OC00000025350817

Date Mailed: 08/14/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Vladilen V. Safonov, Des Plaines, IL;

Power of Attorney:

John Gugliotta--36538

Domestic Priority data as claimed by applicant

This application is a DIV of 10/724,541 12/01/2003 PAT 7,026,736

Foreign Applications

If Required, Foreign Filing License Granted: 10/06/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/223,419**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ******Title**

TURBINE GENERATOR VIBRATION DAMPER SYSTEM

Preliminary Class

310

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

Mail Date: 04/20/2010

Applicant	: Sina Fateh	: DECISION ON REQUEST FOR
Patent Number	: 7647175	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,434	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **543** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 05/21/2010

Applicant : Serge Plotkin : DECISION ON REQUEST FOR
Patent Number : 7646867 : RECALCULATION of PATENT
Issue Date : 01/12/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/223,444 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1124** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Mail Date: 04/20/2010

Applicant	: Kevin P. McCabe	: DECISION ON REQUEST FOR
Patent Number	: 7649058	: RECALCULATION OF PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,464	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **945** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BRINKS HOFER GILSON & LIONE
P. O. BOX 10395
CHICAGO, IL 60610

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DEC 13 2007
OFFICE OF PETITIONS

In re Application of :
John F. LaTurner et al :
Application No. 11/223,471 : DECISION GRANTING PETITION
Filed: September 8, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 33-1099 :

This is a decision on the petition, filed December 12, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

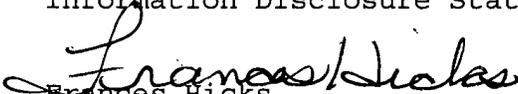
The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 15, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3671 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and Information Disclosure Statement.


Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\fhicks\My Documents\470\dec11\223471.wpd

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment.



Paper No.

BRINKS HOFER GILSON & LIONE
PO BOX 10395
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APR 07 2008

In re Application of :
Laturner et al. :
Application No. 11/223,471 : LETTER REGARDING
Filed: September 8, 2005 : PATENT TERM ADJUSTMENT
Title: Crash Cushion :

This is in response to the REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT filed February 4, 2008. Applicants disclose that the patent term adjustment (PTA) indicated on the Determination of Patent Term Adjustment may extend the term of this patent by too many days.

The request for review of the patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is FORTY-SEVEN (47) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On December 31, 2007, the Office mailed a Notice of Allowance with 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 82 days. Applicants disclose that this may be incorrect given the filing of an Amendment After Allowance Under 37 CFR 1.312 filed November 15, 2007 and a Request for Continued Examination filed after the payment of the issue fee on December 12, 2007.

Applicants are correct. Given these two filing, additional periods of reduction pursuant to 37 CFR § 1.704(c)(10) should have been entered. With respect to the 312 amendment, the period of reduction is 15 days, counting the number of days in

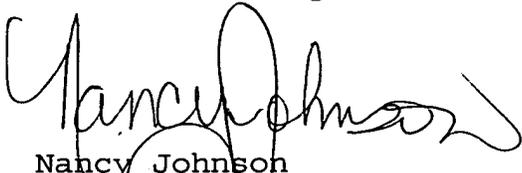
the period beginning on November 15, 2007, the date of filing of the amendment and ending on November 29, 2007, the date of mailing of the Office action in response. With respect to the Request for Continued Examination (RCE) and IDS (and petition to withdraw from issue) (filed after payment of the issue fee), the period of reduction is 20 days, counting the number of days in the period beginning on December 12, 2007, the date of filing of the RCE and IDS and ending on December 31, 2007, the date of mailing of the new Notice of Allowance in response (PALM Intranet is incorrect to the extent that it indicates that the new Notice of Allowance was mailed on January 30, 2008 and not the correct date of December 31, 2007).

In view thereof, the correct patent term adjustment at the time of mailing of the Notice of Allowance on December 31, 2007 is FORTY-SEVEN (47) days.

As this letter was submitted to advise the Office of an error in applicant's, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks applicant for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen



BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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OCT 24 2008

OFFICE OF PETITIONS

In re Patent No. 7,396,184 : DECISION ON REQUEST FOR
La Turner et al. : RECONSIDERATION OF
Issue Date: July 8, 2008 : PATENT TERM ADJUSTMENT
Application No. 11/223,471 : and
Filed: September 8, 2005 : NOTICE OF INTENT TO ISSUE
Title: Crash Cushion : CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. §1.705(b)," filed July 28, 2008, which is properly considered pursuant to 37 CFR 1.705(d). Patentee requests that the patent term adjustment as indicated on the Issue Notification be corrected from seventeen (17) days to eighty-one (81) days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of EIGHTY-ONE (81) days.

On July 8, 2008, the above-identified application matured into U.S. Patent No. 7,396,184, with a revised patent term adjustment of 567 days. The initial determination of patent term adjustment was decreased by 30 days pursuant to 37 CFR 1.704(b) for applicant taking in excess of three months to respond to the Notice of Allowance mailed December 13, 2007. In addition, a period of adjustment of 550 days was entered in association with the mailing of the decision on application for patent term adjustment mailed April 7, 2008.

On July 28, 2008, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee)

within 2 months of the issuance of the patent. Patentee asserts that the period of delay for late issuance of the patent was incorrectly calculated based on the issue fee payment being received on April 30, 2008. However, the issue fee payment was received on February 4, 2008, and thus, the correct period of adjustment, pursuant to 37 CFR 1.702(a)(4) and 1.703(a)(6), is 34 days. Moreover, patentee contends there was no applicant delay within the meaning of 37 CFR 1.704(b) in filing a response to the Notice of Allowance.

Preliminarily, it must be noted that correction of the patent term adjustment of 567 days indicated on the patent is required. As acknowledged by patentee, given the entries in PAIR, it was expected that the patent would have issued with 17 days of patent term adjustment. Unfortunately, upon mailing of the decision on patent term adjustment mailed April 7, 2008, due to clerical error a period of adjustment of 550 days was entered. This entry is incorrect and the adjustment of 550 days is being removed.

Consideration now turns to the merits of this request for reconsideration. Pertinent to this case, 37 C.F.R. § 1.703(a) provides that:

The period of adjustment under § 1.702(a) is the sum of the following periods:

(6) The number of days, if any, in the period beginning on the day after the date that is four months after the date the issue fee was paid and all outstanding requirements were satisfied and ending on the date a patent was issued.

Patentee is correct. A review of the record confirms that the issue fee was paid and all outstanding requirements were met on February 4, 2008, not April 30, 2008. This was the date that in response to the Notice of Allowance mailed December 13, 2007, patentee filed the issue fee transmittal requesting re-application of the previously paid issue fee. The patent did not issue until July 8, 2008, four months and 34 days later. Thus, the period of adjustment for this Office delay is 34 days, not 0 days.

Moreover, the issue fee transmittal submitted on February 4, 2008 was filed within three months of the mailing of the Notice of Allowance mailed December 13, 2007. As such, patentee did

not fail to engage in reasonable efforts within the meaning of 37 CFR 1.704(b) by delaying in filing a response to the Notice of Allowance mailed December 13, 2007. The period of reduction of 30 days entered for such delay is not warranted and is being removed.

In view thereof, the patent should have issued with a revised patent term adjustment of eighty-one (81) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Certificates of Correction Branch has been advised of this decision. The Certificates of Correction Branch is thereby forwarded this application 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 **eighty-one (81)** 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 : 7,396,184 B2

DATED : July 8, 2008

DRAFT

INVENTOR(S) : La Turner 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 567 days

Delete the phrase "by 567 days" and insert – by 81 days--

9805

In the United States Patent and Trademark Office

Serial Number: 11/223478

Appn. Filed: 2005 September 8

Applicant(s): Leo D. DiDomenico

Appn. Title: Method For Extracting and Processing Natural Gas from Gas-Hydrates Using Solar Energy

Examiner/GAU: 1764

Mailed: 2005 September 8

At: Livermore CA, 94550

Petition To Make Special

Mail Stop Non-Fee Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby respectfully petitions that the above application be made special under MPEP Sec. 708.02 for the following reason; attached is a declaration in support thereof:

- I. Manufacturer Available;
- II. Infringement Exists;
- III. Applicant's Health Is Poor;
- IV. Applicant's Age Is 65 or Greater;
- V. Environmental Quality Enhanced;
- VI. Energy Savings Will Result;
- VII. Recombinant DNA Is Involved;
- VIII. Special Procedure: Search Was Made;
- IX. Superconductivity Is Advanced;
- X. Relates to HIV/AIDS or Cancer;
- XI. Counter Terrorism;

Very Respectfully,

Applicant(s): Leo D. DiDomenico

Enc.: Fee if Indicated and supporting Declaration.

c/o: Leo D. DiDomenico

5563 Jacqueline Way Unit # 18

Livermore CA, 94550

Telephone: 925-606-6951

PETITION GRANTED

WJK
William Krynski
Special Program Examiner
TC1700

NOV 16 2005

Certificate of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with the proper postage affixed in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 2005 September 8

Leo D. DiDomenico

Applicant.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Craig W. Roddy et al)
)
Serial No.: unknown 11/223485)
)
Filed: concurrently herewith 9-9-05)
)
For: METHODS OF USING FOAMED)
SETTABLE COMPOSITIONS)
COMPRISING CEMENT KILN DUST)

Art Unit: unknown 1755
Examiner: Unknown Marcantoni, P

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Group Director

DECLARATION IN SUPPORT OF PETITION
TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE
(37 C.F.R. § 1.102(c) and M.P.E.P. § 708.02, IV)

I, the person signing below hereby declare:

1. That, I am over 65 years of age; and
2. 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 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Jiten Chatterji

JUN - 7 2007
PETITION GRANTED



William Krynski
Quality Assurance Specialist
Technology Center 1700



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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

Mail Date: 04/21/2010

Applicant : Jay Wohlgemuth : DECISION ON REQUEST FOR
Patent Number : 7645575 : RECALCULATION of PATENT
Issue Date : 01/12/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/223,492 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/08/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **51** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK NY 10150-5257

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MAR 03 2006

In re Application of :
Ambramowitz et al. :
Application No. 11/223,493 :
Filed: 9 September, 2005 :
Atty Docket No. 03269/1200819- :
US1 :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed on 20 October, 2005, to change the order of the names of the inventors.

