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NOV 23 2009

**OFFICE OF PETITIONS**

In re Application of :  
Hoke et al. :  
Application No. 11/282,814 :  
Filed: November 18, 2005 :  
Attorney Docket No. 5075 :  
DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 7, 2009 and supplemented on November 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

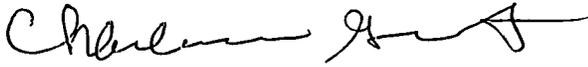
This application was held abandoned for failure to timely respond to the Notification of Non-Compliant Appeal Brief of September 11, 2008, which set a one (1) month shortened statutory period for reply. Accordingly, a reply was due on or before October 11, 2008. A Notice of Abandonment was mailed on March 17, 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 compliant appeal brief, (2) the petition fee of \$1620.00, and (3) a proper statement of unintentional delay.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

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

This application is being referred to Technology Center AU 3747 for appropriate action by the Examiner in the normal course of business on the reply received



Charlema Grant  
Petitions Attorney  
Office of Petitions

Cc: Stuart D. Frenkel  
Frenkel & Associates, P.C  
3975 University Drive, Suite 330  
Fairfax, VA 22030



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**HENRICKS SLAVIN AND HOLMES LLP**  
**SUITE 200**  
**840 APOLLO STREET**  
**EL SEGUNDO CA 90245**

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**MAY 26 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Calfas et al. : **DECISION ON PETITION**  
Application No. 11/282,827 : **TO MAKE SPECIAL**  
Filed: November 18, 2005 : **37 CFR 1.102(D)**  
Attorney Docket No. 0170-005 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 18, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV and the Request for Withdrawal of Petition to Make Special filed May 2, 2006.

The petition is **DISMISSED AS MOOT**.

In view of the Request for Withdrawal of Petition to Make Special, the petition submitted on November 18, 2005 is hereby dismissed as moot.

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. 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 Technology Center Art Unit 3673 for action in its regular turn.

  
Liana Chase  
Petitions Examiner  
Office of Petitions



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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.
Values: 11/282,828, 11/21/2005, Shunichi Kawabata, 281634US2S, 2928

7590 09/15/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Table with 2 columns: EXAMINER, TRAN, THAI Q; ART UNIT, PAPER NUMBER, 2621; NOTIFICATION DATE, DELIVERY MODE, 09/15/2008, ELECTRONIC

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

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

The petition is granted.

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

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

Signature of Zalexis Buchanan

Patent Publication Branch
Office of Data Management

Adjustment date: 09/12/2008 KKING1
11/23/2005 EHAILE1 00000024 11282828
02 FC:1111 -500.00 0P

Refund Ref:
09/12/2008 0030061032

Credit Card Refund Total: \$500.00

Am Exp.: XXXXXXXXXXXX1007



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Litman Law Offices, LTD.  
PO Box 15035  
Crystal City Station  
Arlington, VA 22215

JUN 19 2006

In re Application of:  
Arent E. Nieuwkamp  
Serial No.: 11/282,838  
Filed: November 21, 2005  
Attorney Docket No.: 25733.00

DECISION ON PETITION  
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed November 21, 2005, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.) § 708.02, Section IV: Applicant's Age.

A grantable petition to make special under 37 C.F.R. § 1.102, and in accordance with M.P.E.P. § 708.02, Section IV, must include evidence showing that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes statement from Arent E. Nieuwkamp stating that the he is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.

*Edward Westin*  
Edward P. Westin, Special Programs Examiner  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



**MACPHERSON KWOK CHEN & HEID LLP**  
**2033 GATEWAY PLACE**  
**SUITE 400**  
**SAN JOSE, CA 95110**

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**MAR 04 2008**

**OFFICE OF PETITIONS**

In re Application of  
**SEIBOLD, Lawrence B.**  
Application No. 11/282,848  
Filed: November 17, 2005  
Attorney Docket No. M-16144 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 February 08, 2008.

The request is **NOT APPROVED**.

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

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

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

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

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

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

ERICA CADUGAN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: \_\_\_\_\_

DATE : September 5, 2008

TO SPE OF : ART UNIT 3722

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/282,852 Patent No.: 7,322,105

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. (should fig 4b change?)

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**

**RoChau Johnson**  
Certificates of Correction Branch  
703-308-9390 ext. 119

**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: \_\_\_\_\_

*New Figure 4b is approved.*

*[Signature]* 9/9/08  
DAVID P. BRYANT  
SUPERVISORY PATENT EXAMINER

*3726*  
Art Unit

SPE


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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
11/282,863	11/17/2005	2186	1000	16869Q-169200US	4	18	2

**CONFIRMATION NO. 4588**

 49528  
 TOWNSEND AND TOWNSEND AND CREW LLP  
 TWO EMBARCADERO CENTER, 8TH FLOOR  
 SAN FRANCISCO, CA 94111

**CORRECTED FILING RECEIPT**


\*OC000000017930382\*

Date Mailed: 01/27/2006

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)**

Shigehiro Mishimagi, Kanagawa, JAPAN;

**Assignment For Published Patent Application**

Hitachi Global Storage Technologies Netherlands B.V., Amsterdam, NETHERLANDS

**Power of Attorney:** The patent practitioners associated with Customer Number **49528**.

**Domestic Priority data as claimed by applicant**
**Foreign Applications**

JAPAN 2004-373002 12/24/2004

**If Required, Foreign Filing License Granted:** 12/20/2005

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/282,863****
**Projected Publication Date:** 06/29/2006

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Magnetic disk drive and method for controlling write operation

**Preliminary Class**

711

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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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**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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8 PERRY LANE  
ITHACA NY 14850

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MAY 07 2008

**OFFICE OF PETITIONS**

In re Application of :  
Joselius Irbarren Argaiiz :  
Application Number: 11/282866 : DECISION GRANTING PETITION  
Filed: 11/17/2005 :  
Attorney Docket Number: :  
FR920040025US1 :

This is a decision in reference to the "PETITION TO CORRECT FILING DATE" filed on February 19, 2008, 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 November 17, 2005, rather than the currently-accorded filing date of November 19, 2005.

The petition is granted.

Petitioner asserts that the application was deposited in Express Mail Service on November 17, 2005. In support, petitioner has provided a copy of Express Mail Customer Label No. EV342659361US (the same Express Mail number found on the itemized utility patent application transmittal sheet accompanying the original application papers located in the official file). The "date in" as shown on the Express Mail label is "11/17/05".

As such, the showing of record is that the correct date of deposit in Express Mail is November 17, 2005.

In view of the above, the petition is granted.

As no fee is due with a petition under 37 CFR 1.10, the fee payment of \$400.00 will be credited to counsel's deposit account.

The application is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date

to November 17, 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


**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
11/282,867	11/17/2005	2651	1000	16869Q-167100US	5	10	3

**CONFIRMATION NO. 4583**

49528  
 TOWNSEND AND TOWNSEND AND CREW LLP  
 TWO EMBARCADERO CENTER, 8TH FLOOR  
 SAN FRANCISCO, CA 94111

**CORRECTED FILING RECEIPT**


\*OC000000017900801\*

Date Mailed: 01/24/2006

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)**

Masashi Kisaka, Kanagawa, JAPAN;

**Assignment For Published Patent Application**

Hitachi Global Storage Technologies Netherlands B.V., Amsterdam, NETHERLANDS

**Power of Attorney:** The patent practitioners associated with Customer Number 49528.

**Domestic Priority data as claimed by applicant**
**Foreign Applications**

JAPAN 2004-359633 12/13/2004

**If Required, Foreign Filing License Granted:** 12/20/2005

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/282,867**
**Projected Publication Date:** 06/15/2006

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Servo information write method and apparatus

**Preliminary Class**

360

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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**LICENSE FOR FOREIGN FILING UNDER  
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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).



**CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON, MA 02110**

**RECEIVED**

**JAN 05 2009**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
<b>BLUMENAU</b> , Steven et al.	:	
Application No. 11/282,870	:	<b>DECISION ON PETITION</b>
Filed: November 17, 2005	:	<b>TO WITHDRAW</b>
Attorney Docket No. <b>1092-005</b>	:	<b>FROM RECORD</b>
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 31, 2008.

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

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart LLP has been revoked by the assignee of the patent application on November 26, 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: **BAINWOOD HUANG & ASSOCIATES LLC  
2 CONNECTOR ROAD  
WESTBOROUGH MA 01581**



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

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SEP 17 2008

**OFFICE OF PETITIONS**

ON PETITION

In re Application of :  
Yung-Lin Lin :  
Application No. 11/282,873 :  
Filed: November 17, 2005 :  
Attorney Docket No. O2-0011.CON5 :

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

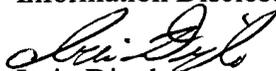
The petition is **GRANTED**.

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

**Petitioner is advised that the issue fee paid on July 8, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

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

This matter is being referred to Technology Center AU 2838 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> 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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Paper No. None

Kenneth A. Nelson  
Bryan Cave LLP  
Suite 2200  
Two North Central Avenue  
Phoenix AZ 85004-4406

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NOV 05 2007

**OFFICE OF PETITIONS**

In re Application of	:	
Kenneth Mori et al.	:	
Application No. 11/282,875	:	DECISION ON PETITION
Filed: November 17, 2005	:	UNDER 37 C.F.R. § 1.137(A)
Attorney Docket Number: 0195786	:	
Title: CABLE MANAGEMENT DEVICE	:	
FOR USE IN CONNECTION WITH A	:	
POWER CENTER, AND CABLE	:	
MANAGEMENT SYSTEM COMPRISING	:	
SAME	:	

This is a decision on the petition filed August 29, 2007, pursuant to 37 C.F.R. § 1.137(a)<sup>1</sup>, to revive the above-identified application.

Background

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed February 8, 2007, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on May 9, 2007.

<sup>1</sup> 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 Applicable Standard

Nonawareness of a PTO rule will not constitute unavoidable delay<sup>2</sup>

The burden of showing the cause of the delay is on the person seeking to revive the application<sup>3</sup>.

"[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."<sup>4</sup>

The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"<sup>5</sup>

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 either the applicant's reliance upon oral advice from USPTO employees or the USPTO's failure to advise the applicant to take corrective action<sup>6</sup>.

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

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2 See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D.D.C. 1978) for the proposition that counsel's nonawareness of PTO rules does not constitute "unavoidable" delay)). Although court decisions have only addressed the issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel. See also Donnelley v. Dickinson, 123 Fsupp2d 456, 459.

3 Id.

4 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

5 See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

6 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

said to be unavoidable, all other conditions of promptness in its rectification being present<sup>7</sup>.

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable<sup>8</sup>."

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 inactions<sup>9</sup>. 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 U.S.C. § 133<sup>10</sup>.

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<sup>11</sup>."

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<sup>12</sup>."

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account<sup>13</sup>."

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable<sup>14</sup>."

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7 In re Mattullath, 38 App. D.C. at (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).

8 Haines, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.

9 Link v. Wabash, 370 U.S. 626, 633-634 (1962).

10 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).

11 Link at 633-634.

12 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).

13 Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.

14 Haines, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.

The Relevant Portion of the M.P.E.P.

MPEP §711.03(c) (I) (A) sets forth, in toto:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee ( 35 U.S.C. 151) or for failure to prosecute ( 35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner 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 nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement (emphasis added). For example, if a three month period for reply was set in the nonreceived Office action, a copy of the 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.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

Analysis

With the present petition, Petitioner has asserted that the relevant Office communication was not received. Petitioner has further included a statement attesting to the fact that a search

of the file jacket and docket records indicates that the Office communication was not received, and has included a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a submission was timely submitted.

Petitioner has further submitted a response to the non-final Office action that was not received.

Petitioner has thus met requirements (1) - (3) of 37 C.F.R. § 1.137(a). A terminal disclaimer is not required.

The petition is **GRANTED**.

#### Conclusion

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 with the present petition can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225<sup>15</sup>. 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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<sup>15</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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**1000 Eagle Gate Tower**  
**60 East South Temple**  
**Salt Lake City, UT 84111**

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**SEP 17 2009**

**OFFICE OF PETITIONS**

In re Application :  
Michael T. Mata :  
Application No. 11/282,892 : **DECISION ON PETITION**  
Filed: November 18, 2005 :  
Attorney Docket No. 15897.2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed October 29, 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 November 30, 2008. A Notice of Abandonment was mailed on May 12, 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 election and an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the election and amendment are accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 1614 for appropriate action by the Examiner in the normal course of business on the reply received August 5, 2009.

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a long, horizontal stroke that tapers to the right.

Carl Friedman  
Petitions Examiner  
Office of Petitions



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**MAY 28 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Charles W. SCHIETINGER, et al :  
Application No. 11/282,913 : ON PETITION  
Filed: August 3, 2006 :  
Attorney Docket No. 45532/3.4 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 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 May 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)(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 August 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 of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1540; and (3) the required statement of unintentional delay have been received.

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

This application is being referred to Technology Center AU 2857 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.



April Wise  
Petitions Examiner  
Office of Petitions



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P.O. BOX 980  
VALLEY FORGE, PA 19482

Mail Date: 04/21/2010

**Applicant** : Dumitru Gogarnoiu : DECISION ON REQUEST FOR  
**Patent Number** : 7618258 : RECALCULATION of PATENT  
**Issue Date** : 11/17/2009 : TERM ADJUSTMENT IN VIEW  
**Applicition No** : 11/282,929 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/18/2005 : 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.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Zwaap, et al. Attorney Ref.: 2606.002  
Serial No.: to be assigned 11/282934 Group Art Unit: to be assigned 1753  
Filed: herewith 11-1805 Examiner: to be assigned  
Title: METHODS AND APPARATUS FOR TREATING A WORK PIECE  
WITH A VAPOROUS ELEMENT

\* \* \* \* \*

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

Petition to Make Special Pursuant to 37 CFR 1.102(c)

Dear Sir:

By this Petition, the Applicant requests that the above-referenced patent application be accorded "special" status and be advanced ahead of others. The basis for this Petition is that the inventions described in the above-referenced application contribute to the development or conservation of energy sources. Specifically, the invention relates to methods and apparatus for producing solar cells.

Pursuant to the requirements for filing such a petition as recited in MPEP 708.02 (VI), the Applicant's undersigned agent submits that the inventions recited in the above-reference application provide methods and apparatus for treating photovoltaic precursors with a vaporous element, for example, selenium or sulfur, to produce thin film CIGS or CIGSS solar cells. These methods and apparatus provide improved solar cells that can supplement or replace the world's dependence upon fossil fuels.

Pursuant to 37 CFR 1.102(c) no fee is required to file this Petition.

The Applicant requests that this Petition to Make Special be granted and that the examination of this application be advanced accordingly.

**PETITION GRANTED**

  
William Krynski  
Special Program Examiner  
Technology Center 1700

**JAN 18 2006**



KLARQUIST SPARKMAN, LLP  
121 S.W. SALMON STREET, SUITE 1600  
PORTLAND OR 97204

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APR 14 2008

**OFFICE OF PETITIONS**

In re Application of :  
**MUKHERJEE, et al.** :  
Application No. 11/282,938 : DECISION GRANTING PETITION  
Filed: July 23, 2002 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 1011-69615-05 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 10, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on February 6, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2117 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

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



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**OFFICE OF PETITIONS**

In re Application of :  
Amiri, et al. :  
Application No.: 11/282,939 : ON PETITION  
Filed: November 18, 2005 :  
Attorney Docket No: CHIR125962 :

This is in response to the petition under 37 CFR 1.137(b) filed July 3, 2006.

The petition is **dismissed as moot**.

The record reflects that the Notice to File Missing Parts of Non-provisional Application was mailed on December 27, 2005, allowing a shortened period for reply of two months from its mailing date. Extensions of time up to five additional months were available pursuant to 37 CFR 1.136. On July 3, 2006, a response was filed, with a request for an extension of time within the fourth month and an authorization to charge a deposit account for additional fees that may be required.

It is noted that the Notice to File Missing Parts of Nonprovisional Application allowed a shortened period for reply of two months from its mailing date and permitted extensions of the time set for reply five additional months pursuant to 37 CFR 1.136. The maximum period for reply expired on July 27, 2006. The instant petition and reply to the Notice to File Missing Parts was received on July 3, 2006, with an authorization to charge a deposit account for any necessary extension of time. The application is not abandoned and there is no remedy that could be provided by the instant petition. The petition is dismissed, accordingly.

Deposit account 03-1740 will be charged \$2,160.00 for the extension of time within the fifth month and will be refunded \$1,590.00 for the extension of time within the fourth month erroneously charged. The petition fee of \$1500.00 will also be refunded, in due course.

The application file is directed to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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**FURGANG & ADWAR  
2 CROSFIELD AVENUE  
WEST NYACK, NY 10994**

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**SEP 28 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Joseph Lalicata :  
Application No. 11/282,949 :  
Filed: November 18, 2005 :  
Attorney Docket No. 8633.1-P :

**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 28, 2009.

The request is **APPROVED**.

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

The request was signed by Philip Furgang on behalf of all practitioners of record associated with Customer Number 21494.

Customer Number 21494 has been withdrawn as attorney of record. 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 a Non-Final Office action mailed August 21, 2009, that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "A. Kelley". The signature is fluid and cursive, with a long, sweeping underline that loops back under the text.

Alicia Kelley  
Petitions Examiner  
Office of Petitions

cc: JOSEPH LALICATA  
93 MAINE AVENUE  
STATEN ISLAND, NY 10314



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CARR & FERRELL LLP  
2200 GENG ROAD  
PALO ALTO, CA 94303

Mail Date: 04/21/2010

**Applicant** : Ari Backholm : DECISION ON REQUEST FOR  
**Patent Number** : 7643818 : RECALCULATION of PATENT  
**Issue Date** : 01/05/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/282,950 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/21/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **601** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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OAKLAND, CA 94611-2802

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In re Application of	:	
<b>CORCORAN, et al.</b>	:	
Application No. 11/282,954	:	DECISION ON PETITION
Filed: November 18, 2005	:	TO WITHDRAW
Attorney Docket No. FN-121-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 17, 2007.