The petition is **dismissed as moot.**

37 CFR 1.41(a)(1) now defines the inventorship of a non-provisional application as that inventorship set forth in the oath or declaration filed to comply with the requirements of 37 CFR 1.63.

The application was not filed with an executed oath or declaration, and no executed declaration has as of yet been filed. As such, no petition under 37 CFR 1.182 is necessary. The \$400.00 petition fee is therefore unnecessary and will be refunded to counsel's Deposit Account.

The application file is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



Bingham McCutchen, LLP
Three Embarcadero, Suite 1800
San Francisco CA 94111-4067

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NOV 16 2005

OFFICE OF PETITIONS

In re Application of :
Willis, et al. :
Application No. 11/223,513 : DECISION ON
Filed: September 9, 2005 : PETITION
Attorney Docket No. 29-7014493002 (01- :
425 US04) :
For: SYSTEM AND METHOD FOR
MARKETING AN ANATOMICAL
STRUCTURE IN THREE-DIMENSIONAL
COORDINATE SYSTEM

This is a decision on the petition filed October 26, 2005 (certificate of mailing date October 24, 2005) requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed October 11, 2005. The petition will be treated under 37 CFR 1.53(e).

The application was filed on September 9, 2005. On October 11, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioners that Figure 2, as described in the specification, appeared to have been omitted.

Petitioners request that Figure 2 be accorded a filing date of September 9, 2005 on the basis that 26 sheets of drawing figures, including Figure 2, were received in the Patent and Trademark Office (PTO) on September 9, 2005. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing September 9, 2005 as the date of receipt. The postcard lists, *inter alia*, that the filing included 26 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 26 sheets of drawing figures were filed on September 9, 2005. MPEP 503. A review of the application file reveals that there are 25 sheets of drawing figures present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **September 9, 2005**, using the copy of Figure 2 submitted with the instant petition. Office records will be corrected to show that 26 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions



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Commissioner for Patents
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Alexandria, VA 22313-1450
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**PETER J. GORDON, PATENT COUNSEL
AVID TECHNOLOGY, INC.
ONE PARK WEST
TEWKSBURY MA 01876**

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AUG 18 2006

OFFICE OF PETITIONS

In re Application of :
Poimboeuf et al. :
Application No. 11/223,534 :
Filed: September 9, 2005 :
Attorney Docket No. A2004007CIP :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 13, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Declaration and surcharge; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.


Liana Chase
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of
DEANGELO, Michael
Application No. 11/223,536
Filed: September 09, 2005
Attorney Docket No. 17776-002US3/

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 08, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that William Galliani does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **MICHAEL DE ANGELO
PATTERN INTELLIGENCE, INC.
6796 GIOVANETTI ROAD
FORESTVILLE, CA 95472**



JGJR.: 06-06

Paper No: ___

KRAMER LEVIN
NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK NY 10036

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JUN 05 2006

OFFICE OF PETITIONS

In re Application of	:	
Fulgham, et al.	:	
Application No. 11/223,537	:	ON PETITION
Filed: 9 September, 2005	:	
Attorney Docket No. 57391/00021	:	

This is a decision on the petition filed on 1 May, 2006—this under 37 C.F.R. §1.47(a).

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **GRANTED**.

BACKGROUND

The record indicates:

- the instant application was filed 9 September, 2005, without, *inter alia*, a fully executed oath/declaration;
- on 27 September, 2005, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months;
- on 1 May, 2006, Petitioners Jonathan Caplan (reg. No.. 38,094) and Aaron S, Haleva (Reg. No, 44,733) filed the instant petition with, *inter alia*, their statement and that of that of Carrie L. Caggiano, averred to be a paralegal with the firm of Kramer Levin Naftalis & Frankel (Petitioner’s offices), along with an oath/declaration containing the signatures of named co-inventors Stauffer, Bohlman, Green, Vanegren, Ballestro, Mukundan and Angelo (for themselves and on behalf of) but without the signature of named non-signing

co-inventor Mark T. Fulgham (Mr. Fulgham), the last known address of whom is set forth, and an averment that the oath or declaration and the entire application (description, claims, abstract and drawings) were presented to Mr. Fulgham and he failed to sign—with a copy of the transmittal letter(s) in evidence to support further the averments.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

As provided under 37 C.F.R. §1.47(a), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is being released to OIPE for processing as necessary to reflect the instant decision before being released for examination in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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JGJR.: 06-06

Paper No: __

MARK T. FULGHAM
426 MARTENS AVENUE
MOUNTAIN VIEW, CA 94040

COPY MAILED

JUN 05 2006

OFFICE OF PETITIONS

In re Application of :
Fulgham, et al. :
Application No. 11/223,537 :
Filed: 9 September, 2005 :
Attorney Docket No. 57391/00021 :

COMMUNICATIN

Dear Mark T. Fulgham:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,¹ ¶a, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as 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 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding

¹ The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

© The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

Telephone inquiries concerning this letter may be directed to the undersigned at (571) 272-3214.



John A. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
KRAMER LEVIN
NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK NY 10036



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Carl Zeiss Meditec c/o MoFo
425 Market Street
San Francisco, CA 94105-2482

Mail Date: 04/26/2010

Applicant : Matthew J. Everett : DECISION ON REQUEST FOR
Patent Number : 7668342 : RECALCULATION OF PATENT
Issue Date : 02/23/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/223,549 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1184** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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OCT 13 2005

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PATENT, COPYRIGHT & TRADEMARK
LAW GROUP, LLC, ESQ.
202 DELAWARE BUILDING
137 SOUTH MAIN STREET
AKRON, OH 44308

In re application of
Steven Tsengas
Application No. 11/223,550
Filed: September 9, 2005
For: TOSSABLE PET TOY FOR HOLDING
CONSUMABLE TREATS

: **DECISION ON PETITION**
: **TO MAKE SPECIAL**
: **(APPLICANT'S AGE)**
:

This is a decision on the petition submitted on September 9, 2005 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

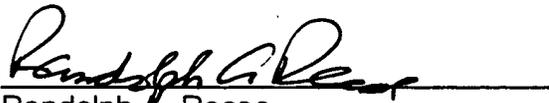
An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a declaration signed by Steven Tsengas indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt **bona fide** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

A handwritten signature in black ink, appearing to read "Randolph A. Reese", is written over a horizontal line.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(571) 272-6619

RAR/dcg: 10/7/05



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PETER J. GORDON, PATENT COUNSEL
AVID TECHNOLOGY, INC.
ONE PARK WEST
TEWKSBURY, MA 01876

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DEC 15 2006

OFFICE OF PETITIONS

In re Application of :
Patrick Walsh et al :
Application No. 11/223,562 : DECISION GRANTING PETITION
Filed: September 9, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. A2005010 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 13, 2006, to revive the above-identified application.

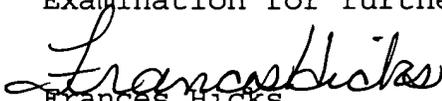
The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed October 3, 2005, which required the submission of an executed oath or declaration in compliance with 37 CFR 1.63 and a \$130 surcharge fee for its late filing. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 6, 2005 (December 3, 2005, the due date, is a Saturday).

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply (executed declaration and \$130 surcharge fee), (2) the \$1,500 petition fee, and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of October 3, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.


Frances Hicks
Petitions Examiner
Office of Petitions



Donald E. Schreiber
Post Office Box 2926
Kings Beach, CA 96143-2926

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JUL 17 2007

In re Application of
Williams M. Pitts
Application No. 11/223,572
Filed: September 9, 2005
Attorney Docket No. 2229

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 2, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272- 2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **William M. Pitts**
780 Mora Drive
Los Altos, CA 94024



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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
11/223,572	09/09/2005	William M. Pitts	2229

CONFIRMATION NO. 8621

POWER OF ATTORNEY NOTICE

23320
DONALD E. SCHREIBER
POST OFFICE BOX 2926
KINGS BEACH, CA 96143-2926



Date Mailed: 02/04/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/05/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199



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**PAUL V. KELLER, LLC
4585 LIBERTY RD.
SOUTH EUCLID OH 44121**

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OCT 18 2005

OFFICE OF PETITIONS

In re Application of :
Yan et al. :
Application No. 11/223,589 : **ON PETITION**
Filed: September 10, 2005 :
Attorney Docket No. 04-ERC-284 :

This is a decision on the petition under 37 CFR 1.102(c)(2)(i), filed September 10, 2005, to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section V: Environmental Quality.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(i) and MPEP § 708.02, Section V: Environmental Quality must state that special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements. If the disclosure is not clear on its face that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required.

The instant petition includes a statement from a registered attorney from the law firm of record. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Paralegal Liana Chase at 571-272-3206.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3748 for expedited prosecution.


David Bucci
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



TROUTMAN SANDERS LLP
BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

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OCT 29 2009

OFFICE OF PETITIONS

In re Application of :
Mark K. Quinn, et al. :
Application No. 11/223,594 : **DECISION ON PETITION**
Filed: September 9, 2005 :
Attorney Docket No. 2984 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 21, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed October 31, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 2, 2009. The Notice of Abandonment was mailed May 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment that *prima facie* places the application in condition for allowance, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2984 for appropriate action by the Examiner in the normal course of business on the reply received

A handwritten signature in cursive script that reads "Terri Johnson".

Terri Johnson
Petitions Examiner
Office of Petitions



HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of :
Kenya Watanabe :
Application No. 11/223,600 :
Filed: September 9, 2005 :
Attorney Docket No.: 9319R-001304 :

ON PETITION

This is a decision on the petition filed February 28, 2008 under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned December 20, 2007 for failure to file corrected drawings in response to the Notice of Allowability mailed September 19, 2007 which required the filing of Corrected Drawings. Accordingly, a Notice of Abandonment was mailed February 14, 2008. Petitioner argues that a Supplemental Notice of Allowability was mailed December 4, 2007 which did not require the filing of Corrected Drawings and thus the Notice of Abandonment was sent in error.

Per confirmation with the Examiner of Record, in view of the Supplemental Notice of Allowability mailed December 4, 2007, the Notice of Abandonment mailed February 28, 2008 was sent in error. No Corrected Drawings were required.

In view thereof, the holding of abandonment was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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AGILENT TECHNOLOGIES INC
INTELLECTUAL PROPERTY ADMINISTRATION LEGAL DEPT
MS BLDG E PO BOX 7599
LOVELAND CO 80537

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DEC 11 2008

In re Application of :
Purdy, et al. :
Application No. 11/223,608 : ON PETITION
Filed: September 9, 2005 :
Attorney Docket No. 10050207-1 :

This is a decision on the petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed November 3, 2008.

The petition is **GRANTED**.

Petitioner states that the instant application is the subject of an international application filed on May 2, 2006. However, the US Patent and Trademark Office was unintentionally not notified of this filings.within 45 days subsequent to the filing of the PCT application.

In view of the above, this 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 petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

Receipt of the \$1620 petition fee is acknowledged.

A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing is enclosed.

The application is being forwarded to Group Art Unit 2617 for consideration of the Amendment filed October 1, 2008.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

Enc: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing (1 page)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/223,608	09/09/2005	Glen L. Purdy JR.	10050207-1

CONFIRMATION NO. 9850

22878
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

NONPUBLICATION RESCISSION
LETTER



Date Mailed: 12/08/2008

**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 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".

/ccongo/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105

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FEB 07 2007

OFFICE OF PETITIONS

In re Application of :
Jun Wan et al :
Application No. 11/223,623 : DECISION GRANTING PETITION
Filed: September 9, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SAND-01053US0 :

This is a decision on the petition, filed February 5, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

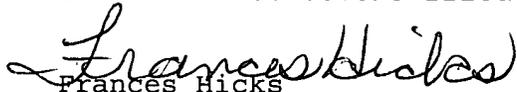
The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 20, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2824 for processing of the request for continued examination under 37 CFR 1.114 filed February 7, 2007, and for consideration of the Information Disclosure Statement filed February 6, 2007.


Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Feb10\223623

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant : Hubert Benzel : DECISION ON REQUEST FOR
Patent Number : 7572661 : RECALCULATION of PATENT
Issue Date : 08/11/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/223,637 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/08/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **706** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



MICHAEL P. MORRIS
BOEHRINGER INGELHEIM CORPORATION
900 RIDGEBURY RD
P O BOX 368
RIDGEFIELD CT 06877-0368

COPY MAILED
FEB 06 2006
OFFICE OF PETITIONS

In re Application of :
Thibeault, et al. :
Application No. 11/223,638 : ON PETITION
Filed: 9 September, 2005 :
Attorney Docket No. 13/082-2-C1 :

This is a decision on the petition filed on 17 October, 2005, under 37 C.F.R. §1.182 and considered here under 37 C.F.R. §1.53.

The petition is **GRANTED in part**, and **DISMISSED in part**.

BACKGROUND

The application was deposited on 9 September, 2005.

On 30 September, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Application (the Notice) stating that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. 113 (first sentence).

OIPE indicated that Petitioner might:

- contend via petition that the drawings were submitted, or that they were not necessary for a filing date; or

- submit the drawings and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 17 October, 2005, Petitioner submitted the instant petition, seeking a 9 September, 2005, filing date for the application. Petitioner acknowledges therein that the figures were omitted in error, however, Petitioner alleges that the application incorporates by reference the parent Application No. 10/650,585.

ANALYSIS

Although Petitioner has failed to allege, *inter alia*, that the instant application does not require drawings for the understanding of the subject matter to be patented, a review of the application indicates that, *inter alia*, the title of the application is: “Purified Active HCV NS2/3 Protease,” and further review indicates that the Abstract indicates that subject is a “method of producing” (See: MPEP §601.01(f)(A).)

It is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for the understanding of the invention under 35 U.S.C. §113 (first sentence). (See: MPEP §601.01¹)

¹ The commentary at MPEP §601.01 provides in pertinent part:
* * *

601.01(f) Applications Filed Without Drawings

35 U.S.C. 111(a)(2)(B) and 35 U.S.C. 111(b)(1)(B) each provide, in part, that an “application shall include . . . a drawing as prescribed by section 113 of this title” and 35 U.S.C. 111(a)(4) and 35 U.S.C. 111(b)(4) each provide, in part, that the “filing date . . . shall be the date on which . . . any required drawing are received in the Patent and Trademark Office.” 35 U.S.C. 113 (first sentence) in turn provides that an “applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented.

Applications filed without drawings are initially inspected to determine whether a drawing is referred to in the specification, and if not, whether a drawing is necessary for the understanding of the invention. 35 U.S.C. 113 (first sentence).

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). The same practice has been followed in composition applications.

The same practice has been followed in composition applications. Other situations in which drawings are usually not considered necessary for the understanding of the invention under 35 U.S.C. 113 (first sentence) are:

(A) *Coated articles or products*: where the invention resides solely in coating or impregnating a conventional sheet (*e.g.*, paper or cloth, or an article of known and conventional character with a particular composition), unless significant details of structure or arrangement are involved in the article claims;

* * *

A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, not describing drawing figures in the specification, and filed without drawings will simply be processed for examination, so long as the application contains something that can be construed as a written description. A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description. In a situation in which the appropriate Technology Center (TC) determines that drawings are necessary under 35 U.S.C. 113 (first sentence) the filing date issue will be reconsidered by the USPTO.

* * *

The arguments in the petition will be construed, in part, to mean that Petitioner, a registered practitioner before the Office, asserts that drawings are not necessary for a filing date in this application. Drawings will not be further considered as a part of this case.

In view of the above, the Notice mailed on 30 September, 2005, hereby is withdrawn to the extent that it indicates no filing date will be granted.

CONCLUSION

The petition is **granted in part**, to the extent that the application will be accorded the filing date of 9 September, 2005, without drawings as part of the original disclosure of the application; in all other respects the petition **is dismissed**. The petition fee is waived and will be refunded.

As to Petitioner's averment that the parent application was incorporated by reference, this incorporation may be proper in practice before the Office. (See: MPEP §201.06(c) (in pertinent part).)² In this connection, Petitioner will present to the Examiner a copy of the parent Application No. 10/650,585 as filed.

As a matter of expediting prosecution, Petitioner may submit a copy of the parent application as filed with a preliminary amendment and seek entry of that amendment by the Examiner.

No petition is required for that purpose.

² The commentary at MPEP §201.06(c) provides in pertinent part:

INCORPORATION BY REFERENCE

In a continuation or divisional application, the safe-guard (petition and fee under former 37 C.F.R. 1.60(b)) concerning the filing of an application lacking all of the pages of the specification or sheets of drawings of the prior application has not been retained in 37 C.F.R. 1.53(b) since the specification and drawings of a continuation or divisional application are not limited to a reproduction or a "true copy" of the prior application. As a safeguard, however, an applicant may incorporate by reference the prior application by including, in the continuation or divisional application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The incorporation by reference statement can only be relied upon to permit the entering of a portion of the prior application into the continuation or divisional application when the portion of the prior application has been inadvertently omitted from the submitted application papers in the continuation or divisional application. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuation or divisional application to include any subject matter in such prior application(s), without the need for a petition provided the continuation or divisional application is entitled to a filing date notwithstanding the incorporation by reference. (Emphasis supplied).

The application is being referred to the Office of Initial Patent Examination to be processed for correction of the filing date to 9 September, 2005, with the 35 pages of specification (description, claims, abstract) deposited on 9 September, 2005, and no drawings as the original disclosure.

As indicated above, the matter of incorporation by reference is exclusively the purview of the Examiner and shall be considered by the Examiner as a preliminary amendment submitted by Petitioner.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3214.

A handwritten signature in black ink, appearing to read 'John J. Gillon, Jr.', with a long horizontal line extending to the right.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions



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GOLD & RIZVI, P.A.
600 N. PINE ISLAND ROAD
SUITE 450
PLANTATION FL 33324-1311

MAILED

JUN 03 2009

OFFICE OF PETITIONS

In re Application of :
Kevin E. Fitzpatrick :
Application No. 11/223,640 : **DECISION ON PETITION**
Filed: September 9, 2005 :
Attorney Docket No. 1149.0100 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Ex Parte Quayle mailed August 11, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3724 for appropriate action by the Examiner in the normal course of business on the reply received April 2, 2009.