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

A review of the file record indicates that the power of attorney to **JACKSON & CO., LLP** has been revoked by the assignee of the patent application on October 22, 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: FOTONATION/IP DEPARTMENT  
800 AIRPORT BOULEVARD, SUITE 522  
BURLINGAME, CA 94010



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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JACKSON & CO., LLP  
6114 LA SALLE AVENUE, APT 507  
OAKLAND, CA 94611-2802

COPY MAILED  
MAR 31 2008

In re Application of	:	
CIUC, et al.	:	
Application No. 11/282,955	:	DECISION ON PETITION
Filed: November 18, 2005	:	TO WITHDRAW
Attorney Docket No. FN-128-US	:	FROM RECORD
	:	

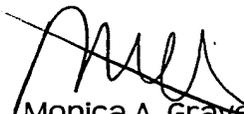
This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 17, 2007.

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

A review of the file record indicates that the power of attorney to **JACKSON & CO., LLP** has been revoked by the assignee of the patent application on October 24, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

  
 Monica A. Graves  
 Petitions Examiner  
 Office of Petitions

cc: FOTONATION/IP DEPARTMENT  
800 AIRPORT BOULEVARD, SUITE 522  
BURLINGAME, CA 94010

DATE MAR 30 2008

APPLICATION NUMBER 11282955

DOC CODE N570

DOC DATE 11-1-07

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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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/282,955	11/18/2005	Mihai Ciuc	FN128

30349  
JACKSON & CO., LLP  
6114 LA SALLE AVENUE  
#507  
OAKLAND, CA 94611-2802

**CONFIRMATION NO. 1034**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 11/01/2007

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/24/2007.

- 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).

/hchristian/

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



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/282,955	11/18/2005	Mihai Ciuc	FN128

**CONFIRMATION NO. 1034**

**POA ACCEPTANCE LETTER**



72104  
FotoNation, Inc.  
IP Dept.  
800 Airport Blvd.  
Suite 522  
Burlingame, CA 94010

Date Mailed: 11/01/2007

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/24/2007.

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

/hchristian/

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



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Tessera/FotoNation  
Patent Legal Dept.  
3025 Orchard Parkway  
San Jose, CA 95134

Mail Date: 04/21/2010

<b>Applicant</b>	: Mihai Ciuc	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7599577	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/282,955	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **992** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PIIONEER HI - BRED INTERNATIONAL, INC.  
7250 NW 62ND AVENUE  
P O BOX 552  
JOHNSTON, IA 50131-0552

Mail Date: 04/21/2010

<b>Applicant</b>	: Scott Sebastian	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7595432	: RECALCULATION of PATENT
<b>Issue Date</b>	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/282,969	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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



# UNITED STATES PATENT AND TRADEMARK OFFICE

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PIONEER HI - BRED INTERNATIONAL, INC.  
7250 NW 62ND AVENUE  
P O BOX 552  
JOHNSTON, IA 50131-0552

Mail Date: 05/18/2010

<b>Applicant</b>	: Scott Sebastian	: NOTICE CONCERNING IMPROPER
<b>Patent Number</b>	: 7595432	: CALCULATION OF PATENT TERM
<b>Issue Date</b>	: 09/29/2009	: ADJUSTMENT BASED UPON USPTO
<b>Application No</b>	: 11/282,969	: IMPROPERLY MEASURING REDUCTION
<b>Filed</b>	: 11/17/2005	: 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 **331** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154(b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).



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

Mail Date: 04/20/2010

<b>Applicant</b>	: Kelly C. Mollenkopf	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7596456	: RECALCULATION of PATENT
<b>Issue Date</b>	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/282,997	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **840** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



EDWARD T. LENTZ  
230 DOCKSTADER ROAD  
NEW LISBON NY 13425

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**DEC 04 2006**

**OFFICE OF PETITIONS**

In re Application of  
Swapan K. Ghosh  
Application No. 11/283,005  
Filed: November 18, 2005  
Attorney Docket No. ISU-0001

:  
:  
:  
:  
:

**ON PETITION**

This is a decision on the petition filed November 30, 2006, to withdraw the holding of abandonment under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513. The petition also pleads in the alternative to revive the instant application under 37 CFR 1.137(a).

The petition under 37 CFR 1.181(b) is **DISMISSED**.  
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. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, under 37 CFR 1.137(a)". This is not a final agency decision.

The application was held abandoned on April 28, 2006 for failure to file a timely response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed February 27, 2006, which set a two (2) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed November 6, 2006.

The file record discloses that the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures was mailed to what was believed to be the address of record. However, petitioner contends that it was not received. Unfortunately, the requirement under 37 CFR 1.181, that copies of the actual docket records or file jacket be provided, has not been met. In a petition under 37 CFR 1.181 the petitioner must show, as in this instance where non-receipt is claimed that petitioner is without fault in not receiving the communication. In the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received at the address of record.

The statements are not enough to substantiate the claim of non-receipt and no other corroborating evidence to prove non-receipt has been presented. In view thereof, the holding of abandonment cannot be withdrawn.

### SHOWING OF UNAVOIDABLE DELAY

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

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

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.<sup>2</sup>

Since petitioners have failed to establish that the office communication wasn't in fact received, and since the unavoidable argument is based on non-receipt, they've also not shown that the delay in responding to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures was unavoidable.

Furthermore, since the petition was treated under the unavoidable standard the petition fee paid cannot be refunded.

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<sup>1</sup>In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

<sup>2</sup>Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

### ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 37 CFR 1.137(b),<sup>3</sup> which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

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

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

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

By FAX:        (571) 273-8300

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



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

---

<sup>3</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may 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)).



EDWARD T. LENTZ  
230 DOCKSTADER ROAD  
NEW LISBON NY 13415

**COPY MAILED**  
APR 10 2007  
**OFFICE OF PETITIONS**  
ON PETITION

In re Application of  
Swapan K. Ghosh  
Application No. 11/283,005  
Filed: November 18, 2005  
Attorney Docket No. ISU-0001

This is a decision on the renewed petition filed December 18, 2006, to revive the above identified application under 37 CFR 1.137(a)<sup>1</sup>.

The petition to revive under 37 CFR 1.137(a) is **GRANTED**.

The application was held abandoned on April 28, 2006 for failure to file a timely response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed February 27, 2006, which set a two (2) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed November 6, 2006. Petitions filed November 30, 2006 under 37 CFR 1.181 and under 37 CFR 1.137(a) were dismissed in a decision mailed December 4, 2006 as the statements regarding non-receipt were not enough to substantiate the claim and no other corroborating evidence to prove non-receipt had been presented to sufficiently show non-receipt. As well, the showing of record was inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a).

Comes now petitioner with the instant renewed petition under the unavoidable standard. The petition satisfies the requirements of 37 CFR 1.137(a).

<sup>1</sup> A grantable petition under 37 CFR 1.137(a) must be accompanied by:

- (1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.
- (2) the petition fee as set forth in 37 CFR 1.17(l);
- (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and
- (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Petitioner is cautioned to correct the record with the appropriate postal code, if need be. The official record, based on the oath or declaration filed upon application lists the postal zip code as 13425 although all subsequent mailings sent in by the petitioner lists the postal zip code as 13415. A change of address form should be filed. The mere inclusion, in a paper filed in the application for another purpose, of an address differing from the previously provided correspondence address, without mentioning the fact that an address change was made, does not constitute a proper change of address notification." See MPEP sections 601.03 and 711.02(c).

This matter is being referred to the Office of Initial Patent Examination for a re-mailing of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures previously dated February 27, 2006 and for restarting the period for reply.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20081115

**DATE** : November 15, 2008

**TO SPE OF** : ART UNIT 2826

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7,205,673

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

Please complete this form and return with file, within **7** days to:

**Certificates of Correction Branch - ST (South Tower) 9A22**

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance**

\_\_\_\_\_  
**Certificates of Correction Branch**

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

Note your decision on the appropriated box.

**Approved**

All changes apply.

**Approved in Part**

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

**Denied**

State the reasons for denial below.

**Comments:**

ok to enter

/SUE A PURVIS/  
Supervisory Patent Examiner.Art Unit 2826



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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BOZICEVIC, FIELD & FRANCIS LLP  
1900 UNIVERSITY AVENUE  
SUITE 200  
EAST PALO ALTO, CA 94303

**COPY MAILED**

MAY 18 2007

In re Application of :  
Brentz R. CONTANTZ, et al :  
Application No. 11/283,052 :  
Filed: November 17, 2005 :  
Attorney Docket No. CORA-008CON3 :

**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 30, 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 Karl Bozicevic on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn.

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

All future communications from the Office will be directed to the 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 Diane Goodwyn at 571-272-6735.

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

  
April Wise  
Petitions Examiner  
Office of Petitions

cc: BRENT R. CONSTANTZ  
191 JEFFERSON AVENUE  
MENLO PARK, CA 94025

cc: CARL J. EVENS  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEWS BRUNSWICK, NJ 08933-7003


**UNITED STATES PATENT AND TRADEMARK OFFICE**

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/283,052	11/17/2005	Brent R. Constantz	CORA-008CON3

24353  
 BOZICEVIC, FIELD & FRANCIS LLP  
 1900 UNIVERSITY AVENUE  
 SUITE 200  
 EAST PALO ALTO, CA 94303

**CONFIRMATION NO. 1461**


\*OC000000023769070\*

Date Mailed: 05/09/2007

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/30/2006.

- 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.

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

FORMER ATTORNEY/AGENT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**GRAY ROBINSON**  
**ATTN: STEFAN V. STEIN/ IP DEPT.**  
**201 N. FRANKLIN STREET, SUITE 2200**  
**P.O BOX 3324**  
**TAMPA, FL 33601-3324**

**COPY MAILED**

MAY 07 2009

**OFFICE OF PETITIONS**

In re Application of	:	
Waldemare F. <b>KISSEL JR.</b>	:	
Application No. 11/283,059	:	DECISION ON PETITION
Filed: November 18, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. <b>098664.00002</b>	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 16, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). Accordingly, the date of abandonment of this application is December 17, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

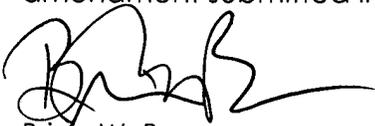
An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on February 9, 2009 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

The application file does not indicate a change of address has been filed in this case,

although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

This application is being referred to Technology Center AU 3637 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.



Brian W. Brown  
Petitions Examiner  
Office of Petitions

cc: **MICHAEL J. COLITZ, III**  
**100 NORTH TAMPA STREET, SUITE 4100**  
**TAMPA, FL 33602**



**ROPES & GRAY LLP  
PATENT DOCKETING 39/41  
ONE INTERNATIONAL PLACE  
BOSTON MA 02110-2624**

**MAILED**

**AUG 11 2009**

**OFFICE OF PETITIONS**

In re Application of  
**CATTANEO, Maurizio V.**  
Application No. 11/283,064  
Filed: November 17, 2005  
Attorney Docket No. **IVRE-P02-002**

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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 14, 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 David Halstead on behalf of all attorneys of record who are associated with customer No. 28120. All attorneys/agents associated with the Customer Number 28120 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

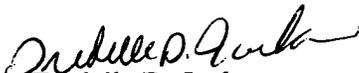
The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor or the assignee of the entire interest 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 January 27, 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: **MAURIZIO V. CATTANEO**  
**196 SAMOSET AVENUE**  
**QUINCY MA 02169**

cc: **IVREA PHARMACEUTICALS, INC.**  
**6 LOEFFLER LANE**  
**MEDFIELD MA 02052-3143**



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MOTOROLA, INC.  
1303 EAST ALGONQUIN ROAD  
IL01/3RD  
SCHAUMBURG, IL 60196

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FEB 26 2009

**OFFICE OF PETITIONS**

In re Application of  
James S. Marin, et. al.  
Application No. 11/283,075  
Filed: November 18, 2005  
Attorney Docket No. CE13498R D01

ON PETITION

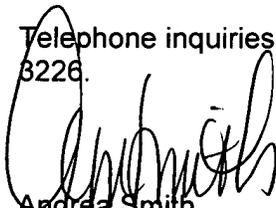
This is a decision on the petition under 37 CFR 1.137(b), filed February 12, 2009, to revive the above-identified application.

The application became abandoned for failure to timely pay the issue fee and publication fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee, publication fee or any portion thereof, the required reply must be the payment of the issue fee, publication fee or any outstanding balance thereof. See MPEP 711.03(c)(III)(A)(1). In view of the authorization contained in the Request for Continued Examination (RCE) to charge any underpayment of fees, the \$ 1,510 issue fee and \$300 publication fee will be charged to petitioner's deposit account. The issue fee is not refundable and may not be applied towards payment of the issue fee in the continuing application (in the event it is allowed).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$1,510 for payment of the issue fee, \$300 for payment of the publication fee, a Request for Continued Examination (RCE) with the \$810 fee and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2617 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

  
Andrea Smith  
Petitions Examiner  
Office of Petitions



QUALCOMM, INC  
577 MOREHOUSE DR.  
SAN DIEGO, CA 92121

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**APR 20 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Messay Amerga et al. :  
Application No. 11/283,100 :  
Deposited: November 18, 2005 :  
Attorney Docket No. 050673 :

**ON PETITION**

This is a decision on the response filed March 6, 2006, which is being treated as a petition under 37 CFR 1.53, to accord the above-identified application a filing date of November 18, 2005.

The petition under 37 CFR 1.153 is **DISMISSED**.

The Office of Initial Patent Examination mailed Notice of Incomplete Nonprovisional Application on January 4, 2006. The Notice averred that the application was deposited without drawings.

Comes now the petitioner filing the instant petition claiming under that the application as filed included drawings, and thus that the application should be accorded a filing date of November 18, 2005.

The present petition as filed is accompanied by five (5) sheets of drawings and a copy of a post card receipt purportedly deposited with the application papers on November 18, 2005.

A review of the record reveals that no drawing sheets have been located among the application papers deposited on November 18, 2005. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The fact that petitioner believes the papers were among the papers included in the application is not more persuasive than the actual papers shown to have been received by the official file

The argument and evidence supplied with the petition have been carefully considered, but are not persuasive. The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt.

The practice requires that any paper for which a receipt is desired be filed in the

USPTO with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503). Unfortunately, petitioners' postcard receipt does not bear an Office-date stamp from the USPTO. As such, the postcard receipt does not serve as evidence that the items listed therein were received in the USPTO. If petitioner has a copy of the postcard receipt for this application with a USPTO "Office date" stamp, a copy of that postcard should be submitted with any renewed petition.

This matter will remain in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's renewed petition accompanied by corroborating evidence (e.g., a postcard bearing an Office date stamp of November 18, 2005) properly itemized and including the filing of five (5) sheets of drawings. Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended.<sup>1</sup>

If no response is received within **TWO (2) MONTHS**, this matter will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of March 6, 2006, using the application papers deposited on November 18, 2005, and the drawings filed March 6, 2006.

As the petition is due to a filing error on the part of applicant and not an error on the part of the USPTO, a petition fee in the amount of \$400.00 is due and has been charged to deposit account no. 17-0026, pursuant to the authorization included with the "Response to Notice of Incomplete Nonprovisional Application", filed March 6, 2006.

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

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

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



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

---

<sup>1</sup>37 CFR 1.181(f).



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

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**MAR 17 2006**

In re Application of :  
Manoharan, et al. :  
Filed: November 17, 2005 : ON PETITION  
Application No. 11/283,119 :  
Atty. Dkt. No.: ISIS-5772 :

**OFFICE OF PETITIONS**

This decision in response to the PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEM(S) CONSIDERED AS OMITTED BY THE P.T.O. IN RESPONSE TO "NOTICE OF INCOMPLETE APPLICATION", filed February 24, 2006. This petition is being treated under 37 CFR 1.182.

The application was submitted November 17, 2005. The Notice of Incomplete Nonprovisional Application (Notice) mailed December 29, 2005 indicated, *inter alia*, that the application had not been accorded a filing date because the application appeared to have been submitted without drawings in accordance with 35 USC 113.

The Notice indicated that the filing date would be the date of receipt of all items indicated as omitted, unless otherwise indicated in the Notice. The Notice required that any assertions that the item(s) were submitted or were not necessary for a filing date, must be by way of petition (accompanied by required petition fee) under 37 CFR 1.182.

Petitioners herein argue in pertinent part that the drawings in question are part of the disclosure of U.S. App. No. 09/970,971 which is a continuation-in-part of U.S. App. No. 09/303,586, said disclosure(s) having been incorporated by reference upon filing of the instant application. Petitioners request, in effect, that Figures 1-9 be entered into the record and that the application be accorded a filing date of November 17, 2005.

It is noted that the first page of specification for the instant application contains an incorporation by reference statement. An incorporation by reference statement may 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. See, MPEP 201.06(c).

Based on petitioner's representation that Figures 1-9 are part of the disclosure of application No. 09/970,971, which is a continuation-in-part of application No. 09/303,586, the entire disclosure of said applications having been specifically incorporated by reference in the present application on November 17, 2005, it appears that Figures 1-9 were present in the Office on November 17, 2005, albeit in the file of another application, i.e., the application(s) referenced in the incorporation by reference statement. Therefore, the application may be accorded a filing date of November 17, 2005.

Petitioners, however, are advised, if petitioners have not already done so, to promptly submit a further preliminary amendment requesting entry of the omitted figures prior to the issuance of the first Office action on the merits to avoid delays in examination.

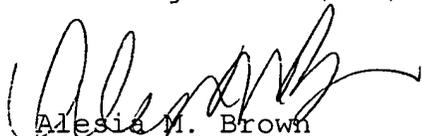
A newly executed oath or declaration under 37 CFR 1.51(b)(2) and 1.53(f) in a continuation or divisional application would not be required with the preliminary amendment, provided that the specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application. See 37 CFR 1.63(d)(1).

The required petition fee of \$400.00 will not be refunded since the petition was necessary to correct petitioners' filing error.

In view of the above, the petition is **DISMISSED**.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 17, 2005 using the papers present on that day.

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

  
Alesia M. Brown  
Petitions Attorney  
Office of Petitions



Paper No.

KALI LAW GROUP, P. C  
P.O. BOX 60187  
SUNNYVALE CA 94088-0187

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**MAR 06 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Gurvasi Bhutiani :  
Application No. 11/283,131 : LETTER REGARDING  
Filed: November 18, 2005 : PATENT TERM ADJUSTMENT  
Attorney Docket No. SONM-00900:

This letter is in response to the "COMMUNICATION IN RE: PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b)" filed November 30, 2007. Pursuant to applicants' duty of good faith and candor to the Office, applicants disclose that the initial determination of patent term adjustment mailed with the Notice of Allowance should be seventy-eight (78) days not eighty-four (84) days.