Karen Creasy
Petitions Examiner
Office of Petitions



SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

COPY MAILED

JUN 04 2007

OFFICE OF PETITIONS

In re Application of	:	
Dennis J. Dahlen et al.	:	
Application No. 11/223,642	:	DECISION ON PETITION
Filed: September 9, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. POU920050085US1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 17, 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 statement from the applicant, Ronald M. Smith, declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2833 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions



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ORION LAW GROUP
3 HUTTON CENTRE
SUITE 850
SANTA ANA, CA 92707

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SEP 04 2007

OFFICE OF PETITIONS

In re Application of :
Robert Matthew D'Ambrosia :
Application No. 11/223,653 :
Filed: September 8, 2005 :
Attorney Docket No. 1006.P001US :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed April 17, 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 September 8, 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 6, 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 3626 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.
11/223,653	09/08/2005	Robert Matthew D'Ambrosia	1006.P0001US

CONFIRMATION NO. 9948

65068
 ORION LAW GROUP
 3 HUTTON CENTRE
 SUITE 850
 SANTA ANA, CA 92707

Date Mailed: 08/29/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/06/2007.

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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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

COPY MAILED
AUG 16 2006
OFFICE OF PETITIONS

In re Application of :
Stephen J. Kravits et al :
Application No. 11/223,655 : **ON PETITION**
Filed: September 9, 2005 :
Attorney Docket No. 3883-051916 :

This is a decision on the "Petition for Change the Order of Inventors' Names" under 37 CFR 1.182 filed May 15, 2006.

The petition is **granted**.

The order of the names of the inventors has been changed to the following:

1. Stephen J. Kravits
2. Bruce D. Rusby
3. John K. Wood

Telephone inquiries concerning this matter may be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/223,655	09/09/2005	3672	1100	3883-051916	4	16	2

28289
 THE WEBB LAW FIRM, P.C.
 700 KOPPERS BUILDING
 436 SEVENTH AVENUE
 PITTSBURGH, PA 15219

CONFIRMATION NO. 9950
CORRECTED FILING RECEIPT
OC000000020051140
 OC000000020051140

Date Mailed: 08/16/2006

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)

Stephen J. Kravits, Pleasant Hills, PA;
 Bruce D. Rusby, Jefferson Hills, PA;
 John K. Wood, Harrison City, PA;

Assignment For Published Patent Application

Target Drilling, Inc., Jefferson Hills, PA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/406,622 04/03/2003 PAT 6,968,893
 which claims benefit of 60/369,683 04/03/2002

Foreign Applications

If Required, Foreign Filing License Granted: 10/04/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/223,655**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ******Title**

Method and system for production of gas and water from a coal seam using well bores with multiple branches during drilling and after drilling completion

Preliminary Class

166

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant : Tony Hong Lin : DECISION ON REQUEST FOR
Patent Number : 7602825 : RECALCULATION of PATENT
Issue Date : 10/13/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/223,657 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **111** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/223,666	09/09/2005	Vilas M. Chopdekar	JFCT-8-05	1186
7590 05/05/2010 Law Offices of Jack Matalon 32 Shelley Rd. Springfield, NJ 07081-2529			EXAMINER WHITE, EVERETT NMN	
			ART UNIT 1623	PAPER NUMBER
			MAIL DATE 05/05/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MAY 05 2010

Law Offices of Jack Matalon
32 Shelley Rd.
Springfield NJ 07081-2529

In re Application of :
Chopdekar et al. :
Serial No.: 11/223,666 : PETITION TO ACCEPT
Filed: September 9, 2005 : PAPER AS TIMELY
Attorney Docket No.: JFCT-8-05 :

This is in response to the petition under 37 CFR § 1.181, February 17, 2010, requesting that the attached papers be accepted as timely filed.

The petition is **GRANTED**.

The Terminal Disclaimer has been entered and is Approved.

Should there be any questions with respect to this action, please contact the examiner or Marianne Seidel, by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office general facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Craig W. Roddy et al)
)
Serial No.: unknown 11/223669)
)
Filed: concurrently herewith 9-9-05)
)
For: SETTABLE COMPOSITIONS)
 COMPRISING CEMENT KILN DUST)
 AND ADDITIVE(S))

Art Unit: unknown 1755
Examiner: Unknown Marzantoni, P

Assistant Commissioner for Patents
Washington, D.C. 20231

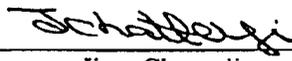
ATTENTION: Group Director

DECLARATION IN SUPPORT OF PETITION
TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE
(37 C.F.R. § 1.102(c) and M.P.E.P. § 708.02, IV)

I, the person signing below hereby declare:

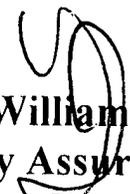
1. That, I am over 65 years of age; and
2. That, all statements made herein of my own knowledge are true and that all

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 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Jiten Chatterji

PETITION GRANTED


William Krynski
Quality Assurance Specialist
Technology Center 1700
JUN 27 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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MAILED
FROM DIRECTORS OFFICE

NOV 09 2005

TECHNOLOGY CENTER 3600

CRAIG W. RODDY
HALLIBURTON ENERGY SERVICES
P.O. BOX 1431
DUNCAN, OK 73536-0440

In re application of : **DECISION ON PETITION**
Craig W. Roddy et al. : **TO MAKE SPECIAL**
Application No. 11/223,671 : **(APPLICANT'S AGE)**
Filed: September 9, 2005 :
For: METHODS OF USING SETTABLE :
COMPOSITIONS COMPRISING CEMENT:
KILN DUST :

This is a decision on the petition submitted on September 9, 2005 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a declaration signed by Mr. Jiten Chatterji (2nd named inventor) indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.



Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(571) 272-6587

KJD/dew: 10/27/05



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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KLEIN, O'Neill & SINGH, LLP
18200 Von Karman Avenue
Suite 725
IRVINE, CA 92612

Mail Date: 04/30/2010

Applicant	: Douglas E. O'Neil	: DECISION ON REQUEST FOR
Patent Number	: 7639715	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,693	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **798** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Armstrong Teasdale LLP (16463)
One Metropolitan Square
Suite 2600
St. Louis, MO 63102-2740

Mail Date: 04/20/2010

Applicant : Robert Lawrence Bender : DECISION ON REQUEST FOR
Patent Number : 7612654 : RECALCULATION of PATENT
Issue Date : 11/03/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/223,702 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1090** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Craig W. Roddy et al)
)
Serial No.: unknown 11/223703)
)
Filed: concurrently herewith 9-9-05)
)
For: FOAMED SETTABLE COMPOSITIONS)
 COMPRISING CEMENT KILN DUST)

Art Unit: unknown 1755
Examiner: Unknown Marcantoni, P

Assistant Commissioner for Patents
Washington, D.C. 20231

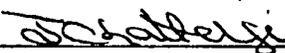
ATTENTION: Group Director

DECLARATION IN SUPPORT OF PETITION
TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE
(37 C.F.R. § 1.102(c) and M.P.E.P. § 708.02, IV)

I, the person signing below hereby declare:

1. That, I am over 65 years of age; and
2. 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 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Jiten Chatterji

PETITION GRANTED


William Krynski
Quality Assurance Specialist
Technology Center 1700
JUN - 7 2007



ALLAN WESTERSTEN
P.O. BOX 50
GEORGETOWN CA 95634-0050

COPY MAILED

MAR 05 2008

OFFICE OF PETITIONS

In re Application of :
Allan Westersten :
Application No. 11/223,705 :
Filed: 09/09/2005 :
Title: APPARATUS AND METHOD FOR :
DETECTING AND IDENTIFYING :
FERROUS AND NON-FERROUS METALS :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 10, 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 Restriction Requirement, mailed May 17, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 18, 2007. A Notice of Abandonment was mailed on November 28, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election; (2) the petition fee; and (3) a proper statement of unintentional delay.

This matter is being forwarded to Technology Center AU 2862.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



OPPENHEIMER WOLFF & DONNELLY LLP
45 SOUTH SEVENTH STREET, SUITE 3300
MINNEAPOLIS MN 55402

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JUL 06 2009

OFFICE OF PETITIONS

In re Application of :
Craig K. Potts :
Application No. 11/223,708 :
Filed: September 9, 2005 :
Attorney Docket No. 22281-14 :

NOTICE

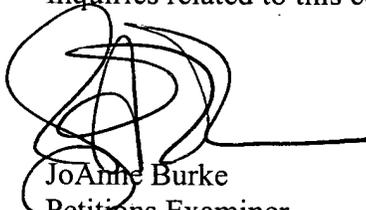
This is a notice regarding your request filed April 24, 2009, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.


JoAnne Burke
Petitions Examiner
Office of Petitions

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DEC 06 2005

Petition to Make Special
Appln. No. 11/223,739
Petition dated December 6, 2005

Attorney Docket No. 04711/RPM

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant : Roshan L. Wijerama
Serial No. : 11/223,739
Filed : September 9, 2005
For : THREE-DIMENSIONAL
COLORING PRODUCT
Art Unit : 1772
Examiner : To Be Assigned
Confirm. No.: 1027
Customer No.: 01933

CERTIFICATE OF FACSIMILE
TRANSMISSION
TO NO. 571-273-8300

TOTAL PAGES: 3

I hereby certify that this
paper is being facsimile
transmitted to the
Commissioner for
Patents Office
on the date noted below.

Harlyn Stults
Harlyn Stults

Dated: December 6, 2005

In the event that this Paper
is late filed, and the
necessary petition for
extension of time is not filed
concurrently herewith, please
consider this as a Petition
for the requisite extension of
time, and to the extent not
tendered by check attached
hereto, authorization to
charge the extension fee to
Account No. 06-1378.