The request for correction of the initial determination of patent term adjustment (PTA) is **DISMISSED**.

On September 21, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 84 days. Applicants disclose that the period of adjustment for Office delay should be eighty-five (85) days, not ninety-one (91) days. Applicants agree with the period of reduction of 7 days for applicant delay.

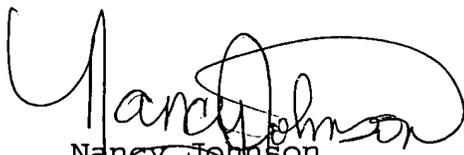
The application history has been reviewed and it has been decided that the determination of patent term adjustment is correct. The period of adjustment of 91 days for Office delay is correct. The record supports a conclusion that the first action under 35 U.S.C. 132 was mailed in this application on April 19, 2007, fourteen months and 91 days after the date on which the application was filed under 35 U.S.C. 111(a), November 18, 2005. See § 1.703(a)(1).

In view thereof, the determination of PTA at the time of the mailing of the notice of allowance of eighty-four (84) days is correct.

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

The Office of Patent Publication has been advised of this decision. The application is, thereby, forwarded to the Office of Patent Publication for issuance of the application. 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



FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK NY 10001-7708

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JUL 05 2006

**OFFICE OF PETITIONS**

In re Application of :  
Shuto :  
Application No. 11/283,133 :  
Filed: November 19, 2005 :  
Attorney Docket No. 05791/LH :  
For: COMMUNICATION SYSTEM AND :  
MOBILE COMMUNICATION TERMINAL :

ON PETITION

This is a decision on the petition under 37 CFR 1.10(d), filed March 30, 2006 (certificate of mailing date March 27, 2006), requesting that the above-identified application be accorded a filing date of November 18, 2005, rather than the presently accorded filing date of November 19, 2005.

The petition under 37 CFR 1.10(d) is **dismissed**.

Petitioner contends that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on November 18, 2005 and accordingly request a November 18, 2005 filing date for the application.

Paragraph (a) of 37 CFR 1.10 states that:

Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date. See §1.6(a).

(Emphasis supplied). Paragraph (d) of 37 CFR 1.10 states that:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
- (3) The petition includes a showing, which establishes to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."

This petition does not satisfy requirements (2) and (3) listed above. The original itemized transmittal letter found in the application file contains a certificate of mailing dated November 18, 2005 that cites Express Mail Mailing Label EV 721 637 975 US. It is noted that the corroborating evidence submitted with this petition shows Express Mail Mailing Label EV 721 636 975 was filed on November 18, 2005.

There is no link between the application and Express Mail Mailing Label EV 721 636 975 US. Therefore, the petition is dismissed and the date of receipt of the application in the Office, November 19, 2005, remains the application's filing date.

After the mailing of this decision, the application will be returned to Technology Center AU 2617.

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

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

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

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

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

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK NY 10001-7708

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**JUL 05 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Shinmyo	:	
Application No. 11/283,134	:	ON PETITION
Filed: November 19, 2005	:	
Attorney Docket No. 05793/LH	:	
For: CONNECTOR IN WHICH A SHELL	:	
CAN BE READILY ASSEMBLED TO A	:	
CONNECTOR HOUSING	:	

This is a decision on the petition under 37 CFR 1.10(d), filed March 30, 2006 (certificate of mailing date March 27, 2006), requesting that the above-identified application be accorded a filing date of November 18, 2005, rather than the presently accorded filing date of November 19, 2005.

The petition under 37 CFR 1.10(d) is **dismissed**.

Petitioner contends that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on November 18, 2005 and accordingly request a November 18, 2005 filing date for the application.

Paragraph (a) of 37 CFR 1.10 states that:

Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date. See §1.6(a).

(Emphasis supplied). Paragraph (d) of 37 CFR 1.10 states that:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
- (3) The petition includes a showing, which establishes to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."

This petition does not satisfy requirements (2) and (3) listed above. The original itemized transmittal letter found in the application file contains a certificate of mailing dated November 18, 2005 that cites Express Mail Mailing Label EV 721 637 975 US. It is noted that the corroborating evidence submitted with this petition shows Express Mail Mailing Label EV 721 636 975 was filed on November 18, 2005.

There is no link between the application and Express Mail Mailing Label EV 721 636 975 US. Therefore, the petition is dismissed and the date of receipt of the application in the Office, November 19, 2005, remains the application's filing date.

After the mailing of this decision, the application will be returned to Technology Center AU 2839.

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

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

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

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

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

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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

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**DEC 03 2007**

**OFFICE OF PETITIONS**

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

In re Application of :  
Martin KOEBLER, et al :  
Application No. 11/283,137 :  
Filed: November 17, 2005 :  
Attorney Docket No. 601392000100 :

**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 1, 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 Thomas E. Ciotti on behalf of all attorneys/agents of record.

All attorneys/agents of have been withdrawn.

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

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

There are no outstanding 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: MOTILITY SYSTEMS, INC.  
188 ALTA MESA ROAD  
WOODSIDE, CA 94062

cc: DR. RON JACOBS  
LUMEN IP SERVICES  
2345 YALE STREET, SECOND FLOOR  
PALO ALTO, CA 94306



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/283,137	11/17/2005	Martin Koebler	601392000100

**CONFIRMATION NO. 3291**

**POWER OF ATTORNEY NOTICE**

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



OC000000027019329

Date Mailed: 11/30/2007

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 11/01/2007.

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

/dcgoodwyn/

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



**MAIL**

**AUG 13 2009**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

COWAN LIEBOWITZ & LATMAN P.C.  
JOHN J TORRENTE  
1133 AVE OF THE AMERICAS  
NEW YORK NY 10036

In re Application of	:	
KUJIRAI, YASUHIRO et al.	:	DECISION ON REQUEST TO
Application No. 11/283,145	:	PARTICIPATE IN PATENT
Filed: November 18, 2005	:	PROSECUTION HIGHWAY
Attorney Docket No. B588-093 (25815.096)	:	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 22, 2009, to make the above-identified application special.

The request and petition are **DISMISSED AS MOOT**.

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 are dismissed as moot as the examination of the above-identified application has begun. An Office Action was mailed on July 8, 2009.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

  
Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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P.O. DRAWER 800889  
DALLAS TX 75380

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OCT 03 2006

**OFFICE OF PETITIONS**

In re Application of  
Baowei Ji  
Application No. 11/283,146  
Filed: November 18, 2005  
Attorney Docket No. 37520.5

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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 March 3, 2006.

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

A review of the file record indicates that the power of attorney to David M. O'Dell and those practitioners have been revoked by the assignee of the patent application on April 25 2006 and May 31, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

  
David Bucci  
Petitions Examiner  
Office of Petitions

Cc: DOCKET CLERK  
P.O. DRAWER 800889  
DALLAS, TX 75380

cc: John T. Mockler, Esq.  
Davis Munck, P.C.  
900 Three Galleria Tower  
13155 Noel Road  
Dallas, Texas 75240



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APR 14 2009

OFFICE OF PETITIONS

MICROSOFT CORPORATION  
ONE MICROSOFT WAY  
REDMOND, WA 98052-6399

In re Application of	:	
Mark D. Schwesinger et al	:	
Application No. 11/283,153	:	ON PETITION
Filed: November 18, 2005	:	
Attorney Docket No. 314535.01	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 20, 2009, to revive the above-identified application.

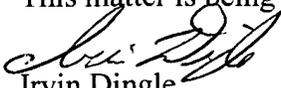
The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 13, 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) were obtained. Accordingly, the above-identified application became abandoned on November 14, 2008.

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

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

This matter is being referred to Technology Center AU 2614 for further processing.

  
 Irvin Dingle  
 Petitions Examiner  
 Office of Petitions

cc: Russell S. Krajec  
820 Welch Ave  
Berthoud, CO 80513



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IPSG, P.C.  
P.O. BOX 700640  
SAN JOSE CA 95170-0640

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NOV 13 2006

**OFFICE OF PETITIONS**

In re Application of  
NGUYEN, et al.  
Application No. 11/283,154  
Filed: November 18, 2005  
Attorney Docket No. RZMI-P125

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 1, 2006.

The request is **NOT APPROVED**.

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

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

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

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

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: **Raza Microelectronics, Inc.**  
**Legal Department**  
**18920 Forge Drive**  
**Cupertino, CA 95014-0701**



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Howard IP Law Group  
P.O. Box 226  
Fort Washington, PA 19034

Mail Date: 04/21/2010

**Applicant** : Robert Hanitzsch : DECISION ON REQUEST FOR  
**Patent Number** : 7603849 : RECALCULATION of PATENT  
**Issue Date** : 10/20/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/283,188 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/18/2005 : 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.



# 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](http://www.uspto.gov)

In re Application of  
Franklin Thomas Driver

Application No. 11283196

Filed: November 18, 2005

Attorney Docket No. ITI-426 (86080.016700)

:  
:

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

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 23-JUL-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) ,MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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BARLEY MILL PLAZA 25/1128  
4417 LANCASTER PIKE  
WILMINGTON DE 19805

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**MAR 05 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Kanakarajan :  
Application No. 11/283,214 :  
Filed: November 18, 2005 :  
Attorney Docket No. HP0033USDIV1 :  
For: LOW TEMPERATURE POLYIMIDE :  
ADHESIVE COMPOSITIONS AND :  
METHODS RELATING THERETO :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed January 15, 2007, requesting revival of the above-identified application under 37 CFR 1.137(a). The petition will be treated under 37 CFR 1.181, as a request to withdraw the holding of abandonment in the above-identified application.

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

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

This application was held abandoned on June 24, 2006 for failure to respond in a timely manner to the non-final Office action, mailed March 23, 2006, which set a three (3) month period extendable for reply. A Notice of Abandonment was mailed November 24, 2006.

Petitioner asserts that a proper response was in fact timely received in the Office on May 10, 2006. In support, petitioner submitted a copy of an amendment and copy of a proper certificate of facsimile transmission that was purportedly affixed to the amendment. It is noted that the certificate of facsimile transmission indicates an amendment was being transmitted.

Under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The

person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The certificate of mailing, dated May 10, 2006, complies with the requirements of 37 C.F.R. § 1.8(a)(1) as set forth above. Petitioner included a copy of the sending unit's report that confirms the amendment's previous timely transmission on May 10, 2006. Finally, petitioner has submitted an auto-reply facsimile transmission from the Office, showing that the Office received a 6 page document from fax sender 302 892 7949 on May 10, 2006.

It is apparent the response to the March 23, 2006 non-final Office action was timely filed via facsimile transmission on May 10, 2006 and subsequently misplaced.

Accordingly, the petition under 37 CFR 1.181 is **GRANTED**, the holding of abandonment is withdrawn, and the November 24, 2006 Notice of Abandonment is hereby **vacated**. The petition under 37 CFR 1.137(a) is **dismissed as moot**. No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application file will be forwarded to Technology Center A.U. 1711 for consideration of the amendment filed on May 10, 2006 and resubmitted on January 15, 2007.

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



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



LSI CORPORATION  
1621 BARBER LANE  
MS: D-105  
MILPITAS CA 95035

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OFFICE OF PETITIONS

In re Application of :  
Lynn et al. :  
Application No. 11/283,232 : DECISION ON PETITION  
Filed: November 18, 2005 :  
Attorney Docket No. 05-0010 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 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 final Office action mailed February 22, 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 May 23, 2008. A Notice of Abandonment was mailed September 30, 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 \$810.00, and the submission required by 37 CFR 1.114 (previously received on May 6, 2008); (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

Additionally, petitioner has requested that all correspondence be addressed to an address other than the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

The file is now being forwarded to Technology Center 2186 for processing of the Request for Continued Examination under 37 CFR 1.114 mailed April 30, 2008.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions

cc: Customer No. 24319  
Lloyd Sadler  
Legal Department – IP  
LSI Corporation  
M/S D-106  
1621 Barber Lane  
Milpitas, CA 95035



MORGAN, LEWIS & BOCKIUS, LLP  
ONE MARKET SPEAR  
STREET TOWER  
SAN FRANCISCO CA 94105

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JUN 25 2007

**OFFICE OF PETITIONS**

In re Application of :  
Thomas J. Meade :  
Application No. 11/283,233 :  
Filed: November 18, 2005 :  
Attorney Docket No. 67456-5007-US-05 :

ON PETITION

This is a decision on the petition filed June 21, 2007, under 37 CFR 1.313(c)(2), 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 May 3, 2007, with the issue fee being due on or before August 3, 2007. The petition states that the issue fee in this case has not been paid.

37 CFR 1.313(c)(2) provides for withdrawal of an application from issue after payment of the issue fee. In the instant case, as noted above, the issue fee in reply to the Notice of Allowance of May 3, 2007, has not been received. Therefore, the filing of a petition to withdraw this application from issue is unnecessary at this time. The mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center Art Unit 1656.

  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/283,242	11/18/2005	Quan Song	26785.406	4531

21878 7590 03/27/2008  
KENNEDY COVINGTON LOBDELL & HICKMAN, LLP  
214 N. TRYON STREET  
HEARST TOWER, 47TH FLOOR  
CHARLOTTE, NC 28202

EXAMINER

CHEN, VIVIAN

ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
03/27/2008	PAPER

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

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



CST

3-27-08

In re application of	:	
Quan Song et al	:	
Serial No. 11/283,242	:	DECISION ON PETITION
Filed: November 18, 2005	:	TO MAKE SPECIAL
For: DECORATIVE PAINT FILM LAMINATE	:	

This is a decision on the petition filed on February 13, 2008 to make the above-identified application special because of enhancement of environmental quality.

The petition to make the application special is DENIED.

### REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection V (environmental quality) was required to be filed prior to August 25, 2006.

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

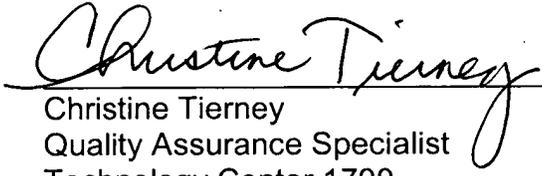
1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a) **on or after August 25, 2006**;
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;

4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because it was not filed on or after August 25, 2006; it was not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; and the application contains greater than twenty total claims (42 claims). Furthermore, the petition to make special was not filed concurrently with the application as required by MPEP § 708.02(a).

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 Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

  
Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700



**Choate, Hall & Stewart LLP**  
**Two International Place**  
**Boston, MA 02110**

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**NOV 17 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Steven Blumenau, et al.	:	
Application No. 11/283,245	:	DECISION ON PETITION
Filed: November 17, 2005	:	TO WITHDRAW
Attorney Docket No. 2008276-0010 (AVS-010)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 31, 2008.

The request is **APPROVED**.

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

The request was signed by John D. Lanza 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 Steven Blumenau at the address indicated below.

There is an outstanding Office action mailed September 8, 2008 that requires a reply from the applicant.

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

*Terri Williams*

Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **Steven Blumenau**  
**c/o Avalere, Inc.**  
**139 Newbury Street**  
**Framingham, MA 01701**



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/283,245	11/17/2005	Steven Blumenau	2008276-0010 (AVS-010)

**CONFIRMATION NO. 6097**

24280  
CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON, MA 02110

**POWER OF ATTORNEY NOTICE**



Date Mailed: 11/17/2008

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/31/2008.

- 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



CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON, MA 02110

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**JAN 26 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Steven Blumenau, et al. :  
Application No. 11/283,246 : **DECISION ON PETITION**  
Filed: November 17, 2005 : **TO WITHDRAW**  
Attorney Docket No. 1092-011 : **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 October 31, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart, LLP has been revoked by the assignee of the patent application on November 25, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/AMW  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: IRON MOUNTAIN INCORPORATED  
745 ATLANTIC AVENUE  
BOSTON, MA 02111



**CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON, MA 02110**

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**FEB 23 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Steven BLUMENAN, et al :  
Application No. 11/283,252 :  
Filed: November 17, 2005 :  
Attorney Docket No. 1092-003 :

**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 31, 2008.

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

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart LLP, has been revoked by the assignee of the patent application on November 26, 2008. 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 inquiries concerning this decision should be directed to undersigned at 571-272- 6735.

  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: **BAINWOOD HUANG & ASSOCIATES LLC  
2 CONNECTOR ROAD  
WESTBOROUGH, MA 01581**



**Choate, Hall & Stewart, LLP**  
**Two International Place**  
**Boston, MA 02110**

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**NOV 26 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Steven Blumenau et al.	:	
Application No. 11/283,253	:	DECISION ON PETITION
Filed: November 17, 2005	:	TO WITHDRAW
Attorney Docket No. 2008276-0005 (AVS-005)	:	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 October 31, 2008.

The request is **APPROVED**.

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

The request was signed by John D. Lanza, on behalf of all attorneys/agents associated with customer number 24280. All attorneys/agents associated with customer number 24280 have been withdrawn.

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

The correspondence address has been changed to the first signing inventor, since no assignee has properly intervened in this application. If an assignee would like to intervene in this application and receive future correspondence then the proper power of attorney documents and a statement under 37 CFR 3.73(b) must be submitted. The new address 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: Steven Blumenau  
c/o Avalere, Inc.  
139 Newbury Street  
Framingham, MA 01701



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/283,253	11/17/2005	Steven Blumenau	2008276-0005 (AVS-005)

**CONFIRMATION NO. 6106**

**POWER OF ATTORNEY NOTICE**

24280  
CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON, MA 02110



Date Mailed: 11/26/2008

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/31/2008.

- 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



**CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON MA 02110**

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**NOV 24 2008**

In re Application of  
**BLUMENAU, Steven et al.**  
Application No. 11/283,254  
Filed: November 17, 2005  
Attorney Docket No. **2008276-0006 (AVS-006)**

:  
:  
: **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 31, 2008.

The request is **APPROVED**.

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

The request was signed by John Lanza on behalf of all attorneys of record who are associated with customer No. 24280. All attorneys/agents associated with the Customer Number 24280 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 Steven Blumenau at the address indicated below.

There is an outstanding Office action mailed October 01, 2008 that requires a reply from the applicant.

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

  
Tredelle D. Jackson  
Paralegal Specialist  
Office of Petitions

cc: **STEVEN BLUMENAU  
C/O AVALERE, INC.  
139 NEWBURY STREET  
FRAMINGHAM MA 01701**



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DW May-07

STEVENS DAVIS MILLER & MOSHER, LLP  
1615 L STREET, NW  
SUITE 850  
WASHINGTON DC 20036

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**MAY 09 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Palsson et al. : DECISION ON PETITION  
Application No. 11/283,277 : TO WITHDRAW HOLDING OF  
Filed: 21 November, 2005 : ABANDONMENT  
Atty. Docket No. TPP 31318ADIV :

This is a decision on the petition, filed on 23 February, 2007, to withdraw the holding of abandonment in the above-identified application.

The application was held abandoned for failure to respond in a timely manner to the Office action requiring restriction and/or election mailed on 26 July, 2006. A Notice of Abandonment was mailed on 26 February, 2007.

Petitioners assert that a proper response was in fact timely filed in the form of an amendment including an election with traverse. In support of the petition, petitioners submitted a copy of a hand delivery receipt acknowledging receipt of an amendment in response to election of species requirement. The delivery receipt contains an "Office-date" stamp dated 22 August, 2006, and identifies the application by application number, first named inventor's name, invention title, and attorney docket number. Additionally, petitioners have submitted a copy of the previously-filed amendment with the present petition.

Petitioners' response to the restriction or election requirement is not of record in the file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the reply was received in the

Office on 22 August, 2006, but was not matched with the application file.

As such, petitioners have made a proper showing that a response to the Office action mailed on 26 July, 2006, was timely filed.

Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

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

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



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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PCE INDUSTRY, INC.  
ATT. Steven Reiss  
288 SOUTH MAYO AVENUE  
CITY OF INDUSTRY, CA 91789

Mail Date: 04/21/2010

**Applicant** : Bin-Hai Guo : DECISION ON REQUEST FOR  
**Patent Number** : 7596794 : RECALCULATION of PATENT  
**Issue Date** : 09/29/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/283,293 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/18/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **669** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

Mail Date: 06/02/2010

**Applicant** : Debendra Das Sharma : DECISION ON REQUEST FOR  
**Patent Number** : 7633877 : RECALCULATION of PATENT  
**Issue Date** : 12/15/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/283,303 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/18/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **1062** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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HIGGS, FLETCHER & MACK LLP  
2600 FIRST NATIONAL BANK BUILDING  
401 WEST "A" STREET  
SAN DIEGO, CA 92101-7910

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In re Application of :  
Ping Ye Zhang, et al. :  
Application No. 11/283,326 : ON PETITION  
Filed: November 18, 2005 :  
Attorney Docket No. 105027-00002 :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed March 5, 2008.

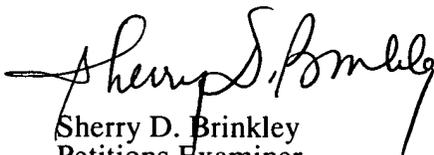
The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed March 20, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A Notice of Abandonment was mailed on October 19, 2007. On March 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 response in the form of an election of the invention to be examined; (2) the petition fee of \$770; and (3) an adequate statement of unintentional delay<sup>1</sup>.

The application is being referred to Technology Center AU 1651 for appropriate action by the Examiner in the normal course of business on the reply received March 5, 2008.

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

<sup>1</sup> 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 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, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.



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STITES & HARBISON PLLC  
401 COMMERCE STREET  
SUITE 800  
NASHVILLE, TN 37219

Mail Date: 04/20/2010

<b>Applicant</b>	: Lawrence J. Marnett	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7628975	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/283,368	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **647** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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ERIC HANSCOM  
7395 PORTAGE WAY  
CARLSBAD CA 92011

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**FEB 15 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Turner :  
Application No. 11/283,373 :  
Filed: November 21, 2005 :  
Attorney Docket No. Surfer's Friend CIP :  
For: COMBINATION WETSUIT AND :  
FLOTATION DEVICE AND METHOD OF :  
USE :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 23, 2006 (certificate of mailing date October 19, 2006), to revive the above-identified application.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed March 6, 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 June 7, 2006 for failure to reply. A Notice of Abandonment was mailed on October 6, 2006.

Petitioner has submitted an amendment in reply to the March 6, 2006 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the March 6, 2006 non-final Office action, and the required petition fee.

The petition is **GRANTED**.

The application file is being forwarded to Technology Center AU 3617 for consideration of the amendment filed on October 23, 2006 (certificate of mailing date October 19, 2006).

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

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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KONRAD RAYNES & VICTOR, LLP.  
ATTN: IBM37  
315 SOUTH BEVERLY DRIVE, SUITE 210  
BEVERLY HILLS, CA 90212

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In re Application of :  
**WINARSKI**, et al. :  
Application No. 11/283,374 : DECISION GRANTING PETITION  
Filed: November 18, 2005 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. **TUC9-2005-0072-US1** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 14, 2008 and re-submitted November 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 October 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.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

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

Monica A. Graves  
Petitions Examiner  
Office of Petitions

<sup>1</sup> 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.*



HONEY WELL INTELLECTUAL PROPERTY INC  
PATENT SERVICES  
101 COLUMBIA DRIVE  
PO BOX 2245 MAIL STOP AB/2B  
MORRISTOWN, NJ 07962

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**OFFICE OF PETITIONS**

In re Application of Oroskar et al. :  
Application No. 11/283,391 : Decision on Petition  
Filing Date: November 18, 2005 :  
Attorney Docket No. 107360B :

This is a decision on the petition under 37 CFR 1.182, filed February 17, 2006, to change the name of an inventor.

The petition is **granted**.

The name will be changed from Christine M. Rayner to Christine M. Owsley.

A Notice to File Missing Parts was mailed January 3, 2006. The Notice stated the declaration was not signed by Christine M. Owsley. The filing of the instant grantable petition satisfies the requirements of the Notice.

The Office of Initial Patent Examination will be informed of the instant decision and will take steps to prepare the application for examination in due course.

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

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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

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OFFICE OF PETITIONS

In re Application of	:	
Preiss et al.	:	DECISION ON PETITION
Application No. 11/283,417	:	TO WITHDRAW
Filed: November 17, 2005	:	FROM RECORD
Attorney Docket No. 61133-10869	:	

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 4, 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 Fenwick & West LLP, has been revoked by the assignee of the patent application on July 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 inquiries concerning this decision should be directed to the undersigned at 571-272-6059.

Alicia Kelley  
Petitions Examiner  
Office of Petitions

cc: ANDRUS, SCEALES, STARKE & SAWALL, LLP  
100 EAST WISCONSIN AVENUE, SUITE 1100  
MILWAUKEE, WI 53202



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April 2006

Tipton L. Randall  
19371 55<sup>th</sup> Avenue  
Chippewa Falls, WI 54729

MAILED APR 17 2006

In re Application of:	:	
RUTHANN A. MCDUFFEE	:	DECISION ON PETITION TO
Serial No.: 11/283,432	:	MAKE SPECIAL FOR NEW
Filed: November 19, 2005	:	APPLICATION UNDER 37
Docket: TLR-5196 US	:	C.F.R. § 1.102 & M.P.E.P. §
Title: PORTABLE GOLF PUTTING PRACTICE	:	708.02 (VIII)
KIT	:	

This is a decision on the petition filed on November 19, 2005 to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) and in accordance with 37 C.F.R. § 1.102(d).

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

In support of the petition, petitioner provides: a) the applicable fee; b) a statement that examination will be limited to the portable golf practice kit encompassed by independent claims 1, 10 and 18; c) a statement that a search has been made on the US PTO online database in Class 473, subclasses 157, 160-163, 171-174 and 180-184; d) a PTO-1449 IDS listing references considered pertinent; and e) a detailed discussion of the references.

For accelerated examination under MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d), a showing of the following is required: a) the applicable petition fee; b) all claims are directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, applicant will make an election without traverse; c) a statement that a pre-examination search was made, listing the field of search by class and subclass; d) a copy of each of the references deemed most closely related to the claimed subject matter; and e) a detailed discussion of the references pointing out with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is distinguishable over the references.

The requirements of MPEP § 708.02(VIII)(a), (c) and (d) are considered to have been met. However, the petition does not meet the requirements of MPEP § 708.02(VIII)(b) and (e).

MPEP § 708.02(VIII)(b) requires petitioner to state that all claims are directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, applicant will make an election without traverse. In the petition, it is stated that applicant “agrees to restrict examination to the portable golf putting practice kit encompassed by independent Claims 1, 10 and 18...without traverse.” Applicant does not state that all claims are directed to a single invention, or that applicant will make an election without traverse should the Office make a restriction requirement. It is not clear what applicant “agrees to” because during prosecution the Office, not the applicant, makes a restriction requirement when appropriate. Further, even if the applicant considers all the independent claims to be directed to a single invention, the rule requires a statement that he or she will make an election without traverse should the Office make a restriction requirement. Because the petition does not contain this statement, it fails to meet the requirements of MPEP § 708.02(VIII)(b).

Regarding the requirement of MPEP § 708.02(VIII)(e), 37 CFR § 1.111 (b) states “[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.” 37 CFR § 1.111 (c) states in part “the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made.” Applicant provides a detailed discussion of each reference cited on form PTO-1449 IDS but does not point out the particular language of claims 1, 10 and 18 that distinguishes from these references. Applicant’s general allegation that none of the references “provide a portable golf putting practice kit that includes a case member, having a base portion with upstanding walls and a planar bottom surface, and a cover portion hinged to the base portion” does not satisfy the requirements of 37 CFR § 1.111 (c). To meet the requirements of 37 CFR § 1.111 (c), each independent claim must be compared with each reference, and the patentable novelty in each independent claim relative to each reference must be clearly pointed out. Because the petition does not point out the specific language in each independent claim that distinguishes over each reference, it fails to meet the requirements of MPEP § 708.02(VIII)(e).

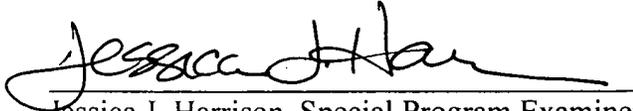
While Technology Center Directors may have granted petitions that do not comply with the detailed discussion requirement of the Accelerated Examination procedure, Technology Center Director decisions on petitions are not binding precedent of the Patent Examining Corps, and the application of an improper standard in certain cases does not require the Office to continue to apply the improper standard in all cases. *See In re The Boulevard Entertainment, Inc.*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003)).

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

Any request for reconsideration of this decision must be submitted within 2 (two) months of the date of this decision in order to be considered timely. Any request for reconsideration must provide: i) a statement that all claims are directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, applicant will make an election without traverse; and ii) a detailed discussion of each reference

that clearly points out the specific language in each independent claim that distinguishes over the reference as required under 37 CFR § 1.111(c).

Any inquiry regarding this decision should be directed to Jessica Harrison, Special Program Examiner, at (571) 272-4449.



Jessica J. Harrison, Special Program Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products



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MAILED JUN 20 2006

Tipton L. Randall  
19371 55th Avenue  
Chippewa Falls WI 54729

In re Application of: MCDUFFEE :  
Appl. No.: 11/283,432 : DECISION ON PETITION to  
Filed: November 19, 2005 : make SPECIAL under 37 CFR  
For: PORTABLE GOLF PUTTING PRACTIC KIT: 1.102

This is a decision on the request for reconsideration of the petition filed on April 28, 2006 to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) and in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is Granted.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02 (VIII) of the Manual of Patent Examining Procedures (MPEP).

Applicant is advised that the examiner's search will be restricted to the subject matter encompassed by the claims. In the event that the application receives a first action rejection, Applicant is encouraged to arrange for an interview with the examiner, and to provide the examiner with a working copy of any proposed amendment one working day prior to the interview. Any amendment filed in response to a first action rejection that would require broadening the field of search will be treated as an improper response. See MPEP 708.02 (VIII) for a full explanation of the handling of applications after petition grant.

Any inquiry regarding this decision should be directed to J. Harrison at 571-272-4449.

Petition GRANTED

J. Harrison, Special Program Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products



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INTELLECTUAL PROPERTY CENTER, LLC  
9233 WARD PARKWAY  
SUITE 100  
KANSAS CITY MO 64114

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**JAN 26 2009**

**OFFICE OF PETITIONS**

In re Application of :  
CHARLES ST. GEORGE :  
Application No. 11/283,445 : **DECISION ON PETITION**  
Filed: November 18, 2005 :  
Attorney Docket No. STG 0001P :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

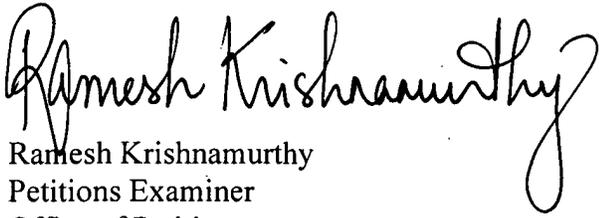
This application became abandoned for failure to timely submit corrected formal drawings on or before May 5, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed February 5, 2008. Accordingly, the date of abandonment of this application is May 6, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings, (2) the petition fee of \$770; and (3) a proper statement of unintentional delay. Accordingly, the failure to timely submit corrected formal drawings as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed February 5, 2008, is accepted as being unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272 - 4914.

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

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is written in a cursive style with a large, looping initial 'R' and a long, sweeping tail on the 'y'.

Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



CLIFFORD KRAFT  
320 ROBIN HILL DRIVE  
NAPERVILLE, IL 60540

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JAN 03 2008

**OFFICE OF PETITIONS**

In re Application of	:	
Theo Kalomirakis, et al.	:	
Application No. 11/283,497	:	ON PETITION
Filed: November 18, 2005	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 22, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 27, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 28, 2006.

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

The drawings fail to comply with the requirement of 37 CFR 1.84(d) which states:

Drawings: One or more application drawings shall be amended in the following manner: Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled "Replacement Sheet". Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is

amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as "New Sheet". All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.

(1) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be included. The marked-up copy must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change to the drawings.

(2) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, must be provided when required by the examiner.

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.

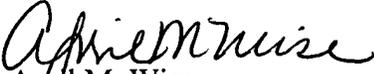
Further correspondence with respect to this matter should be addressed as follows:

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 the undersigned at (571) 272-1642.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



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320 ROBIN HILL FRIVE  
NAPERVILLE, IL 60540

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**MAY 22 2008**

In re Application of :  
Theo Kalomirakis, et al. :  
Application No. 11/283,497 : **DECISION ON PETITION**  
Filed: November 18, 2005 :  
Attorney Docket No. :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 16, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 27, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 28, 2006

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

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

This application is being referred back to the Office of Patent Application Processing for processing of the reply received January 16, 2008.

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



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NELLCOR PURITAN BENNETT LLC  
ATTN: IP LEGAL  
6135 Gunbarrel Avenue  
Boulder, CO 80301

Mail Date: 04/20/2010

<b>Applicant</b>	: Clark R. Baker JR.	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7657292	: RECALCULATION of PATENT
<b>Issue Date</b>	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/283,506	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1111** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Townsend and Townsend and Crew, LLP  
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Eighth Floor  
San Francisco, CA 94111-3834

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OCT 11 2006

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Itsuro Yoshimoto	:	
Application No. 11/283,510	:	DECISION ON PETITION
Filed: November 18, 2005	:	TO WITHDRAW
Attorney Docket No. 026068-00031US	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed June 30, 2006.

The request is **APPROVED**.

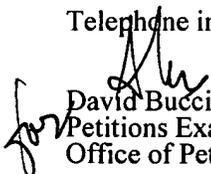
A review of the file record indicates that the attorneys and/or agents associated with Customer Number 20350: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, the attorneys and/or agents associated with Customer Number 2035 have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

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

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

There is no outstanding Office action at this time.

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

  
David Bucci  
Petitions Examiner  
Office of Petitions

cc: **Itsuro Yoshimoto**  
1108 Robin Court  
Sunnyvale, CA 94087



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GATES & COOPER LLP  
HOWARD HUGHES CENTER  
6701 CENTER DRIVE WEST, SUITE 1050  
LOS ANGELES CA 90045

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JUN 21 2007

In re Application of :  
Goddard, et al. :  
Application No. 11/283,526 : ON PETITION  
Filing Date: November 18, 2005 :  
Attorney Docket No.: G&C 669.23- :  
US-C5 :

**OFFICE OF PETITIONS**

The above-identified application has been forwarded to the Office of Petitions for consideration of the "RESPONSE TO NOTICE TO FILE MISSING OF PARTS NONPROVISIONAL APPLICATION," filed March 2, 2006, to accord the above-identified application a filing date of November 18, 2005, presumably with Page 69 of the specification as part of the disclosure of application.

The petition is hereby **DISMISSED**.

The application was filed on November 18, 2005. The Notice mailed January 3, 2006 by the Office of Initial Patent Examination (OIPE) indicated, *inter alia*, that the application had been accorded a filing date but that Page 69 of the specification appeared to be omitted from the application as filed.

The Notice indicated that the filing date of the application would be the date of receipt of the omitted item and further indicated that any assertion that the omitted item was submitted or was not necessary for a filing date must be by way of petition. The Notice also advised that a petition for a later filing date could be requested, such date being the date of submission of the omitted item.

Petitioners herein neither petition for a later filing date nor provide any evidence to establish that Page 69 of the specification was present in the Office on November 18, 2005, such as a date stamped itemized postcard acknowledging Office receipt of the item in question. See, MPEP 503. Instead, petitioners argue that the information contained on page 69 can

be found in other parts of the application as filed. Petitioners have provided a copy of Page 69 of the specification.

Without any supporting documentation to establish the presence of Page 69 in the Office on November 18, 2005, petitioners are not entitled to have said page entered into the record. To wit, petitioners remain entitled to a filing date of November 18, 2005 without Page 69 of the specification being entered into the record. A preliminary amendment canceling reference to Page 69 of the specification prior to the issuance of the first Office action on the merits to avoid further delays in examination should be submitted.

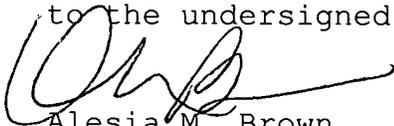
However, an applicant desiring to submit the omitted item and accept the date of such submission as the application filing date must file a petition for a later filing date along with any omitted items with an oath or declaration in compliance with 37 CFR 1.63 and 1.64, as indicated in the Notice previously mailed.

To the extent that petitioners are in possession of evidence to establish the presence of Page 69 of the specification in the Office on November 18, 2005, such as by way of return receipt postcard, a renewed petition may be submitted within **TWO MONTHS** of the mail date of this decision. The time period for seeking reconsideration of this decision is not extendible under the provision of 37 CFR 1.136.