**PETITION TO MAKE SPECIAL BECAUSE
OF ACTUAL INFRINGEMENT
(37 CFR 1.102 and MPEP 708.02)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R :

Applicant hereby petitions to make this application special
because of actual infringement.

Accompanying this petition is:

1. Statement of Facts in Support of Petition to Make
Special Because of Actual Infringement;
2. Statement by Attorney in Support of Petition to Make
Special Because of Actual Infringement; and

12/07/2005 TL0111 00000018 11223739

01 FC:1464

138.00 DP

PETITION GRANTED

William Krynski
William Krynski DEC 14 2005
Special Program Examiner
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

Date Mailed : August 22, 2009

Patent No. : 7451517
Inventor(s) : Yoshinori Tanaka
Issued : November 18, 2008
Title : CLEANING ARTICLE

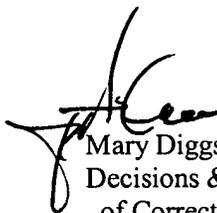
Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above identified patent.

Concerning applicants request to include 35 USC 120 data to the Letters patent; the first sentence of the specification" and/or any amendments thereto is used for printing data claimed under 35 USC 120. Since the first sentence of the specification does not refer to the additional information as reflected on applicants request, correction is not warranted here under Rule 1.322.

In view of the forgoing applicants request in this matter is hereby denied. However, further consideration will be given under the provisions of Rule 1.323 upon receipt of a request for the issuance of a certificate of correction accompanied by the appropriate fee of \$100.

Future correspondence concerning this matter should be directed to Decisions and Certificate of Correction Branch.


Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1541

Joseph R. Robinson
Darby & Darby P.C.
P.O. Box 770
Church Street Station
New York, NY 10008-0770

/arg

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12-29-09

TO SPE OF : ART UNIT 3723

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/223744 Patent No.: 7451517

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

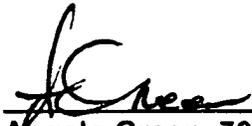
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580



Angela Green 703-756-1541
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- | | |
|--|---|
| <input checked="" type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: _____



MONICA CARTER
SUPERVISORY PATENT EXAMINER
SPE 3727
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

Mail Date: 04/21/2010

Applicant : Colin R. Anthony : DECISION ON REQUEST FOR
Patent Number : 7636089 : RECALCULATION of PATENT
Issue Date : 12/22/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/223,751 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **411** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

Applicant	: Roger Cook	: DECISION ON REQUEST FOR
Patent Number	: 7573165	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,763	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **542** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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IPSOLON LLP
111 SW COLUMBIA
SUITE 710
PORTLAND OR 97201

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AUG 07 2006

OFFICE OF PETITIONS

In re Application of :
Slamka, et al. :
Application No. 11/223,767 : DECISION GRANTING
Filed: September 9, 2005 : PETITION
Attorney Docket No. 1006-213/MMM :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed April 28, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to submit the fees, oath or declaration, and late surcharge, as required by the Notice to File Missing Parts mailed September 27, 2005. This Notice set an extendable period for reply of two (2) months. No reply having been received, the application became abandoned on November 28, 2005. The mailing of this decision precedes the mailing of a Notice of Abandonment.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted an executed declaration together with the surcharge for its late filing, and paid the statutory basic filing fee, search fee, and examination fee.

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

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BOZICEVIC FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE, SUITE 200
EAST PALO ALTO, CA 94303**

COPY MAILED

JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
MCCARTHY, et al. :
Application No. 11/223,785 :
Filed: September 9, 2005 :
Attorney Docket No. **054769-4603** :
: **DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 21, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to **BOZICEVIC FIELD & FRANCIS LLP** has been revoked by the assignee of the patent application on February 16, 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: **FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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THORPE NORTH & WESTERN, LLP.
P.O. Box 1219
SANDY UT 84091-1219

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DEC 08 2008

In re Application of :
Chien-Min Sung :
Application No.: 11/223790 : **DECISION ON**
Filing or 371(c) Date: 09/08/2005 : **PETITION**
Attorney Docket Number: 00802-20303.CIP 3 :

This is a decision in response to the Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181," filed October 21, 2008.

This Petition is **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed December 31, 2008. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned July 14, 2007.

With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence¹. The Power of Attorney or Authorization of Agent has been entered and made of record.

In view of the foregoing, the petition is **granted**. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 1793 for re-mailing of the Office action and 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

¹ Office records reveal that the Office action was mailed to an incorrect correspondence address.



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17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

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JUL 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Kundalpurki et al.	:	DECISION ON PETITION
Application No. 11/223,800	:	TO WITHDRAW
Filed: September 9, 2005	:	FROM RECORD
Attorney Docket No. QIM 2004 P 53008 US	:	

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 17, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number.

In the instant application, the practitioner(s) were appointed via Customer Number however the request does not designate a Customer Number to be withdrawn by. Therefore, the current request cannot be approved at this time. Any subsequent request must withdraw all associated practitioner(s) in the same manner as appointed.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

All future communications from the Office will continue to be directed to the above-listed address until properly notified.

There are no outstanding Office actions that require a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.


Alicia Kelley
Petitions Examiner
Office of Petitions



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MAY 25 2007
TECHNOLOGY CENTER 3600

JAMES C. WRAY
1493 CHAIN BRIDGE ROAD
SUITE 300
MCLEAN, VA 22101

In re application of : **DECISION ON PETITION**
Lewis M. Fraas et al. : **TO MAKE SPECIAL FOR**
Application No. 11/223,803 : **NEW APPLICATION**
Filed: September 9, 2005 : **UNDER 37 CFR 1.102**
For: SOLAR PHOTOVOLTAIC MIRROR MODULES:

This is a decision on the petition filed on May 9, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

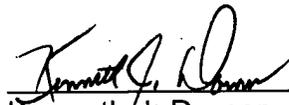
To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special under accelerated examination under 37 C.F.R. § 1.102(d) is not acceptable because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on May 9, 2007 the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Kenneth J. Dorner, Quality Assurance Specialist, at (571) 272-6587.



Kenneth J. Dorner
Quality Assurance Specialist
Technology Center 3600

KJD/dew: 05/22/07



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JUN 15 2007

TECHNOLOGY CENTER 3600

JAMES C. WRAY
1493 CHAIN BRIDGE ROAD
SUITE 300
MCLEAN, VA 22101

In re application of : **DECISION ON PETITION**
Lewis M. Fraas et al. : **TO MAKE SPECIAL FOR**
Application No. 11/223,803 : **NEW APPLICATION**
Filed: September 9, 2005 : **UNDER 37 CFR 1.102**
For: SOLAR PHOTOVOLTAIC MIRROR MODULES:

This is a decision on the renewed petition filed on May 31, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

A petition to make special under accelerated examination under 37 C.F.R. § 1.102(d) was filed on May 9, 2007. That petition was denied in a decision mailed May 25, 2007. The reason for the denial was because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It was noted that it appeared that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines.

Petitioner argues that the reason for refusing the petition was an impossibility in that a petition filed in accordance with the June 26, 2006 notice could not have been filed with the September 9, 2005 application.

Petitioner appears to be arguing that since the application was filed before the notice regarding the change in rules for special status, it need not comply with the new rule.

However, petitioner is reminded that any petition to make special filed after August 25, 2006 must satisfy the new guidelines as set forth above. Therefore, the petition was properly denied.

Any inquiry regarding this decision should be directed to Kenneth J. Dorner, Quality Assurance Specialist, at (571) 272-6587.



Kenneth J. Dorner
Quality Assurance Specialist
Technology Center 3600

Kjd: 6/12/07



SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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OFFICE OF PETITIONS

In re Application of :
Russell D. Mileham et al. :
Application No. 11/223,805 : DECISION ACCORDING STATUS
Filed: September 9, 2005 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 2148.002US1 :

This is in response to the petition filed May 9, 2006 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on September 9, 2006, with an unsigned oath or declaration. Accordingly, on October 3, 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), received May 9, 2006, with a five month extension of time and with a certificate of mail dated May 3, 2006, and an oath or declaration signed only by joint inventor Russell D. Mileham was filed. The petition argues that joint inventor George W. Schossow refuses to execute the oath or declaration and thus by his actions, 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.

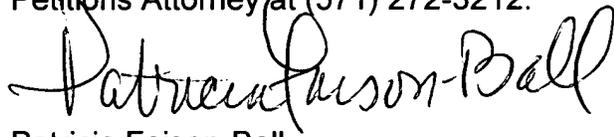
The petition bears proof that the application papers were forwarded to and received by George W. Schossow and that to date, he has not returned an executed copy of the oath or declaration.

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 1614 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

Mail Date: 04/21/2010

Applicant : Kenji Yamada : DECISION ON REQUEST FOR
Patent Number : 7624020 : RECALCULATION of PATENT
Issue Date : 11/24/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/223,823 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **276** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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MERCHANT & GOULD PC
PO BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of :
Robert E. Carlson :
Application No. 11/223,825 : DECISION ON PETITION
Filed: September 9, 2005 :
Attorney Docket No. 14095.28US01 :

This is a decision on the "PETITION TO ASSIGN FILING DATE IN RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION", filed October 26, 2005, to accord the above-identified application a filing date of September 9, 2005, with 61 sheets of drawings as part of the original disclosure.

The petition is GRANTED.

Application papers in the above-identified application were filed on September 9, 2005. However, on October 3, 2005, the Initial Patent Examination Division mailed Applicant a "Notice of Incomplete NonProvisional Application." Applicant was notified that the application papers had not been accorded a filing date because the application was deposited without drawings.

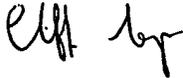
In response, Applicant filed the instant petition. Accompanying the petition was a copy of 63 drawing sheets, including 3 copies of Figure 59. Applicant maintains that the application as originally filed included 61 pages of drawings. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "61 sheets of formal drawings" as enclosed, bearing a United States Patent and Trademark Office date-stamp of September 9, 2005, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, the \$400 petition fee has been refunded to Deposit Account No. 13-2725.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of September 9, 2005, using the application papers received in the Office on that date and the 61 pages of drawings as resupplied on petition filed October 26, 2005, and for indication in Office records that 61 sheets of drawings were present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



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P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

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FEB 12 2010

In re Patent No. **7,601,663** :
Issue Date: October 13, 2009 :
Application No. 11/223,833 :
Filed: September 8, 2005 : **DECISION ON PETITION**
Attorney Docket No. **20345/0203339-USO** : **UNDER 37 CFR 3.81(b)**

This is a decision on the petition filed January 26, 2010, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Monica A. Graves at (571) 272-7253. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The 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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PVF -- SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Leonard D. Rarick	: DECISION ON REQUEST FOR
Patent Number	: 7599980	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,836	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1063** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 -- SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Leonard D. Rarick	: DECISION ON REQUEST FOR
Patent Number	: 7599982	: RECALCULATION OF PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,837	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1063** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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PALO ALTO CA 94306

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JAN 20 2006

OFFICE OF PETITIONS

In re Application of :
Kaku et al. :
Application No. 11/223,839 :
Filed: September 9, 2005 :
Attorney Docket No. ATIC-021/00US :

ON PETITION

This is a decision on the petition filed December 1, 2005, requesting that the above-identified application be accorded a filing date of September 9, 2005, rather than the presently accorded date of September 12, 2005. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on September 9, 2005, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 525579385 US, showing a handwritten "date-in" of "September 9, 2005" as well as a "September 9, 2005" USPS receipt stamp. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal." Additionally, applicant has submitted a copy of the Track & Confirm record showing that the package in question was enroute on September 9, 2005, at 7:38 p.m. at the San Francisco, CA USPS.

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on September 9, 2005.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(c) does not require a petition fee and none has been charged.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of September 9, 2005, along with a corrected filing receipt.** Thereafter, the matter will be referred to Technology Center 2633 for examination in due course.

Telephone inquiries concerning this matter may be directed Petitions Examiner Liana Chase at (571) 272-3206.


Frances Hicks
Petitions Examiner
Office of Petitions



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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 05/03/2010

Applicant : Vitaly Revsin : DECISION ON REQUEST FOR
Patent Number : 7650366 : RECALCULATION of PATENT
Issue Date : 01/19/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/223,844 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **466** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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DORSEY & WHITNEY LLP
Intellectual Property Department
250 Park Avenue
New York, NY 10177

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In re Application of	:	OFFICE OF PETITIONS
COHEN	:	
Application No. 11/223,845	:	DECISION ON PETITION
Filed: September 09, 2005	:	TO WITHDRAW
Attorney Docket No. 185736/US/2-475494-0027	:	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 July 05, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Gary Abelev, Esq., on behalf of all attorneys of record who are associated with customer No. 30873.

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 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: Wayne Cohen
Managing Director
Bongo Logic, Co., Ltd.
44 Convent Road
Silom Bangrak, Bangkok
Thailand 10500



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/223,845	09/09/2005	Wayne Cohen	185736/US/2 - 475494-0027

30873
DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK, NY 10177

CONFIRMATION NO. 1526



Date Mailed: 09/15/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/05/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

PATRICIA A VOLPE
OP (571) 272-6825

FORMER ATTORNEY/AGENT COPY



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SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION
3310 AIRPORT AVENUE, SW
SANTA MONICA CA 90405

COPY MAILED

JUN 11 2007

OFFICE OF PETITIONS

In re Application of :
Chuang et al. :
Application No. 11/223,851 : DECISION ON PETITION
Filed: September 9, 2005 :
Attorney Docket No. KLAC0106 :

This is a decision on the petition, filed May 21, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed November 13, 2006, which set a one (1) month shortened statutory period for reply. A Notice of Abandonment was mailed on May 4, 2007.

Petitioner asserts that the Notice of Non-Compliant Amendment action dated November 13, 2006 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 2886 for re-mailing the Notice of Non-Compliant Amendment of November 13, 2006. The period for reply will run from the mailing date of the Office action.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



Charlema R. Grant
Petitions Attorney
Office of Petitions



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SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION
3310 AIRPORT AVENUE, SW
SANTA MONICA, CA 90405

Mail Date: 04/21/2010

Applicant	: Yung-Ho Chuang	: DECISION ON REQUEST FOR
Patent Number	: 7609373	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/223,851	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.



PAUL D. YASGER
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK, IL 60064-6008

MAILED
JUN 15 2010
OFFICE OF PETITIONS

In re Application of :
Bhatia et al. :
Application No. 11/223,857 : ON PETITION
Filed: September 9, 2005 :
Attorney Docket No. 6933USD1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 14, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on August 15, 2009. A Notice of Abandonment was mailed December 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 \$1,620, and (3) a proper statement of unintentional delay.

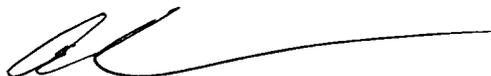
It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,110 extension of time fee submitted with the petition on April 28, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 1624 for further examination on the merits.



Carl Friedman
Petitions Examiner
Office of Petitions

cc: RON GALANT
POL SINELLI SHUGHART PC
161 N. CLARK ST., STE. 4200
CHICAGO, IL 60601

DATE 12 SW 07

APPLICATION NUMBER 11/223,872

DOC CODE PET. DEC. Pks DOC DATE _____

DELIVER THE ATTACHED FILE/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



TOPE-MCKAY & ASSOCIATES
23852 PACIFIC COAST HIGHWAY #311
MALIBU CA 90265

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Pamela Paterson et al
Application No. 11/223,872
Filed: 8 September 2005
Attorney Docket No. HRL171

This is a decision on the petition under 37 CFR 1.137(b), filed June 14, 2007 to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue on or before April 10, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed January 10, 2007 which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 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 payment of the Issue Fee of \$1400.00, (2) the petition fee of \$1500.00; and (3) a statement of unintentional delay. Accordingly, the Issue Fee payments are accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Charles Smoot at (571) 272-3299, or in his absence the undersigned at (571) 272-7099.

The application file is being referred to the Publishing Division to be processed into a patent.

David Buccì
Petitions Examiner
Office of Petitions



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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

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MAY 04 2007

OFFICE OF PETITIONS

In re Application of
Mark A. Reiley
Application No. 11/223,881
Filed: September 9, 2005
Attorney Docket No. 29914-701.305

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed December 8, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Wilson, Sonsini, Goodrich & Rosati has been revoked by the assignee of the patent application on 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: SHAY LAW GROUP
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
11/223,881	09/09/2005	Mark A. Reiley	29914-701.305

CONFIRMATION NO. 9401

21971
 WILSON SONSINI GOODRICH & ROSATI
 650 PAGE MILL ROAD
 PALO ALTO, CA 94304-1050



OC000000023651423

Date Mailed: 05/02/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/08/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

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HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE, 7th FLOOR
SAN DIEGO, CA 92122

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of
MONTI-BLOCH, Louis
Application No. 11/223,882
Filed: September 9, 2005
Attorney Docket No. 18136-1057

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, 2008.

The request is APPROVED.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Leslie B. Overman on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the entire interest at the address below until otherwise properly notified by the applicant. There is an outstanding Non-Final Office action mailed April 4, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: DR. LOUIS MONTI, M.D., PH.D.
PHERIN PHARMACEUTICALS, INC
4962 EL CAMINO REAL, SUITE 223
LOS ALTOS, CA 94022



SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA, SUITE 300
GARDEN CITY NY 11530

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FEB 01 2007

OFFICE OF PETITIONS

In re Application of

ENGLER, et al.

Application No. 11/223,886

Filed: September 9, 2005

Attorney Docket No. POU920050084US1

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 17, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the declaration/statement of inventor Ronald M Smith Sr., 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 2115 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions



SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA, SUITE 300
GARDEN CITY NY 11530

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FEB 01 2007

OFFICE OF PETITIONS

In re Application of :
BRADBURY, et al. :
Application No. 11/223,887 :
Filed: September 9, 2005 :
Attorney Docket No. POU920050086US1 :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 17, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the declaration/statement of inventor Ronald M Smith Sr., 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 2113 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions



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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 05/04/2010

Applicant : Serge Plotkin : DECISION ON REQUEST FOR
Patent Number : 7617541 : RECALCULATION of PATENT
Issue Date : 11/10/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/223,890 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **996** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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

Ryan Riley
2150 North Hickory Way
Meridian, ID 83642

In re Application of Riley :
Application No. 11/223,906 :
Filed: September 8, 2005 :
Attorney Docket No. 035813-006 :
For: Modular Agent Architecture :

Letter

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MAY 17 2006

OFFICE OF PETITIONS

Mr. Riley:

You are named as the inventor in the above identified United States patent application.

Should a patent be granted on the application you will be designated as the inventor.

As a named inventor you, or a registered patent attorney or agent on your behalf, have the right to obtain copies of any papers in the file wrapper. 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).

General requests for information regarding the application should be directed to the File Information Unit at (703) 308-2733.