The petition fee submitted herewith will not be refunded as the petition was not necessitated due to Office error.

This application is being directed to OIPE for further processing with a filing date of November 18, 2005, without entry of Page 69 into the record.

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



Alesia M. Brown  
Petitions Attorney  
Office of Petitions



KLARQUIST SPARKMAN, LLP  
121 S.W. SALMON STREET, SUITE 1600  
PORTLAND OR 97204

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APR 14 2008

**OFFICE OF PETITIONS**

In re Application of :  
MUKHERJEE, et al. :  
Application No. 11/283,527 : DECISION GRANTING PETITION  
Filed: November 18, 2005 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 1011-69615-03 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 10, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the Issue fee paid on March 10, 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.<sup>1</sup>*

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2117 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

<sup>1</sup> 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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2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

Mail Date: 04/20/2010

<b>Applicant</b>	: Yang Wan Kim	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7580012	: RECALCULATION of PATENT
<b>Issue Date</b>	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/283,529	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **950** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

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**JUL 27 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Detlef Teichner, et al. :  
Application No. 11/283,547 :  
Filed: November 17, 2005 :  
Attorney Docket No. 11336-1205 (P03026US) :

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 15, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Harman – Brinks Hofer Chicago, Brinks, Hofer, Gilson & Lione has been revoked by the assignee of the patent application on June 26, 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 undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

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

cc: ROBERT P. HART, ESQ.  
HARMAN INTERNATIONAL INDUSTRIES, INCORPORATED  
8500 BALBOA BOULEVARD  
NORTHBRIDGE, CA 91329



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1150 HUNTINGTON BUILDING  
925 EUCLID AVENUE  
CLEVELAND, OH 44115-1414

Mail Date: 06/07/2010

**Applicant** : Nancy Cam-Winget : DECISION ON REQUEST FOR  
**Patent Number** : 7631347 : RECALCULATION of PATENT  
**Issue Date** : 12/08/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/283,554 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/18/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **1055** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

Mail Date: 04/20/2010

Applicant : Yi Zheng : DECISION ON REQUEST FOR  
Patent Number : 7612080 : RECALCULATION of PATENT  
Issue Date : 11/03/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/283,556 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 11/18/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **776** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	11/283,561 (Conf. No. 5950)
Filing Date	November 18, 2005
First Named Inventor	Semyon A. Shimanovich
Art Unit	1755
Examiner Name	Anthony J. Green
Attorney Docket Number	CS-2 Cont.

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- all the attorneys/agents of record.
- the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: Client has failed to pay one or more bills for an unreasonable period of time (37 C.F.R. § 10.40(c)(1)(vi))

4-12-07  
Approved  
*Jacqueline M. Stone*  
Jacqueline M. Stone, Director  
Technology Center 1700/2900

**CORRESPONDENCE ADDRESS**

- 1.  The correspondence address is NOT affected by this withdrawal.
- 2.  Change the correspondence address and direct all future correspondence to:
- The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Earl A. Rogers				
Address	Concrete Scientific, Inc., P.O. Box 158				
City	Gardiner	State	NY	Zip	12525
Country	USA				
Telephone	845-255-0878		Email	earl@concretescientific.com	
Signature	<i>Adam M. Saltzman</i>				
Name	Adam M. Saltzman	Registration No.	52,188		
Date	February 1, 2007	Telephone No.	212-596-9000		

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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RISSMAN JOBSE HENDRICKS & OLIVERIO, LLP  
100 Cambridge Street  
Suite 2101  
BOSTON MA 02114

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JAN 03 2008

**OFFICE OF PETITIONS**

In re Application of :  
Nahill et al. :  
Application No. 11/283,566 : DECISION ON PETITION  
Filed: November 18, 2005 :  
Attorney Docket No. G0003/7291C1 :

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

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of May 15, 2007. The non-final Office Action set a three (3) month shortened statutory period for reply. No timely extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on August 16, 2007. This decision precedes the mailing of a Notice of Abandonment.

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

A three (3) month extension of time was requested with the instant petition. However, pursuant to 37 CFR 1.136 (a), an extension of time 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). Petitioner is ineligible for any extensions of time, nor is an extension of time fee required to revive the application. Accordingly, \$1,540.00 will be credited.

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

This application is being referred to Technology Center AU 1791 for appropriate action by the Examiner in the normal course of business on the reply received

A handwritten signature in cursive script that reads "Charlema Grant".

Charlema Grant  
Petitions Attorney  
Office of Petitions



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MIDDLETON & REUTLINGER  
2500 BROWN & WILLIAMSON TOWER  
LOUISVILLE, KY 40202

Mail Date: 04/21/2010

<b>Applicant</b>	: Randall G. Bush	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7588142	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/283,601	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **867** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

Mail Date: 04/21/2010

<b>Applicant</b>	: Roy L. Bonds	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7604766	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/283,624	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/21/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **780** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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CHICAGO IL 60606

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SEP 20 2007

**OFFICE OF PETITIONS**

In re Application of :  
Daniel R. Adams, et al :  
Application No. 11/283,644 : DECISION GRANTING PETITION  
Filed: November 21, 2005 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. 0712-0159.10 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 20, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Nonfinal Rejection of August 2, 2006, is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1,020 extension of time submitted with the petition on April 20, 2007 was subsequent to the maximum extendable period for reply, the fee will be credited to account no. 50-1039 as authorized.

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

Application No. 11/283,644

-2-

This matter is being referred to Technology Center AU 3683.

A handwritten signature in cursive script that reads "Karen Creasy". The signature is written in black ink and is positioned above the typed name and title.

Karen Creasy  
Petitions Examiner  
Office of Petitions



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HAYNES AND BOONE, LLP  
901 MAIN STREET, SUITE 3100  
DALLAS TX 75202

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**MAY 29 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
William Edward BUDZILENI, et al	:	
Application No. 11/283,665	:	DECISION ON PETITION
Filed: November 21, 2005	:	TO WITHDRAW
Attorney Docket No. 23667.196	:	FROM RECORD

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, 2007.

The request is **NOT APPROVED**.

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.

There are no pending Office actions at the present time.

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

*April Wise*  
April Wise  
Petitions Examiner  
Office of Petitions

cc: TODD MATTINGLY  
KING & SPALDING, L.L.P.  
1100 LOUISIANA, SUITE 4000  
HOUSTON TX 77002



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COOPER & DUNHAM, LLP  
30 ROCKEFELLER PLAZA  
20TH FLOOR  
NEW YORK, NY 10112

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JUL 14 2009

In re Application of : OFFICE OF PETITIONS  
Robin Sperle, et al. :  
Application No. 11/283,667 : DECISION ON PETITION  
Filed: November 21, 2005 :  
Attorney Docket No. 2347/75176 :

This is a decision on the petition, filed May 22, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

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

The petition is **GRANTED**.

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

Petitioner asserts that the Office action dated April 21, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
3. a copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

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

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

The petition is **DISMISSED**.

This application is being referred to the Technology Center technical support staff of Art Unit 2168 for re-mailing the Office action of April 21, 2008. The period for reply will run from the mailing date of the Office action.

/dab/

David Bucci  
Petitions Examiner  
Office of Petitions



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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

Mail Date: 05/11/2010

**Applicant** : Leszek Cieplinski : DECISION ON REQUEST FOR  
**Patent Number** : 7636094 : RECALCULATION of PATENT  
**Issue Date** : 12/22/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/283,671 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/22/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **518** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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TECHNOLOGY CENTER 2100

KAPLAN GILMAN GIBSON & DERNIER L.L.P.  
900 ROUTE 9 NORTH  
WOODBRIIDGE NJ 07095

In re Application of: SASAKI et al.  
Application No. 11/283,675  
Filed: November 21, 2005  
For: BATTERY AND AUTHENTICATION  
REQUESTING DEVICE

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 25, 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 8 and 9 of the instant application differ in scope from the corresponding claims 1 and 2 of the Japanese allowed application, because:

a) The allowed Japanese claims 1 and 2 recite "means for receiving", "means for generating", "code generating means for", etc, whereas the corresponding claims 8 and 9 of instant US application recites "a portion receiving ...", "a portion generating..", etc. , the different claim recitations change the scope of the respective claims.

Applicant is requested 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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**MAIL**

**FEB 18 2009**

**DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600**

GIBSON & DERNIER L.L.P.  
900 ROUTE 9 NORTH  
SUITE 504  
WOODBIDGE NJ 07095

In re Application of: **SASAKI** et al.  
Application No.: 11/283,675  
Filed: November 21, 2005

For: **BATTERY AND  
AUTHENTICATION  
REQUESTING DEVICE**

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

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 15, 2008, to make the above-identified application special.

The petition is **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 the latest office actions (other than "Decision to Grant a Patent") 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 are found to comply with the above requirements. Claims 8 and 9 have been amended to recite "means for" in certain elements corresponding claims 1 and 2 of the Japanese allowed application, as required by the Decision on Request mailed on October 2, 2008. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ricky Ngo 571-272-3139.

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.

/Ricky Ngo/

---

Ricky Ngo  
Supervisory Patent Examiner, Technology Center 2400  
571-272-3139



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GIBSON & DERNIER LLP  
900 ROUTE 9 NORTH  
SUITE 504  
WOODBIDGE, NJ 07095

Mail Date: 04/21/2010

<b>Applicant</b>	: Dai Sasaki	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7617395	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/283,675	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/21/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1024** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

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**NOV 27 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Tomoyoshi Kobayashi, et al. :  
Application No. 11/283,683 : DECISION GRANTING PETITION  
Filed: November 22, 2005 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 1260730062-01000 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 27, 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 16, 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.<sup>1</sup>***

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 3754 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

---

<sup>1</sup> 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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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON, VA 20195

Mail Date: 07/06/2010

**Applicant** : Stefan Keller-Tuberg : DECISION ON REQUEST FOR  
**Patent Number** : 7639689 : RECALCULATION of PATENT  
**Issue Date** : 12/29/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/283,710 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/22/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **1039** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Date

*April 8, 2009*

Patent No. :7504962  
Inventor(s) : Joseph S. Smith  
Issued : March 17, 2009  
Title : APPARATUS FOR ENCLOSING A SMOKE DETECTOR

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 1.322 and 1.323.

An error on a patent can be corrected by a certificate of correction, if appropriate. Accordingly, a petition under C.F.R. 1.182 is required to correct the alleged error concerning the inventor's address. Since this information is printed solely in accordance with the typewritten information provided on the Declaration, Oath or ADS, and since the error was the result of applicant's failure to comply with the requirement that the complete and correct information be provided accordingly; correction is not warranted consideration under the provisions of Rules 37 CFR 1.322. Consideration under 37 CFR 1.323 in this case should be filed with a petition under 37 CFR. 1.182.

Any petition under 37 CFR 1.182 should be directed to the attention of the Assistant Commissioner for Patents using the following mailing address or FAX number.

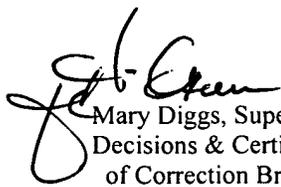
By Mail: Commissioner of Patents and Trademarks  
Box PETITIONS  
Washington, D.C. 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

EFS web [uspto.gov/ebc/index.html](http://uspto.gov/ebc/index.html)  
(must be registered as an e-filer to submit responses)  
Technical Support 1-866-217-9197

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

Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

  
Mary Diggs, Supervisor  
Decisions & Certificates  
of Correction Branch  
(703) 308-9390 or (703) 308-

9390 ext. 123

Grant K. Rowan  
Wilmer Cutler Pickering Hale and Dorr LLP  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006

/arg



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Date

*July 23, 2009*

Patent No. : 7504962  
Inventor(s) : Joseph S. Smith  
Issued : March 17, 2009  
Title : APPARATUS FOR ENCLOSING A SMOKE DETECTOR

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 1.322 and 1.323.

An error on a patent can be corrected by a certificate of correction, if appropriate. Accordingly, a petition under C.F.R. 1.182 is required to correct the alleged error concerning the inventor's address. Since this information is printed solely in accordance with the typewritten information provided on the Declaration, Oath or ADS, and since the error was the result of applicant's failure to comply with the requirement that the complete and correct information be provided accordingly; correction is not warranted consideration under the provisions of Rules 37 CFR 1.322. Consideration under 37 CFR 1.323 in this case should be filed with a petition under 37 CFR. 1.182.

Any petition under 37 CFR 1.182 should be directed to the attention of the Assistant Commissioner for Patents using the following mailing address or FAX number.

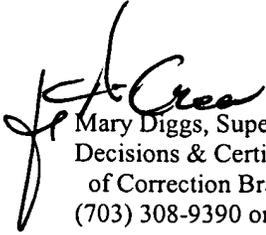
By Mail: Commissioner of Patents and Trademarks  
Box PETITIONS  
Washington, D.C. 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

EFS web [uspto.gov/ebc/index.html](http://uspto.gov/ebc/index.html)  
(must be registered as an e-filer to submit responses)  
Technical Support 1-866-217-9197

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

Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.



Mary Diggs, Supervisor  
Decisions & Certificates  
of Correction Branch  
(703) 308-9390 or (703) 308-1541

Grant K. Rowan  
Wilmer Cutler Pickering Hale and Dorr LLP  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006

/arg



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**MAR 25 2010**

**OFFICE OF PETITIONS**

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1875 PENNSYLVANIA AVE NW  
WASHINGTON DC 20006

In re Patent No. 7,504,962 :  
Issue Date: March 17, 2009 :  
Application No. 11/283,712 : **DECISION ON PETITION**  
Filed: November 22, 2005 :  
Attorney Docket No. 0291362.00120US1 :

This is a decision on the "PETITION PURSUANT TO 37 CFR 1.182", filed July 10, 2009.

The petition is **GRANTED**.

Petitioner has requested to have a Certificate of Correction issued, correcting the address of inventor Smith.

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

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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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/283,736	11/22/2005	Dong-Ju Kang	49168

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.  
1300 19TH STREET, N.W.  
SUITE 600  
WASHINGTON, DC 20036

DATE MAILED: February 12, 2007

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

This is in response to the petition under 37 CFR 1.138(d) filed February 5, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

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

Barbara J. Debram  
Pre-Grant Publication Division



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/283,739	11/22/2005	Sung-ryong Shin	49718	5675

7590 01/20/2009  
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.  
1300 19TH STREET, N.W.  
SUITE 600  
WASHINGTON,, DC 20036

EXAMINER

COLES, EDWARD L

ART UNIT	PAPER NUMBER
2625	

2625

MAIL DATE	DELIVERY MODE
01/20/2009	PAPER

01/20/2009

PAPER

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

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

The petition is granted.

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

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

Patent Publication Branch  
Office of Data Management

Adjustment date: 01/21/2009 BPOWELL  
11/23/2005 EAYALEW1 00000047 11283739  
02 FC:1111 -500.00 DP

Adjustment Date: 01/21/2009 BPOWELL  
08/12/2008 INTEFSW 00007641 232185 12190104  
02 FC:1111 510.00 CR

Repln. Ref: 01/21/2009 BPOWELL 0015404700  
DAH:102220 Name/Number:11283739  
FC: 9204 \$500.00 CR



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Paper No.

MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006

**MAILED**

**FEB 25 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Sung Ho Chu : DECISION ON  
Application No. 11/283,756 : PETITION  
Filed: November 22, 2005 :  
Attorney Docket No.8737.071.00:

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON EVIDENCE THAT A REPLY WAS TIMELY FILED," filed September 9, 2008.

The above-identified application became abandoned for failure to submit drawings within three months of the mailing date, May 5, 2008, of the Notice of Allowability. This Office action set a three-month nonextendable statutory period for reply. No drawings considered received, the above-identified application became abandoned on August 6, 2008. A courtesy Notice of Abandonment was mailed on August 28, 2008.

In response, applicant timely filed the instant petition. Applicant maintains that the corrected drawings were timely filed as required by, and within the three-month period set in, the Notice of Allowability (PTO-37), mailed May 5, 2008. In support thereof, applicant submits a copy of their date-stamped postcard receipt. Further, applicant acknowledges that the drawings as filed mistakenly referenced an incorrect application number (with all other identifying information being correct) and requests that the drawings be transferred from the incorrect application to this application.

A review of the petition and of the record confirms that the response, as applicant maintains, was filed on August 1, 2008. Further, a review of the record reveals that applicants' filing

error has been corrected. The papers filed August 1, 2008, including the drawings, have been "moved" from the electronic record of the incorrectly identified application to the record of the instant application. It is confirmed that, with the exception of the application number, the response included the correct identifying information. The drawings are considered timely filed.

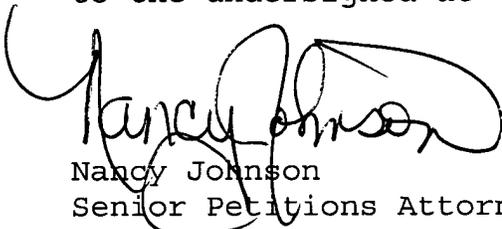
In view thereof, the notice of abandonment mailed August 28, 2008 and the holding of abandonment are hereby WITHDRAWN.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded for consideration of the replacement drawings filed August 1, 2008 (and resubmitted on petition filed September 9, 2008) and for processing of this application into a patent.

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



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



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1900 K STREET, NW  
WASHINGTON, DC 20006

**MAILED**

MAR 03 2009

**OFFICE OF PETITIONS**

In re Application of :  
Sung Ho **CHU** :  
Application No. 11/283,756 : DECISION DISMISSING PETITION  
Filed: November 22, 2005 : UNDER 37 CFR 1.313(a)  
Attorney Docket No. **8737.071.00** :

This is a decision on the petition under 37 CFR 1.313(a), filed March 2, 2009, to withdraw the above-identified application from issue.

The petition is **DISMISSED AS MOOT** since this application is now abandoned for failure to submit corrected drawings on or before August 5, 2008 as required by the Notice of Allowability (PTO-37), mailed May 5, 2008.

In view of the above, the petition to withdraw from issue must be dismissed as involving a moot issue.

Petitioner may wish to consider filing a petition under 37 CFR 1.137 to revive this application.

A petition under 37 CFR 1.137(b) requires that petitioner submit (1) the reply in the form of payment of the issue fee, the publication fee, and corrected formal drawings, (2) the petition fee of \$1620; and (3) an adequate statement of unintentional delay.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-7253.