Telephone inquiries regarding this communication may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

cc: Marc S. Hanish
THELEN REID & PRIEST LLP
P.O. Box 640640
San Jose, CA 95164-0640

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/12/08

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction for Appl. No.: 11223909 Patent No.: RE39952

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580**

You can fax the Directors/SPE response to 571-270-9990

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

2627
Art Unit



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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

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JUN 0 1 2006

OFFICE OF PETITIONS

In re Application of :
Leon, et al. :
Application No. 11/223,912 : ON PETITION
Filed: September 9, 2005 :
Attorney Docket No. 574313-2300.1 :

This is a decision on the petition under 37 CFR 1.181, filed May 1, 2006, requesting withdrawal of the holding abandonment.

The petition under 37 CFR 1.181 is **DISMISSED AS MOOT**.

The application was filed on September 9, 2005. On September 29, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice informing petitioners that claim fees, a surcharge, consent of the assignee, and a 373(b) statement appeared to have been omitted. The Notice required petitioners to submit those items within a two month extendable period from the mail date of the Notice. A Notice of Abandonment was mailed on April 24, 2006.

In response to the Notice of Abandonment, petitioners timely filed the present petition. Petitioners request that the Office withdraw the April 24, 2006 Notice of Abandonment because it was mailed prematurely. The Office concurs with this contention.

As petitioners pointed out in the present petition, it was possible to purchase an extension of time for up to 5 months from the mail date of the September 29, 2005 Notice to File Missing Parts of Reissue Application. Therefore, the 5 month extension of time submitted on May 1, 2006 (a Monday) was timely filed and the reply to the September 29, 2005 Notice was timely filed, as well.

On May 1, 2005, the Office mailed a Withdrawal of Previously Sent Notice, which withdrew the April 24, 2006 Notice of Abandonment. Since the Office of Initial Patent Examination has already withdrawn the April 24, 2006 Notice of Abandonment, the petition is dismissed as moot.

The \$130.00 Rule 181 fee and the \$1,500.00 Rule 137(b) petition fee will be credited to deposit account no. 50-0320.

After the mailing of this decision, the application will be forwarded to Technology Center 1623 for examination in due course.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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BRADLEY ARANT ROSE & WHITE, LLP
INTELLECTUAL PROPERTY DEPARTMENT-NWJ
1819 FIFTH AVENUE NORTH
BIRMINGHAM, AL 35203-2104

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OFFICE OF PETITIONS

In re Application of	:	
BARBANTI, Giovanni	:	
Application No. 11/223,914	:	DECISION ON PETITION TO
Filed: September 9, 2005	:	WITHDRAW FROM RECORD
Attorney Docket No. B4013/50602	:	
	:	

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 10, 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 Nathan Johnson 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: GIOVANNI BARBANTI
VIA PADGORA NO 1
CASALECCHIO DI RNO, 40033
ITALY

CC: UFFICIO BREVETTI NAZIONLL ED ESTERI
DELLING. CARLO RINALDI & C.S. N.C.
PIAZZA DI PORTA CASTIGLIONE 16 40136
BOLOGNA, ITALY



**OBLON, SPIVAK, MCCLELLAND, MAIER &
NEUSTADT
1940 DUKE STREET
ALEXANDRIA VA 22314**

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JUL 18 2006

OFFICE OF PETITIONS

In re Application of :
Hiromasa Sato et al :
Application No. 11/223,936 :
Filed: September 13, 2005 :
Attorney Docket No. 278083US3CONT :

ON PETITION

This is a decision on the petition, filed July 14, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 27, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2872 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BANNER & WITCOFF, LTD.
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

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JUN 02 2009

OFFICE OF PETITIONS

In re Application of
Chiharu Iriguchi
Application No. 11/223,956
Filed: September 13, 2005
Attorney Docket No. 126530

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 23, 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 Banner & Witcoff, LTD, has been revoked by the assignee of the patent application on March 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 the undersigned at 571-272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850



**STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH,
SUITE 210
DUBLIN OH 43017**

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OCT 10 2008

OFFICE OF PETITIONS

In re Application of :
Joseph TABERAH :
Application No. 11/223,981 :
Filed: September 13, 2005 :
Attorney Docket No. AN 2025-036 :

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 11, 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 Stephen L. Grant. on behalf of all the attorneys of record associated with Customer No. 8698.

All the attorneys of record associated with Customer No. 8698 have been withdrawn.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

A handwritten signature in black ink, appearing to read 'Diane Goodwyn', written over a circular stamp or mark.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JOSEPH TABERAH
42 ERIE STREET, BOX 126
PORT BURWELL ONTARIO NOJ 1T0
CANADA



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED

MAR 01 2006

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
SERAFIMOVICH, PAVEL, et al :
Serial No.: 11/223,997 :
Filed: September 13, 2005 :
For: ILLUMINATION SYSTEM :
ELIMINATING LASER SPECKLE :
AND PROJECTION TV EMPLOYING :
THE SAME :

DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed September 13, 2005, requesting acceptance of color drawings.

The petition requests that the color drawings identified in Figures 4A, 4B, 5A, 5B, 6A, and 6B, be accepted in lieu of black and white drawing

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3(three) set of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **DENIED**.

The petition was filed without the specification containing or an amendment to contain the language mentioned-in-the-paragraph-above.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision and include correction of the deficiency outlined above. The application will be held in the Technology Center for two months to await any request for reconsideration of this decision.



Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 17 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

SUGHRUE MION; PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In Re Application of
Serafimovich, Pavel, et al.
Application Serial No. 11/223,997
Filed: September 13, 2005
For: **ILLUMINATION SYSTEM ELIMINATING
LASER SPECKLE AND PROJECTION TV
EMPLOYING THE SAME**

DECISION ON PETITION
TO ACCEPT COLOR
DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed March 10, 2006, requesting acceptance of color drawings and color photographs.

The petition requests that the color drawings, noted as figures 4A, 6B, 5A, 5B, 6A and 6B be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

" The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

Petitioner has met the requirements set forth above. Accordingly, the petition is **Granted**.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



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MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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DEC 12 2007

OFFICE OF PETITIONS

In re Application of :
Yukio Taniguchi et al :
Application No. 11/224,014 : DECISION GRANTING PETITION
Filed: September 13, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 278124US2DIV :

This is a decision on the petition, filed December 11, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

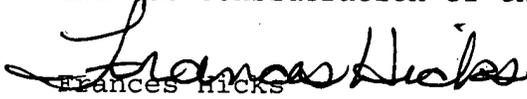
The petition is **GRANTED**.

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 20, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1722 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.


Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\fhicks\My Documents\470\dec11\224014.wpd

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment.

DATE 12-12-07

APPLICATION NUMBER 11/224014

DOC CODE PAWDL

DOC DATE 12-11-07

DELIVER THE ATTACHED FILE/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

DOCKET NO: 278124US2DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YUKIO TANIGUCHI, ET AL. : EXAMINER: HITESHEW, F.
SERIAL NO: 11/224,014 :
FILED: SEPTEMBER 13, 2005 : GROUP ART UNIT: 1722
FOR: CRYSTALLIZATION APPARATUS, :
CRYSTALLIZATION METHOD, AND
PHASE SHIFTER

RECEIVED
DEC 11 2007
OFFICE OF PETITIONS

PETITION TO WITHDRAW FROM ISSUE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants hereby petition the Commissioner to withdraw the above-identified application from issue under the provisions of 37 C.F.R. §1.313 in order to permit consideration of the enclosed Information Disclosure Statement under 37 C.F.R. § 1.97.

The Issue Fee was paid in this application on November 20, 2007, as evidenced by the enclosed electronic acknowledgement receipt. A Request for Continued Examination is being concurrently filed herewith. Favorable consideration of this petition is respectfully requested.

12/12/2007 CKHLOK 00000005 11224014

01 FC:1464

130.00 OP

Application No. 11/224,014

Petition For Withdrawal of Application from Issue Under 37 C.F. §1.313

The required fee of \$130.00 is enclosed herewith by credit card form and any further charges may be made against the Attorney of Record's Deposit Account No. 15-0030. A duplicate copy of this petition is attached.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

(OSMMN 08/07)

I:\cfdav\petitions\278124.pet

Robert T. Pous

Registration No. 29,099

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: SCHARP=1

In re Application of:) Art Unit: 1724
Richard SCHARP, et al.)
Appln. No.: 11-224039 No yet assigned) Examiner: N/A
Filed: 9-13-05 Even date herewith) Washington, D.C.
For: PROCESS FOR) Confirmation No.
THE PURIFICATION OF...) September 13, 2005

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(c)

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Petition
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants, through their undersigned attorney, hereby petition for special handling, i.e., advancement of examination, of the above-identified application in accordance with the terms of 37 CFR 1.102(c). The above-identified application materially enhances the quality of the environment of mankind by providing a method for purifying acidic metal-bearing waste water. This process not only purifies the water, but it also recovers metals in commercially useful forms.

Under the provisions of 37 CFR 1.102(c), no fee is required for this petition.

PETITION GRANTED

Richard Crispino
Special Program Examiner

TC 1700

OCT 20 2005



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United States Patent and Trademark Office
P.O. Box 1450
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

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JUL 26 2010

In re Application of	:	OFFICE OF PETITIONS
Jikutani et al.	:	
Application No. 11/224,051	:	
Filed: September 13, 2005	:	ON APPLICATION FOR
Attorney Docket No.	:	PATENT TERM ADJUSTMENT
R2184.0199/P199-A	:	
Title: ARRAY OF SURFACE-	:	
EMITTING LASER DIODES HAVING	:	
REDUCED DEVICE RESISTANCE AND	:	
CAPABLE OF PERFORMING HIGH	:	
OUTPUT OPERATION AND METHOD OF	:	
FABRICATING THE SURFACE-	:	
EMITTING LASER DIODE	:	

This is in response to the "REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. §1.705(b) OF PATENT TERM ADJUSTMENT DETERMINATION" filed February 4, 2010. Applicants submit that the correct patent term adjustment to be indicated on the patent is eight hundred fifty-five (855) days, not two hundred forty-one (241) 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**.

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed. No additional fees are required.

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

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 fee¹.

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.

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 matter should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.



Anthony Knight
Director
Office of Petitions

See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Terry W. Kramer, Esq.
Kramer & Amado, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314

Mail Date: 05/20/2010

Applicant	: Cheng-Yin Lee	: DECISION ON REQUEST FOR
Patent Number	: 7619992	: RECALCULATION OF PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/224,057	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **988** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

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JUN 24 2008

OFFICE OF PETITIONS

In re Application of :
Yasuhiro Omura :
Application No. 11/224,062 : DECISION GRANTING PETITION
Filed: September 13, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 125330 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 23, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 30, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2873 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.


Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

APR 05 2010

OFFICE OF PETITIONS

In re Application of :
Seiji KAWAGUCHI :
Application No. 11/224,133 : **DECISION GRANTING PETITION**
Filed: September 13, 2005 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. **278281US2** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 2, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 17, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2629 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



CHA & REITER, LLC
210 ROUTE 4 EAST, STE 103
PARAMUS NJ 07652

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MAY 24 2007

OFFICE OF PETITIONS

In re Application of :
Eun-Song Um et al :
Application No. 11/224,152 : DECISION DISMISSING PETITION
Filed: September 12, 2005 : UNDER 37 CFR 1.313(a)
Attorney Docket No. 5000-1-776 :

This is a decision on the petition under 37 CFR 1.313(a), filed May 18, 2007, via certificate of mailing, dated May 15, 2007, 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 was mailed on February 16, 2007, with the issue fee being due on or before May 16, 2006. The issue fee has not to date 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, and as the RCE bears a certificate of mailing date of May 15, 2007, which is prior to the due date for payment of the issue fee, 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) 272-3218.

The matter is being referred to Technology Center AU 2874 for appropriate processing of the RCE filed May 18, 2007, and for consideration of the concurrently filed Information Disclosure Statement.


FRANCES HICKS
Petitions Examiner
Office of Petitions



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DM Feb-10

GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

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FEB 17 2010

In re Application of :
Burchetta et al :
Application No: 11/224,155 : ON PETITION
Filing Date: September 12, 2005 :
Attorney Docket No: 602097-026 :

This is a decision on the paper filed October 16, 2009 entitled:
"REQUEST TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO
RECEIVE OFFICE ACTION OF MARCH 6, 2009."

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed
within two (2) months from the mail date of this decision. Note
37 CFR 1.181(f). The request for reconsideration should include
a cover letter and be entitled as a "Renewed Petition under 37
CFR 1.181 to Withdraw the Holding of Abandonment."

This application became abandoned for failure to timely reply to
the Nonfinal Rejection (Office action) mailed March 6, 2009,
which set a statutory period for reply of (3) months. No
extensions of the time for reply in accordance with 37 CFR
1.136(a) were obtained. Notice of Abandonment was mailed on
September 28, 2009.

Petitioner asserts that the Office action was never received
because it was mailed to an incorrect address. However, A review
of the record reveals that the Office action was mailed to the
address associated with Customer Number **(32361)** provided for in
the executed declaration submitted on December 12, 2005.

Petitioner further states that before the mailing of the Office
Action, a Revocation and Power of Attorney and Change of
Correspondence Address were filed in the Office which changed the

correspondence address to that associated with Customer Number 61834 (DRIER LLP, 499 Park Avenue, New York, NY 10022).

A review of the record reveals that the transmittal form submitted on November 5, 2007, indicate the following papers as being enclosed: Fee Transmittal/Form; Amendment/Reply; Power of Attorney, Revocation; Change of Correspondence Address; Assignment Recordation form attached, and return receipt postcard. However, the Office is not in receipt of the Attorney, Revocation and Change of Correspondence address to have been received on November 5, 2007 as stamped by the USPTO. **Further, the record indicates that prior to the mailing of the Office action on March 6, 2009; a Change of Address was submitted on January 31, 2008, for customer number 61834, which address is: OSTROW KAUFMAN & FRANKL LLP, SUSAN FORMICOLA, THE CRYSLER BUILDING, 405 LEXINGTON AVENUE, 62ND FLOOR, NEW YORK, NY 10174.** The address is different from the address petitioner indicated as the correct address. Further, the change of address submitted on January 31, 2008, was not recognized since it was submitted by an attorney not of record.

37 CFR 1.33(a) states:

Correspondence address and daytime telephone number. When filing an application, a correspondence address must be set forth in either an application data sheet (§ 1.76), or elsewhere, in a clearly identifiable manner, in any paper submitted with an application filing. If no correspondence address is specified, the Office may treat the mailing address of the first named inventor (if provided, see §§ 1.76(b)(1) and 1.63(c)(2)) as the correspondence address. The Office will direct, or otherwise make available, all notices, official letters, and other communications relating to the application to the person associated with the correspondence address. For correspondence submitted via the Office's electronic filing system, however, an electronic acknowledgment receipt will be sent to the submitter. The Office will generally not engage in double correspondence with an applicant and a patent practitioner, or with more than one patent practitioner except as deemed necessary by the Director. If more than one correspondence address is specified in a single document, the Office will select one of the specified addresses for use as the correspondence address and, if given, will select the address associated with a Customer Number over a typed

correspondence address. For the party to whom correspondence is to be addressed, a daytime telephone number should be supplied in a clearly identifiable manner and may be changed by any party who may change the correspondence address.

Petitioner now wishes that the Office action be "re-mailed to the correct correspondence address: Frommer Lawrence & Haug LLP, 745 Fifth Avenue, New York, NY 10151 ("Frommer Lawrence")." However, petitioner should be aware that the address associated with Customer Number (32361) indicated in the declaration submitted on December 12, 2005, is the only appropriate correspondence address of record for the above application at this time. Therefore, a courtesy copy of the decision will be mailed to the requested address given on the petition. The Office will mail all future correspondence to the address of record, absent the filing of an appropriate change of address in accordance with MPEP 601.03.

In view of the above, the petition under 37 CFR 1.181 to withdraw holding of abandonment is dismissed at this time.

Petitioner is encouraged to submit a copy of the Power of Attorney/Revocation and Change of Correspondence Address, said to have been submitted on October 30, 2007, with a postcard receipt stamped from the USPTO.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$810.00 (small entity) petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application



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NEW YORK NY 10166

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JUN 08 2010

OFFICE OF PETITIONS

In re Application of :
Burchetta et al :
Application No: 11/224,155 : ON PETITION
Filing Date: September 12, 2005 :
Attorney Docket No: 602097-026 :

This is a decision on the communication entitled "RENEWED PETITION UNDER 37 C.F.R. 1.181(f) TO WITHDRAW HOLDING OF ABANDONMENT" filed April 12, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. Note 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application became abandoned for failure to timely reply to the Nonfinal Rejection (Office action) mailed March 6, 2009, which set a statutory period for reply of (3) months. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on September 28, 2009.

Petitioner asserts that the Office action was never received because it was mailed to an incorrect address. However, A review of the record reveals that the Office action was mailed to the address associated with Customer Number (32361) provided for in the executed declaration submitted on December 12, 2005.

Petitioner further states that before the mailing of the Office Action, a Revocation and Power of Attorney and Change of Correspondence Address were filed in the Office which changed the

correspondence address to that associated with Customer Number 61834 (DRIER LLP, 499 Park Avenue, New York, NY 10022).

A review of the record reveals that the transmittal form submitted on November 5, 2007, indicate the following papers as being enclosed: Fee Transmittal/Form; Amendment/Reply; Power of Attorney, Revocation; Change of Correspondence Address; Assignment Recordation form attached, and return receipt postcard. However, the Office is not in receipt of the Attorney, Revocation and Change of Correspondence address to have been received on November 5, 2007 as stamped by the USPTO. **Further, the record indicates that prior to the mailing of the Office action on March 6, 2009; a Change of Address was submitted on January 31, 2008, for customer number 61834, which address is: OSTROW KAUFMAN & FRANKL LLP, SUSAN FORMICOLA, THE CRYSLER BUILDING, 405 LEXINGTON AVENUE, 62ND FLOOR, NEW YORK, NY 10174.** The address is different from the address petitioner indicated as the correct address. Further, the change of address submitted on January 31, 2008, was not recognized since it was submitted by an attorney not of record.

Petitioner was encouraged in the Decision mailed February 17, 2010, to submit a copy of the Power of Attorney/Revocation and Change of Correspondence Address, said to have been submitted on October 30, 2007, with a postcard receipt stamped from the USPTO.

On April 12, 2010, Petitioner submitted with the above petition a copy of a Power of Attorney that was received in Application No. 10/683,821 on September 1, 2009. Petitioner also submitted a statement under 37 CFR 3.73(b) signed on April 12, 2010. The Power of Attorney is not proper for the instant application.

Since the Office is not in receipt of the copies of the Power of Attorney/Revocation and Change of Correspondence Address said to have been submitted on October 30, 2007, the Office have no record of knowing if the Power of Attorney/Revocation was proper. Therefore, the requirements in accordance with MPEP 503 have not been met.

In view of the above, the petition under 37 CFR 1.181 to withdraw holding of abandonment is dismissed.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE,
NEW YORK, NY 10151