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



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**MCKENNA LONG & ALDRIDGE LLP**  
**1900 K STREET, NW**  
**WASHINGTON, DC 20006**

**MAILED**

**MAR 11 2009**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Sung Ho <b>CHU</b>	:	
Application No. 11/283,756	:	<b>DECISION GRANTING PETITION</b>
Filed: November 22, 2005	:	<b>UNDER 37 CFR 1.313(c)(2)</b>
Attorney Docket No. 8737.071.00	:	

This is a decision on the reconsideration petition under 37 CFR 1.313(c)(2), filed March 11, 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 July 16, 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.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

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

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

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<sup>1</sup> *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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REED SMITH LLP  
3110 FAIRVIEW PARK DRIVE, SUITE 1400  
FALLS CHURCH VA 22042

**MAIL**

MAR 10 2005

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600  
DECISION ON PETITION  
TO MAKE SPECIAL

In re Application of  
Yoshihiro Imajo, et al.  
Application No. 11/283,766  
Filed: November 22, 2005  
For: **LIQUID CRYSTAL DISPLAY DEVICE**

This is a decision on the petition filed January 24, 2006, under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

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

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

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

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

  
\_\_\_\_\_  
Krista Zele  
Special Program Examiner  
Technology Center 2600  
Communications



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MUNCY, GEISSLER, OLDS & LOWE, PLLC  
PO BOX 1364  
FAIRFAX, VA 22038-1364

MAILED  
OCT 22 2009  
OFFICE OF PETITIONS

In re Application of :  
Martin Jeitner :  
Application No. 11/283,771 :  
Filed: November 22, 2005 :  
Attorney Docket No. 1005/0102PUS1 :  
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 3, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Muncy, Geissler, Olds & Lowe, PLLC has been revoked by the assignee of the patent application on September 22, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

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

cc: PREH GMBH  
AN DER STADTHALLE  
D-97616 BAD NEUSTADT/SAALE,  
GERMANY



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NIXON PEABODY, LLP  
401 9TH STREET, NW  
SUITE 900  
WASHINGTON, DC 20004-2128

Mail Date: 04/21/2010

**Applicant** : Hajime Tokunaga : DECISION ON REQUEST FOR  
**Patent Number** : 7575959 : RECALCULATION of PATENT  
**Issue Date** : 08/18/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/283,775 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/22/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **372** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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JAN 11 2010

Staas & Halsey, LLP  
Suite 700  
1201 New York Avenue, N.W.  
Washington, DC 20005

In re Application of: Jun-Ho Park et al : DECISION ON PETITION  
Application No. 11/283,831 : TO WITHDRAW FINALITY  
Filed: November 22, 2005 : OF OFFICE ACTION  
For: METHOD, MEDIUM, AND : UNDER 37 CFR 1.181  
APPARATUS FOR SELF-PROPELLED :  
MOBILE UNIT WITH OBSTACLE :  
AVOIDANCE DURING :  
WALL-FOLLOWING ALGORITHM :

This is a decision on applicant's petition under 37 CFR 1.181 filed on June 23, 2009 to withdraw the finality of the Office action dated February 25, 2009.

The petition is DISMISSED as Moot.

Applicant alleges that the finality of the Office action dated February 25, 2009 was improper because the amendment dated November 28, 2008 does not raise new issues in claim 1 that would necessitate a new ground of rejection.

A review of the record shows that the examiner rejected claims 1, 4 and 8 on a 102(b) rejection on Abramson et al.(US 2003/0120839) in the non-final Office action dated July 29, 2008. Claim 8 depends on claim 4 which depends on claim 1. The amendment of November 28, 2008 rewrites claim 1 to incorporate the subject matter of claim 8. The final rejection mailed on February 25, 2009 rejected the amended claim 1 on a 103 rejection on Abramson et al. which is a new ground of rejection. However, the finality of the Office action dated February 25, 2009 was withdrawn in a non-final Office action dated July 14, 2009. The subject petition was handled as a request for reconsideration and was granted in the non-final office action dated July 14, 2009.

The petition is DISMISSED as MOOT given that the issues raised in the petition are no longer pending.

Any questions or comments with respect to this decision should be forwarded to Jack W. Keith at (571) 272-6878.

*Katherine Matecki*

Kathy Matecki, Director  
Patent Technology Center 3600  
(571) 272-5150

jwk/lm: 12/28/09

LM



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**MAIL**

**JAN 29 2008**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

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

In re Application of	:	
PAN, HUANXU, et al.	:	DECISION ON REQUEST TO
Application No. 11/283,850	:	PARTICIPATE IN PATENT
Filed: November 22, 2005	:	PROSECUTION HIGHWAY
Attorney Docket No. Q91568	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 31, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

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

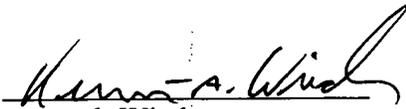
- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Kenneth Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

Mail Date: 04/20/2010

<b>Applicant</b>	: Horng-Long Tyan	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7651744	: RECALCULATION of PATENT
<b>Issue Date</b>	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/283,872	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/22/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **295** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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: 05/19/2010

**Applicant** : Tai-Xing Yu : DECISION ON REQUEST FOR  
**Patent Number** : 7620412 : RECALCULATION of PATENT  
**Issue Date** : 11/17/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/283,877 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/22/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **1030** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



**LITMAN LAW OFFICES, LTD.  
P.O. BOX 15035  
CRYSTAL CITY STATION  
ARLINGTON VA 22215**

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**MAY 14 2007**

**OFFICE OF PETITIONS**

In re Application of  
**BLANCO, Angelica**  
Application No. 11/283,886  
Filed: November 22, 2005  
Attorney Docket No. 26838.00

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 November 22, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the declaration of inventor Angelica Blanco, attesting to her 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 3761 for action on the merits commensurate with this decision.

  
Monica A. Graves  
Petitions Examiner  
Office of Petitions



MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS MN 55402-0903

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**MAR 28 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Tomasi	:	
Application No. 11/283,915	:	ON PETITION
Filed: November 21, 2005	:	
Attorney Docket No. 50019.296US01/P06491	:	
For: CIRCUIT TOPOLOGY FOR		
REDUCED HARMONIC DISTORTION IN A		
SWITCHED-CAPACITOR		
PROGRAMMABLE GAIN AMPLIFIER		

This is a decision on the correspondence filed February 6, 2006 (certificate of mailing date February 3, 2006) requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed December 30, 2005. The petition will be treated under 37 CFR 182.

The petition under 37 CFR 1.182 is **dismissed**.

The application was filed on November 21, 2005. However, on December 30, 2005, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of November 21, 2005, and advising applicant that Figures 5A and 5B described in the specification appeared to have been omitted.

In response, the present petition was filed.

The petition does not allege and is not accompanied by any evidence that any sheets of drawings containing the labels "Figure 5A" and "Figure 5B" were present in the Office on November 21, 2005. While the Brief Description of the Drawings lists Figures 5A and 5B, the pertinent drawing figures in the application file are labeled "Fig. 5" and "Fig. 6". It is apparent that petitioner referred to the drawings in an inconsistent manner in the Brief Description of the Drawings and in the drawing figures.

Therefore, the "Notice" mailed November 21, 2005, was correct in advising applicant that Figures 5A and 5B appeared to have been omitted. The "Notice" was properly mailed and will not be withdrawn. The petition fee is required, since the petition was not necessary to correct any PTO

error. Pursuant to petitioner's authorization, deposit account no. 13-2725 will be charged the \$400.00 petition fee.

To avoid further delay in the examination of the application, a letter to the draftsman correcting the labeling of the drawing figures should be filed prior to the first Office action.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of November 21, 2005. Figures 5A and 5B submitted with the instant petition will not be processed at this time.

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



E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY OF COMMERCE AND  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, DC 20231

7/8/08

Patent No. : 7377283  
Inventor(s) : Scott A. Walker et al.  
Issued : 5/27/2008  
Title : COILED TUBING WELLBOR CLEANOUT  
Atty.doc./File No.

**Request for Certificates of Correction**

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals that col.17 line 24 is printed in accordance with the record. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

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

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall  
Cecelia Newman  
Decisions & Certificates  
of Correction Branch  
(703) 308-9390 Ext. 108

HOWREY LLP  
2941 FAIRVEIW PARK DRIVE, SUITE 200  
FALLS CHURCH, VA 22042

HR/CBN



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

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**DEC 28 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
David Matthew DENT, et al	:	
Application No. 11/283,936	:	DECISION ON PETITION
Filed: November 21, 2005	:	TO WITHDRAW
Attorney Docket No. RAJAH2.001AUS	:	FROM RECORD
	:	

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 24, 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 Daniel Hart on behalf of all attorneys of record who are associated with customer No. 20995.

All attorneys/agents associated with Customer Number 20995 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 outstanding 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: DAVID MATTHEW DENT  
PUNTA PELICANOS VILLA 49  
KM 1.2 CARRETERA LA CRUZ  
DE HUANACAXTLE- PUNTA DE MITA  
LA CRUZ DE HUANACAXTLE,  
NAYARIT MEXICO 63732

cc: RAJAH AND TANN  
4 BATTERY ROAD #26-00,  
BANK OF CHINA BUILDING  
SINGAPORE 049908



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INTELLECTUAL PROPERTY GROUP  
FREDRIKSON & BYRON, P.A.  
200 SOUTH SIXTH STREET, SUITE 4000  
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

**Applicant** : Jeff W. Peterson : DECISION ON REQUEST FOR  
**Patent Number** : 7635002 : RECALCULATION of PATENT  
**Issue Date** : 12/22/2009 : TERM ADJUSTMENT IN VIEW  
**Appliction No** : 11/283,953 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/21/2005 : 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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SEP 10 2007

**OFFICE OF PETITIONS**

In re Application of  
Steve Silvey  
Application No. 11/284,011  
Filed: November 22, 2005  
Attorney Docket No. SIL-001

:  
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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 April 25, 2007.

The request is **APPROVED**.

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

The request was signed by John L. Welsh on behalf of all attorneys of record who are associated with customer No. 21884.

All attorneys/agents associated with the Customer Number 21884 have been withdrawn.

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

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

There is an outstanding Office action mailed April 25, 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: STEVE SILVEY  
3235 CONTINENTAL DRIVE  
CUMMING, GA 30041


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/284,011	11/22/2005	Steve Silvey	SIL-001

**CONFIRMATION NO. 5125**

 21884  
 WELSH & FLAXMAN LLC  
 2000 DUKE STREET, SUITE 100  
 ALEXANDRIA, VA 22314


\*OC000000025735466\*

Date Mailed: 09/10/2007

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 04/25/2007.

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

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

FORMER ATTORNEY/AGENT COPY



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

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**SEP 20 2006**

**OFFICE OF PETITIONS**

In re Application of : DECISION ON PETITION  
Yung-Hao Lu :  
Application No. 11/284,014 :  
Filed: November 22, 2005 :  
Attorney Docket Number: :  
BHT-3092-617 :

This is a decision on the Petition to Revive the Application based upon unintentional abandonment, filed June 30, 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 December 29, 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 March 30, 2006. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

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  
Attorney  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

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MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH, NC 27627

Mail Date: 04/21/2010

<b>Applicant</b>	: Magnus Jendbro	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7634358	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/284,041	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/21/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **931** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

ROBERT J. DEPKE  
LEWIS T. STEADMAN  
ROCKEY, DEPKE & LYONS, LLC  
SUITE 5450 SEARS TOWER  
CHICAGO IL 60606-6306

**COPY MAILED**

NOV 24 2008

In re Application of :  
Ken Ozawa :  
Application No. 11/284,050 :  
Filed: November 21, 2005 :  
Attorney Docket Number: 075834.00767 :

**OFFICE OF PETITIONS**  
**DECISION ON PETITION**

This is a decision on the petition, filed October 9, 2008 which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to properly respond to the final Office action of December 21, 2007, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before March 21, 2008. A Notice of Abandonment was mailed on June 27, 2008.

Petitioner states that a timely reply was sent via facsimile on June 23, 2008. Petitioner has provided a copy of the Auto-Reply Facsimile Transmission dated June 23, 2008. A review of the reply also shows that a statement pursuant to 37 CFR 1.8 was included with the reply. Petitioner states that a reply to the final Office action is visible in PAIR. Petitioner states a reply in the form of an amendment, RCE and three-month extension of time were submitted on June 23, 2008.

Review of the file record shows the originally submitted timely reply sent on June 23, 2008 has been located.

Accordingly, the holding of abandonment for failure to timely file a proper reply to the Office action of December 21, 2007 is hereby withdrawn and the application restored to pending status.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

This application is being referred to Art Unit 2873 for appropriate action of the RCE and amendment in the normal course of business.

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



Charlema R. Grant  
Petitions Attorney  
Office of Petitions

cc: Robert J. Depke  
Rockey, Depke & Lyons, LLC  
233 S. Wacker Drive, Suite 545  
Chicago, Ill 60606



Raul Diaz  
Suite 6B  
30 East End Avenue  
New York NY 10028

**COPY MAILED**  
**NOV 30 2006**  
**OFFICE OF PETITIONS**

In re Application of :  
Diaz et al. :  
Application No. 11/284,052 :  
Filed: November 22, 2005 :  
Title of Invention: Cabbie Caller Illuminated :  
Signaling Device :

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed September 15, 2006.

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

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

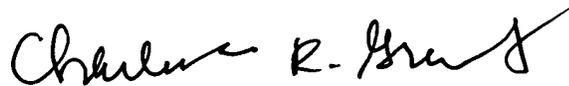
This above-identified application became abandoned for failure to file a response to a Notice to File Corrected Application Papers which was mailed on December 29, 2005. The Notice to File Corrected Application Papers set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on March 1, 2006. A Notice of Abandonment was mailed on September 5, 2006.

Petitioner contends the Notice to File Corrected Application Papers mailed on December 29, 2005 was not received.

A review of the record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice of Allowance 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 the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the



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

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charlema R. Grant  
Petitions Attorney  
Office of Petitions



Raul Diaz  
Suite 6B  
30 East End Avenue  
New York NY 10028

**COPY MAILED**

JUN 18 2007

**OFFICE OF PETITIONS**

In re Application of	:	
Diaz et al.	:	
Application No. 11/284,052	:	ON PETITION
Filed: November 22, 2005	:	
Title. Cabbie Caller Illuminated Signaling Device	:	

This is in response to the communication, filed January 3, 2007 to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

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 December 29, 2005, the Office mailed a Notice to File Corrected Application Papers "Notice", which set a two month shortened statutory period to reply. The application became abandoned on March 1, 2006, for failure to submit a timely response to the December 29, 2005 Notice. On September 5, 2006 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 to File Corrected Application Papers. Specifically, petitioner states that the Notice was not received and there has been a history of nonreceipt of mail. Petitioner insists that a timely reply was submitted via certified mail on October 13, 2006. The reply submitted on October 13, 2006 was not timely. The Notice only provided petitioner with two months to reply. The copy of the Notice sent to you by "Mr. Williams", did not restart the time period for reply. Your application was held abandoned on March 1, 2006. It should be further noted that in addition to drawings the Notice also requires \$300.00 in Early Pre-Grant Publication Fees. Petitioner did not establish that the holding of abandonment should be withdrawn based on the letter mailed to Mr. Williams. While petitioner has submitted some evidence that there has been a history of failure to receive mail, this alone is not sufficient. To establish the holding of abandonment should be withdrawn petitioner should refer to the information which follows below.

## DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice, 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 explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the Notice of December 29, 2005, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after December 29, 2005 to demonstrate nonreceipt of the Notice to File Corrected Application Papers. 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 Notice to File Corrected Application Papers, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the Notice to File Corrected Application Papers was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after December 29, 2005; the period when he would have received the Notice of Corrected Application Papers.

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 to Filed Corrected Application Papers. Therefore, the petition to withdraw the holding of abandonment is **dismissed**.

## 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), **\$750.00 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$750.00 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 R. 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.

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)

Mail to: 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.

Patent No. \_\_\_\_\_ Application Number \_\_\_\_\_

Issue Date \_\_\_\_\_ Filing Date \_\_\_\_\_

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

**Also complete the following information, if applicable**

The above - identified patent:

- is a reissue of original Patent No. \_\_\_\_\_, original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_,  
original filing date \_\_\_\_\_.
- resulted from the entry into the U.S. under 35 U.S.C. 371 of international  
application \_\_\_\_\_ filed on \_\_\_\_\_.

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) 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, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name of person signing Certificate

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). 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 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.

1. SMALL ENTITY

Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input type="checkbox"/> \$ _____	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ \_\_\_\_\_

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ \_\_\_\_\_ (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ \_\_\_\_\_

5. MANNER OF PAYMENT

Enclosed is a check for the sum of \$ \_\_\_\_\_.

Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached.

Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. \_\_\_\_\_. A duplicate copy of this authorization is attached.

**7. OVERPAYMENT**

As to any overpayment made please

- Credit to Deposit Account No. \_\_\_\_\_
- OR  Send refund check.

**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.

**8. STATEMENT**

The delay in payment of the maintenance fee to this patent was unintentional.

**9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.**

\_\_\_\_\_  
Signature(s) of Petitioner(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or printed name(s)

\_\_\_\_\_  
Registration Number, if applicable

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

**ENCLOSURES:**

- Maintenance Fee payment
- Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
- \_\_\_\_\_

## 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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Raul Diaz  
Suite 6B  
30 East End Avenue  
New York NY 10028

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DEC 20 2007

**OFFICE OF PETITIONS**

DECISION ON PETITION

In re Application of  
Diaz et al.  
Application No. 11/284,052  
Filed: November 22, 2005  
Title: Cabbie Caller Illuminated Signaling  
Device

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

On December 29, 2005, the Office mailed a Notice to File Corrected Application Papers "Notice", which set a two month shortened statutory period to reply. The application became abandoned on March 1, 2006, for failure to submit a timely response to the December 29, 2005 Notice. On September 5, 2006 the Office mailed a Notice of Abandonment. Petitions were dismissed on November 30, 2006 and June 18, 2007.

Petitioner asserts that the Office Communication dated December 29, 2005 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 applicant stating that the Office action was not received by the applicant;
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 applicant'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.

Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects. Each application requires a separate petition. This petition decision is directed only to application no. 11/284,052. Application no. 29/243,925 remains abandoned.

This application is being referred to the Office of Patent Application Processing for re-mailing the Notice to File Corrected Application Papers of December 29, 2005. The period for reply will run from the mailing date of the Office action.



Charlema Grant  
Petitions Attorney  
Office of Petitions



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MAILED  
FROM DIRECTOR'S OFFICE

MAR 26 2007

TECHNOLOGY CENTER 3600

Christopher J. Whewell  
Western Patent Group  
6020 Tonkova Trail  
Georgetown, TX 78628

In re Application of : PETITION TO WITHDRAW  
Mary A. Winchester : FINALITY OF OFFICE ACTION  
Application No. 11/284,053 : UNDER 37 C.F.R. 1.181  
Filed: November 22, 2005 :  
Attorney Docket No.: 111405 :  
For: FLEXIBLE CONDUIT STORAGE :  
ORGANIZER :

This is in response to applicant's petition filed on December 19, 2006, Request for Withdrawal of Finality of Office Paper Dated 11/17/06.

The petition is **DENIED**.

Review of the file record shows that a non-final Office action was mailed August 11, 2006. Applicant responded with an amendment on August 28, 2006. The examiner mailed a Final Office action on November 17, 2006.

Applicant argues that the finality of the December 19, 2006 Office action was premature and the action should not have been final. Applicant states the action should not have been final since the examiner did not appreciate the claim amendments. This appears to center around the newly added claim language of mounting holes located on the device. The examiner pointed out where the holes were located on the prior art device so it is not understood why applicant feels this new limitation was not properly addressed. Applicant seems to argue the intended function of the mounting holes but the examiner properly pointed out the intended use of the holes was not claimed. Therefore, it is clear the examiner properly addressed the new limitation.

Applicant argues the final rejection states that applicant's amendment necessitated the new ground(s) of rejection but that there are no new grounds of rejection in the Final. This is correct. It appears the examiner inadvertently used incorrect phrasing when formulating the statement of finality. There are no new grounds of rejection in the Final rejection, however the finality is still proper. The use of incorrect wording in this

instance to inform applicant of the final status of the action does not detract from the fact that the finality is proper.

Applicant argues that the finality should be removed since the art cited against the claims does not meet the claimed limitations. This argument is not petitionable; rather it is a matter for appeal and has no bearing on the appropriateness of the action being made final.

Accordingly, for the reasons presented above, the petition is denied

**Summary: *Petition is DENIED.***

 for

Wynn Coggins  
Patent Technology Center 3600  
(571) 272-5350

WC/cf 3/10/07  
AL



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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TUCKER ELLIS & WEST LLP  
1150 HUNTINGTON BUILDING  
925 EUCLID AVENUE  
CLEVELAND, OH 44115-1414

Mail Date: 05/19/2010

**Applicant** : Robert C. Meier : DECISION ON REQUEST FOR  
**Patent Number** : 7620000 : RECALCULATION of PATENT  
**Issue Date** : 11/17/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/284,055 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/21/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **869** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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SCHLUMBERGER OILFIELD SERVICES  
200 GILLINGHAM LANE  
MD 200-9  
SUGAR LAND, TX 77478

Mail Date: 04/21/2010

Applicant : Jonathan Brown : DECISION ON REQUEST FOR  
Patent Number : 7428925 : RECALCULATION of PATENT  
Issue Date : 09/30/2008 : TERM ADJUSTMENT IN VIEW  
Application No : 11/284,077 : OF WYETH  
Filed : 11/21/2005 :  
:  
:

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.



LAW OFFICES OF ARTHUR E. JACKSON  
P.O. BOX 88  
HOPEWELL NJ 08525

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SEP. 07 2007

**OFFICE OF PETITIONS**

In re Application of	:	
William Levine et al.	:	
Application No. 11/284,078	:	ON PETITION
Filed: 21 November 2005	:	
Attorney Docket No. HS-001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 17, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before April 24, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed January 24, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 25, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue and Publication Fees; (2) the petition fee of \$750.00; and (3) a statement of unintentional delay. Accordingly, the Issue and Publication Fee payments are accepted as having been unintentionally delayed.

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 Bucci  
 Petitions Examiner  
 Office of Petitions



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DLA PIPER RUDNICK GRAY CARY US LLP  
P.O. BOX 9271  
RESTON, VA 20195

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**NOV 21 2006**

**OFFICE OF PETITIONS**

In re Application of  
Michael S. Gordon et al  
Application No. 11/284,082  
Filed: November 22, 2005  
Attorney Docket No. 313120-P0001

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 27, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes copies of Inventor Michael S. Gordon and David Arthur Lawson's birth certificates showing that they are 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 2834 for action on the merits commensurate with this decision.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

Mail Date: 04/21/2010

**Applicant** : Kyouichi Watanabe : DECISION ON REQUEST FOR  
**Patent Number** : 7659030 : RECALCULATION of PATENT  
**Issue Date** : 02/09/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/284,089 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/22/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **1114** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



DLA PIPER RUDNICK GRAY CARY US LLP  
P.O. BOX 9271  
RESTON, VA 20195

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**NOV 21 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Michael S. Gordon et al	:	
Application No. 11/284,090	:	DECISION ON PETITION
Filed: November 22, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 313120-P0003	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 27, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes copies of Inventor Michael S. Gordon and David Arthur Lawson's birth certificates showing that they are 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 3715 for action on the merits commensurate with this decision.

  
 Irvin Dingle  
 Petitions Examiner  
 Office of Petitions



**Morrison & Foerster LLP**  
1650 Tysons Boulevard  
McLean, VA 22102

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**AUG 31 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Martin Ostermayr et al.	:	
Application No. 11/284,092	:	DECISION ON PETITION
Filed: November 22, 2005	:	TO WITHDRAW
Attorney Docket No. 543822019800	:	FROM RECORD

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

The request is **APPROVED**.

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

The request was signed by Deborah S. Gladstein on behalf of all attorneys of record. 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: **Martin Ostermayr**  
**Ludigstr. 9**  
**Feldkirchen, D-85622**

cc: **Patterson & Sheridan LLP**  
**3040 Post Oak Boulevard, Suite 1500**  
**Houston, TX 77056**


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/284,092	11/22/2005	Martin Ostermayr	543822019800

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

**CONFIRMATION NO. 3511**


\*OC000000025633492\*

Date Mailed: 08/30/2007

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 04/13/2007.

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

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

FORMER ATTORNEY/AGENT COPY



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P.O. BOX 9271  
RESTON, VA 20195

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**NOV 21 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Michael S. Gordon et al	:	
Application No. 11/284,093	:	DECISION ON PETITION
Filed: November 22, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 313120-P0002	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 27, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

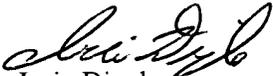
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes copies of Inventor Michael S. Gordon and David Arthur Lawson's birth certificates showing that they are 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 3715 for action on the merits commensurate with this decision.

  
 Irvin Dingle  
 Petitions Examiner  
 Office of Petitions



**FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON DC 20007**

**MAILED**

**MAY 26 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>THEOBALD, Daniel et al.</b>	:	
Application No. 11/284,094	:	DECISION ON PETITION
Filed: November 22, 2005	:	TO WITHDRAW
Attorney Docket No. 051189-0105	:	FROM RECORD
	:	

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 15, 2009.

The request is **APPROVED**.

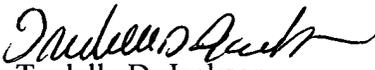
A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they 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 Walter Robinson on behalf of all attorneys of record who are associated with customer No. 22428. All attorneys/agents associated with the Customer Number 22428 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed March 11, 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: **DANIEL THEOBALD**  
**50 WHITE STREET**  
**SOMERVILLE MA 02144**

cc: **VECNA TECHNOLOGIES, INC.**  
**5004 LEHIGH ROAD**  
**COLLEGE PARK MD 20740**



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AUG 1 2006

ARENT FOX PLLC  
1050 CONNECTICUT AVENUE, N.W.  
SUITE 400  
WASHINGTON DC 20036

In re Application of :  
Rongen et al. : PETITION TO MAKE SPECIAL  
Serial No.: 11/284,095 :  
Filed: November 22, 2005 :  
Attorney Docket No.: 026392-00039 :

This is in response to applicants' petition filed June 5, 2006, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

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

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

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the general Office facsimile number, (703) 872-9306.

Marianne C. Seidel  
Special Program Examiner  
Technology Center 1600



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NUTTER MCCLENNEN & FISH LLP  
SEAPORT WEST  
155 SEAPORT BOULEVARD  
BOSTON, MA 02210-2604

Mail Date: 04/20/2010

**Applicant** : Charles D. Lennox : DECISION ON REQUEST FOR  
**Patent Number** : 7621945 : RECALCULATION of PATENT  
**Issue Date** : 11/24/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/284,114 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/21/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **814** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



**FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON DC 20007**

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In re Application of	:	
<b>BERGE, Bruno et al.</b>	:	
Application No. 11/284,125	:	<b>DECISION ON PETITION</b>
Filed: November 22, 2005	:	<b>TO WITHDRAW</b>
Attorney Docket No. <b>042098-0106</b>	:	<b>FROM RECORD</b>

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 27, 2008.

The request is **NOT APPROVED**.

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

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

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

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

*Michelle R. Eason*  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **MR. JONATHAN P. OSHA  
OSHA & LIANG LLP  
ONE HOUSTON CENTER  
SUITE 2800  
1221 MCKINNEY STREET  
HOUSTON, TEXAS 77010**



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

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**JAN 21 2009**

In re Application of	:	
<b>FEAVER, Aaron, et al.</b>	:	
Application No. 11/284, 140	:	<b>DECISION ON PETITION</b>
Filed: November 21, 2005	:	<b>TO WITHDRAW</b>
Attorney Docket No. 41523-0006US	:	<b>FROM RECORD</b>
	:	

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 November 20, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Leslie B. Overman 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 Michelle R. Eason at 571-272-4231.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

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



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

**MAILED  
JUL 19 2010  
OFFICE OF PETITIONS**

In re Application of	:	
<b>FEAVER, Aaron et al.</b>	:	
Application No. 11/284,140	:	DECISION ON PETITION
Filed: November 21, 2005	:	TO WITHDRAW
Attorney Docket No. <b>ENEG-004/00US 310647-2004</b>	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 06, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record 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 under 37 CFR 3.71, the most current address information provided for the first named inventor.

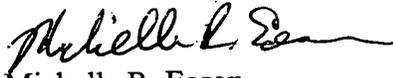
37 CFR 3.71(c) states:

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.

Therefore, as there is currently no statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request for Withdrawal.

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

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



Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **ENERG2, INC./SEED IP LAW GROUP PLLC**  
**701 FIFTH AVENUE**  
**SUITE 5400**  
**SEATTLE, WASHINGTON 98104**



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Perman & Green, LLP  
99 Hawley Lane  
Stratford CT 06614

In re Application of:  
YU, KUN et al.  
Application Serial No.: 11/284,141  
Filed: November 22, 2005  
For: **GESTURE BASED DOCUMENT EDITOR**

**MAIL**

JUL 29 2010

DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

DECISION  
ON PETITION  
REQUESTING REFUND

This is a decision on the petition treated under 37 CFR 1.181 filed April 16, 2010 to request a refund of fees in the amount of \$620.00 paid for the third month of a three month extension of time on March 25, 2010.

Petitioner asserts, "The charge is erroneous and should not have been made. Applicant filed the Amendment After Final (Final Office Action Dated 10/26/09) on March 25, 2010. Applicant paid for a three-month extension of time. Payment for a two-month extension of time should have been made."

A review of the file history finds a fee of \$1,110.00 was refunded on July 26, 2010 to applicant's deposit account and a fee of \$490.00 was charged on July 27, 2010 to applicant's deposit account. Both transactions were made with reference to the transaction submitted March 25, 2010. The net result is a refund of \$620.00.

Therefore, the Petition is **DISMISSED AS MOOT**.

The application file is being returned to Technology Center 2600 to await next action.

/Michael Horabik/

---

Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



**AKERMAN SENTERFITT  
P.O. BOX 3188  
WEST PALM BEACH, FL 33402-3188**

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**DEC 04 2007**

**OFFICE OF PETITIONS**

In re Application of :

**GAUL, Stephen J.** :

Application No. 11/284,149 :

Filed: November 21, 2005 :

Attorney Docket No. 7302-7 :

**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 14, 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 Neil R. Jetter on behalf of all attorneys of record who are associated with customer No. 30448. 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 October 03, 2007 that requires a reply from the applicant.

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

*Michelle R. Eason*  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **STEPHEN J. GAUL  
670 SABAL ROAD  
MELBOURNE VILLAGE, FL 32904**

cc: **FOGG & POWERS, LLC  
10 SOUTH FIFTH STREET  
SUITE 1000  
MINNEAPOLIS, MN 55402**



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

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**MAR 29 2006**

**OFFICE OF PETITIONS**

In re Application of Maunsell et al. :  
Application No. 11/284,208 : Decision on Petition  
Filing Date: January 24, 2006 :  
Attorney Docket No. 1170/40200A/110A-DIV :

This is a decision on the petition filed January 24, 2006, to consider two sheets of drawings to be part of the application and to accord the above-identified application a filing date of January 24, 2006, the date the drawings were filed with the Office.

The petition is **granted**.

The application was filed on November 21, 2005.

On December 30, 2005, the Office mailed a Notice stating that Figures 1 to 6 described in the specification did not appear to be included as part of the application filed. The Notice stated that, unless a petition was filed, the application would be examined without the missing drawings.

In response, the present petition supplies the drawings and requests that the date that the drawings are being supplied be the filing date of the application.

The application will be accorded a filing date of January 24, 2006. The 2 sheets of drawings will be entered as part of the application.

The Office of Initial Patent Examination will further process the file with a filing date of January 24, 2006, using the application papers filed on November 21, 2005, and the copy of the two sheets of drawings filed on January 24, 2006.

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

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**SONNENSCHN NATH & ROSENTHAL LLP  
P.O. BOX 061080  
WACKER DRIVE STATION, SEARS TOWER  
CHICAGO IL 60606-1080**

**COPY MAILED  
JUL 03 2006  
OFFICE OF PETITIONS**

In re Application of :  
Moskowitz, David W. : **DECISION ON PETITION**  
Application No. 11/284,227 : **TO WITHDRAW**  
Filed: November 21, 2005 : **FROM RECORD**  
Attorney Docket No. 60019190-1019 :

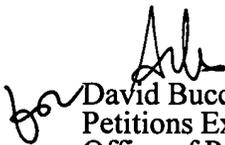
This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 14, 2006.

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

A review of the file record indicates that the power of attorney to the attorneys associated with Customer Number 26263 has been revoked by the assignee of the entire interest of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

  
David Bucci  
Petitions Examiner  
Office of Petitions

cc:

BLACKWELL SANDERS PEPPER MARTIN LLP  
720 OLIVE STREET  
SUITE 2400  
ST. LOUIS MO 63101

DAVID W. MOSKOWITZ, MD, MA, FACP  
C/O GENOMED, INC.  
9665 OLIVE BOULEVARD, SUITE 310  
ST. LOUIS, MO 63132



**Hu Lung Tan**  
**25755 48th Avenue**  
**Aldergrove BC V4W 1J6 CA CANADA**

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**MAR 01 2007**

In re Application of :  
Lung Tan HU :  
Patent No. 7,143,725 :  
Issue Date: December 5, 2006 :  
Application No. 11/284,228 :  
Filed: November 22, 2005 :  
Attorney Docket No. :

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the communication filed February 24, 2007, which is being treated as a petition under 37 CFR 1.181(a)(3), requesting acceptance of the Issue and Publication Fee payment submitted October 17, 2006.

The petition is **DISMISSED**.

Petitioner specifically requests that the check submitted with the Issue and Publication Fee payment be accepted because despite the fact that the check was drawn on a Canadian bank and failed to indicate that the funds were in U.S. Dollars, the account was a U.S. Dollar account.

Petitioner has submitted in support of his position a letter from Aida Chong of the Canadian Imperial Bank of Commerce stating that the account in question was in fact a U.S. Dollar Personal Account since September 20, 2002. Petitioner further contends that the lack of indication of U.S. Dollars on the check was a printer error that has been corrected as evidenced by a copy of another check with the identical account number and having U.S. Dollar Account printed thereon.

37 CFR 1.23(a) states:

All payments of money required for United States Patent and Trademark Office fees, including fees for the processing of international applications (§ 1.445), shall be made in U.S. dollars and in the form of a cashier's or certified check, Treasury note, national bank notes, or United States Postal Service money order. If sent in any other form, the Office may delay or cancel the credit until collection is made. Checks and money orders must be made payable to the Director of the United States Patent and Trademark Office. (Checks made payable to the Commissioner of Patents and Trademarks will continue to be accepted.) Payments from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required. Money sent to the Office by mail will be at the risk of the

sender, and letters containing money should be registered with the United States Postal Service.

In view of the above, the check submitted with the Issue and Publication Fee payment was payable and immediately negotiable in the United States for the full amount of the fee required. However, as the check in question was returned to petitioner, petitioner must submit another check in the amount of \$1,000 for payment of the Issue and Publication Fees by submitting a renewed petition. No further copy of the PTOL-85 Part B will be required, as petitioner has already submitted such. Furthermore, upon receipt of appropriate payment of the Issue and Publication Fees by renewed petition the application will not be considered to have been abandoned as petitioner had properly submitted the Issue and Publication Fees and the USPTO failed to accept the payment. Petitioner must attach a copy of this decision with the payment of the Issue and Publication Fees.

The Office apologizes for any inconvenience this may have caused petitioner.

It is further noted that the Petitions Examiner has redacted petitioner's bank account numbers appearing in the petition and that said account numbers were identical.

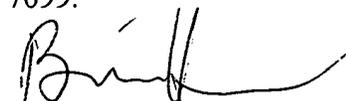
Any renewed petition may be addressed as follows:

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

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

Telephone inquiries concerning this decision should be directed to David Bucci at (571) 272-7099.

  
Brian Hearn  
Petitions Examiner  
Office of Petitions



**Hu Lung Tan**  
25755 48th Avenue  
Aldergrove BC V4W 1J6 CA CANADA

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**SEP 17 2007**  
**OFFICE OF PETITIONS**

In re Application of :  
Lung Tan HU :  
Patent No. 7,143,725 : ON PETITION  
Issue Date: December 5, 2006 :  
Application No. 11/284,228 :  
Filed: November 22, 2005 :  
Attorney Docket No. :

This is a decision on the renewed petition under 37 CFR 1.181(a)(3), filed March 15, 2007, requesting acceptance of the Issue and Publication Fee payment originally submitted October 17, 2006.

The petition is **GRANTED**.

Petitioner has satisfied the requirements of the previous petition decision mailed February 24, 2007 which required petitioner to submit another check in the amount of \$1,000 for payment of the Issue and Publication Fees by submitting a renewed petition.

Telephone inquiries concerning this decision should be directed to David Bucci at (571) 272-7099.

Brian Hearn  
Petitions Examiner  
Office of Petitions



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**LEO J. AUBEL**  
**111 RIVERSHIRE LANE**  
**LINCOLNSHIRE, IL 60069**

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**APR 10 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Beckwith, Robert W. :  
Application No. 11/284,239 :  
Filed: November 21, 2005 :  
Attorney Docket No. P85CIP2 :

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 21, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

This matter is being referred to the Technology Center Art Unit 2611 for action on the merits commensurate with this decision.

Liana Chase  
Petitions Examiner  
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE 6-19-09

Paper No.: \_\_\_\_\_

TO SPE OF : ART UNIT 2117

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/284268 Patent No.: 7447948

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

**FOR IFW FILES:** Please check Drawings

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

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

**FOR PAPER FILES:**

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

**Certificates of Correction Branch (C of C)  
Randolph Square 9C62-D  
Palm Location 7580**

*Ennis Young*  
Certificates of Correction Branch  
703-756-1542

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

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

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

/Kevin L Ellis/ 2117  
\_\_\_\_\_  
**SPE** **Art Unit**



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EATON CORPORATION  
EATON CENTER  
1111 SUPERIOR AVENUE  
CLEVELAND, OH 44114

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**MAR 28 2007**

**OFFICE OF PETITIONS**

In re Application of

Zurface, et al.

Application No. 11/284,269

Filed: November 21, 2005

Attorney Docket No. 04-ECD-278

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed on January 26, 2006.

The petition is **granted**.

This application was held abandoned on December 2, 2006, after no reply was received to the Corrected Notice of Allowance and Issue Fee Due mailed September 1, 2006. The notice set forth a statutory period for reply of three months from its mailing date. A Notice of Abandonment was mailed on December 27, 2006. The instant petition was filed on January 26, 2006. Petitioner maintains that the notice of September 1, 2006, was never received and provides a copy of the relevant docket records as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as to prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file will be directed to the Technology Center 3700, GAU 3748 for further processing including remailing of the Notice of Allowance and Issue Fee Due and resetting of the time period set for reply.

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

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



EATON CORPORATION  
EATON CENTER  
1111 SUPERIOR AVENUE  
CLEVELAND, OH 44114

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AUG 28 2008

**OFFICE OF PETITIONS**

In re Application of :  
Zurface et al. :  
Application No. 11/284,269 : DECISION ON PETITION  
Filed: November 21, 2005 :  
Attorney Docket No. 04-ECD-278 :

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

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment and a Terminal Disclaimer; (2) the petition fee of \$1,540.00; (3) a proper statement of unintentional delay.

A request for a terminal disclaimer was submitted without the fee of \$130.00 as required by 37 CFR 1.137(d). However, petitioner has authorized payment of this fee in the documents filed August 1, 2008. Therefore, the request for a terminal disclaimer is accepted and has been made of record.

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 \$1,050.00, three month extension of time fee submitted with the petition on August 1, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account. However, since petitioner failed to submit the required \$130.00 terminal disclaimer fee, the \$130.00 fee will be subtracted from the \$1,050.00 refund amount. Thus the refund will be adjusted to the amount of \$920.00.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

This application is being referred to Technology Center AU 3748 for appropriate action by the Examiner in the normal course of business on the amendment submitted August 1, 2008.



Liana Walsh  
Petitions Examiner  
Office of Petitions

cc: Eaton Corporation  
Anna M. Shih  
26201 Northwestern Highway  
South Field, MI 48076



# 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

QUALCOMM INCORPORATED  
5775 MOREHOUSE DR.  
SAN DIEGO, CA 92121

Mail Date: 04/29/2010

**Applicant** : Rajiv Laroia : DECISION ON REQUEST FOR  
**Patent Number** : 7610024 : RECALCULATION of PATENT  
**Issue Date** : 10/27/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/284,285 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/21/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **406** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



DORSEY & WHITNEY, LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
370 SEVENTEENTH STREET  
SUITE 4700  
DENVER CO 80202-5647

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SEP 14 2009

**OFFICE OF PETITIONS**

In re Application of  
Scott P. Thompson et al.  
Application No. 11/284,327  
Filed: November 21, 2005  
Attorney Docket Number: 186333/US

ON PETITION

This is a decision on the petition filed July 31, 2009 under 37 CFR 1.48 which is being treated under 37 CFR 1.182, to correct the name of the first inventor due to error on the part of the applicant.

The petition is **GRANTED**.

Petitioner submits that the application and declaration as originally filed incorrectly identified the first inventor as Scott W. Thompson but that his legal name which hasn't been changed is Scott P. Thompson. Petitioner submits a statement explaining how the error was occasioned and a statement that the error was not with deceptive intent. Additionally, a supplemental oath or declaration properly identifying the first inventor and signed by all of the inventors was submitted on Jul 31, 2009. Petitioner requests a correction of the file record.

In view of the instant request, the following inventor name data has been changed.

Inventor 1) Scott P. Thompson

The fee for a petition under 37 CFR 1.182 is set at \$400 not \$130 as has been indicated in the petition. Per the authorization contained in the petition, deposit account no. 04-1415 has been charged in the amount of \$400 for the instant petition.

A corrected filing receipt is included with this decision and this matter is being referred to Technology Center 3655.

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

Patricia Faison-Ball  
Senior Petitions Attorney  
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: 11/284,327, 11/21/2005, 3634, 1530, 186333/US, 22, 2

CONFIRMATION NO. 6079

CORRECTED FILING RECEIPT



20686
DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

Date Mailed: 09/11/2009

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

Applicant(s)

Scott P. Thompson, Longmont, CO;
Robert Wagner, Longmont, CO;

Assignment For Published Patent Application

Carefree/Scott Fetzer Company, Broomfield, CO

Power of Attorney: The patent practitioners associated with Customer Number 20686

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/27/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/284,327

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

SYSTEM FOR CONNECTING AWNING CANOPY TO SUPPORT SURFACE

**Preliminary Class**

160

**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).



OLTMAN, FLYNN & KUBLER  
SUITE #415  
915 MIDDLE RIVER DRIVE  
FORT LAUDERDALE FL 33304

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**OFFICE OF PETITIONS**

In re Application of	:	
Saverio Scalzi	:	
Application No. 11/284,335	:	ON PETITION
Filed: November 21, 2005	:	
Attorney Docket No.: 13309	:	

This is a decision on the petition filed May 8, 2009 under 37 CFR 1.137(b),<sup>1</sup> to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed April 24, 2008. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned July 25, 2008. Accordingly, a Notice of Abandonment was mailed November 6, 2008.

This matter is being referred to Technology Center 3746 for appropriate action on the amendment filed May 8, 2009.

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

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

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

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

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

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may 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).



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BOEING MANAGEMENT COMPANY  
P.O. BOX 2515  
MAIL CODE 110-SD54  
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

<b>Applicant</b>	: Philip Smereczniak	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7641153	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/284,337	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/21/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **661** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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ONE PLASTICS AVENUE  
PITTSFIELD, MA 01201-3697

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**MAY 23 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Sanjay Braj Mishra et al :  
Application No. 11/284,352 :  
Filed: November 21, 2005 :  
Attorney Docket No. 160021-2 :

**ON PETITION**

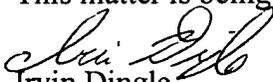
This is a decision on the petition under 37 CFR 1.137(b), filed January 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed June 1, 2007 which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 2, 2007.

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

This matter is being referred to Technology Center AU 1794 for further processing.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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

Mail Date: 05/20/2010

**Applicant** : Imad Libbus : DECISION ON REQUEST FOR  
**Patent Number** : 7630760 : RECALCULATION of PATENT  
**Issue Date** : 12/08/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/284,370 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/21/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **449** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



WILLIAM COLLARD  
COLLARD & ROE, P.C.  
1077 NORTHERN BOULEVARD  
ROSLYN, NY 11576

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OFFICE OF PETITIONS

In re Application of	:	
Lechner et al.	:	
Application No. 11/284388	:	ON PETITION
Filing or 371(c) Date: 11/21/2005	:	
Pat. Num./Pub. Num: 7,069,892	:	
Issue Date: 07/04/2006	:	
Title of Invention: CAMSHAFT FOR	:	
AUTOMOTIVE ENGINES IN PARTICULAR :	:	

This is a decision on the “Petition for Suspension of the Rules to Permit Acceptance of a Supplemental Declaration Correcting the Citizenship of One of the Inventors Provided After Issuance of the Patent”, filed August 14, 2006.

The petition is **dismissed**.

Background

Patentee files the instant petition to correct the citizenship of inventor Martin Lechner. Applicant does not identify the rules for which he seeks waiver. A review of the Supplemental Oath/Declaration filed with the petition reveals that Applicant has also changed the residence of the inventor Martin Lechner.

It is initially noted that the provisions of 35 U.S.C. §§ 115 and 116, and 37 CFR §§ 1.63 and 1.67 refer to applications for patents. These sections have no bearing on an issued patent. Moreover, the requirement to execute the oath, including citizenship, is set by statute, and therefore may not be waived. In addition, this is not a type of minor mistake that is correctable via a certificate of correction<sup>1</sup>.

Mistakes in a patent which are not correctable by Certificate of Correction may be correctable via filing a reissue application (see MPEP § 1401 - § 1460).

<sup>1</sup> The mistake must be:

- (1) of a clerical nature,
- (2) of a typographical nature, or
- (3) a mistake of minor character.

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

  
Derek L. Woods  
Attorney  
Office of Petitions



WILLIAM COLLARD  
COLLARD & ROE, P.C.  
1077 NORTHERN BOULEVARD  
ROSLYN, NY 11576

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**FEB 07 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Lechner et al.	:	
Application No. 11/284388	:	ON PETITION
Filing or 371(c) Date: 11/21/2005	:	
Pat. Num./Pub. Num: 7,069,892	:	
Issue Date: 07/04/2006	:	
Title of Invention: CAMSHAFT FOR	:	
AUTOMOTIVE ENGINES IN PARTICULAR	:	

This is a decision on the “Renewed Petition Under 37 C.F.R. 1.182 and 1.183 to Permit Acceptance of a Supplemental Declaration Correcting the Citizenship of One of the Inventors Provided After Issuance of the Patent”, filed December 18, 2006.

The petition is **dismissed as immaterial**.

Background

Patentee filed a petition to correct the citizenship of inventor Martin Lechner on August 14, 2006.

The petition was dismissed in a decision mailed December 12, 2005. The Decision dismissing the petition noted that the provisions of 35 U.S.C. §§ 115 and 116, and 37 CFR §§ 1.63 and 1.67 refer to applications for patents, and have no bearing on an issued patent. Moreover, the requirement to execute the oath, including citizenship, is set by statute, and therefore may not be waived. As such, this is not a type of minor mistake that is correctable via a certificate of correction<sup>1</sup>. The Decision informed Applicant that mistakes in a patent which are not correctable by Certificate of Correction may be correctable via filing a reissue application (see MPEP § 1401 - § 1460).

<sup>1</sup> The mistake must be:

- (1) of a clerical nature,
- (2) of a typographical nature, or
- (3) a mistake of minor character.

The present renewed petition

Patentee files the present renewed petition and asserts that the error is a clerical error of minor character correctable via certificate of correction, and does not involve such changes to the patent that would constitute new matter or would require reexamination.

Analysis

An oath or declaration executes an application and has no bearing on an issued patent. See, 37 CFR 1.63. Because the application has matured into a patent, there is no application requiring execution, and no rule to waive. As such, the petition under 1.183 is dismissed.

Additionally, a Certificate of Correction is issued to correct mistakes that appear in the patent. See, 35 U.S.C. § 255. Because citizenship of an inventor does not appear in the patent, a Certificate of Correction is inapplicable to effect the requested correction.

Conclusion

The Office will place the supplemental declaration filed with the present petition in the patented file, which is laid open for public inspection.

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

  
Derek L. Woods  
Attorney  
Office of Petitions



DA c  
W

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: LECHNER, M. ET AL - 5 (PCT)  
PATENT NO.: 7,069,892 SERIAL NO.: 11/284,388  
ISSUED: July 4, 2006 FILED: NOVEMBER 21, 2005  
TITLE: CAMSHAFT FOR AUTOMOTIVE ENGINES IN PARTICULAR

**RESPONSE TO DECISION ON RENEWED PETITION UNDER 37 C.F.R. 1.182 AND  
1.183 TO PERMIT ACCEPTANCE OF A SUPPLEMENTAL DECLARATION  
CORRECTING THE CITIZENSHIP OF ONE OF THE INVENTORS PROVIDED  
AFTER ISSUANCE OF THE PATENT**

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

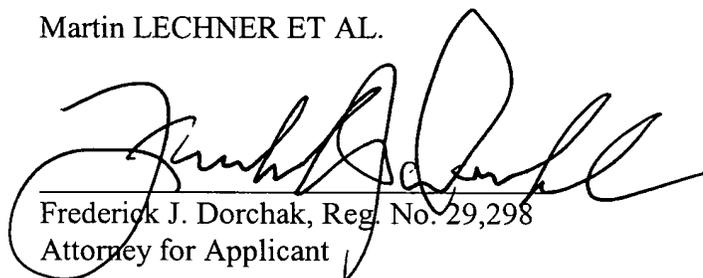
Dear Sir:

Patentee responds to the Decision on the Renewed Petition in the above-identified patent dated February 7, 2007. The February 7, 2007 Decision dismissed the patentee's Renewed Petition to accept a supplemental Declaration to correct the citizenship of co-inventor Martin Lechner, which was incorrectly indicated as German in the Declaration filed while the case was pending, as immaterial. In particular, the Renewed Petition was dismissed on the bases that: 1) since the application has matured into a patent, there is no application requiring execution and no rule to waive; and 2) since the citizenship of the inventors does not appear in the patent, a Certificate of Correction is inapplicable to effect the requested correction.

Patentee submitted along with the Petition and Renewed Petition, a supplemental Declaration correctly setting forth the citizenship of co-inventor Martin Lechner as Austrian. The February 7, 2007 Decision provides that the supplemental Declaration will be placed in the official file of the above-identified patent, which is laid open for public inspection. Patentee considers the presence of the supplemental Declaration setting forth the correct citizenship of Mr. Lechner in the official file of the patent, which may be inspected by the public, to be sufficient to remedy the inadvertent failure of the previous Declaration to correctly set forth the citizenship of Mr. Lechner. Accordingly, patentee hereby withdraws its request for a Certificate of Correction.

Respectfully submitted,

Martin LECHNER ET AL.



Frederick J. Dorchak, Reg. No. 29,298  
Attorney for Applicant

COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 15, 2007.



Kelly Espitia

R:\Patents\LALECHNER, M. ET AL. 5\Resp to Decision to Pet 2-12-07.wpd



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

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In re Application of :  
**MATSUURA**, et al. :  
Application No. 11/284,413 : DECISION GRANTING PETITION  
Filed: November 21, 2005 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. SCET 22.236(100809-00297) :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 20, 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 29, 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.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2837 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

<sup>1</sup> 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/284,414	11/21/2005	Jeffrey Jacob Cemohous	54509.0038	6286

57600 7590 08/20/2008  
HOLLAND & HART LLP  
60 E. South Temple, Suite 2000  
P.O. Box 11583  
Salt Lake City, UT 84110

EXAMINER

CHANG, VICTOR S

ART UNIT PAPER NUMBER

1794

MAIL DATE DELIVERY MODE

08/20/2008

PAPER

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

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



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8/20/08

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Mailed:	:	
In re application of	:	
CERNOHOUS	:	DECISION ON
Serial No. 11/284,414	:	PETITION
Filed: November 21, 2005	:	
For: FOAMING ADDITIVES	:	

This is a decision on the PETITION TO THE DIRECTOR TO REVIEW REQUIREMENT FOR RESTRICTION made final in the office action mailed August 28, 2007.

On December 28, 2006, a restriction requirement was mailed by the examiner. The restriction requirement listed two categories of species and directed applicant to elect a single species from each category. Applicant responded on January 26, 2007 and elected the "sodium bicarbonate and/or sodium carbonate" blowing agent from category I and composition E from category II. Applicant stated in the response that claims 1-11, 14-24, 27-38 and 44 read on the elected species. In an office action mailed August 28, 2007, the examiner set forth that claims 1-37 and 39-47 were withdrawn from consideration as being directed to a non-elected species. The examiner made the requirement final.

On May 15, 2008 the instant petition under 37 CFR 1.181 was timely filed to formally request that the examiner withdraw the restriction requirement.

**DECISION**

The MPEP states in part:

**806.04 [R-3] Genus and/or Species< Inventions**

Where an application includes claims directed to different embodiments or species that could fall within the scope of a generic claim, restriction between the species may be proper if the species are independent or distinct. However, 37 CFR 1.141 provides that an allowable generic claim may link a reasonable number of species embraced thereby. The practice is set forth in 37 CFR 1.146.

**806.04(h) Species Must Be Patentably Distinct From Each Other [R-3] - 800 Restriction in Applications Filed Under 35 U.S.C. 111; Double Patenting**

**806.04(h) Species Must Be Patentably Distinct From Each Other [R-3]**

In making a requirement for restriction in an application claiming plural species, the examiner should group together species considered clearly unpatentable over each other.

Where generic claims are **>allowable<**, applicant may claim in the *same application* additional species as provided by 37 CFR 1.141. **>See MPEP § 806.04**. Where an applicant files a divisional application claiming a species previously claimed but nonelected in the parent case pursuant to and consonant with a requirement to restrict a double patenting rejection of the species claim(s) would be prohibited under 35 U.S.C. 121. See MPEP § 821.04(a) for rejoinder of species claims when a generic claim is allowable.**<**

Where, however, **\*\*** claims to a different species, or **\*** a species disclosed but not claimed in a parent case as filed and first acted upon by the examiner, **>are voluntarily presented in a different application having at least one common inventor or a common assignee (i.e., no requirement for election pertaining to said species was made by the Office)<** there should be close investigation to determine **>whether a double patenting rejection would be appropriate<**. See MPEP § 804.01 and § 804.02.

### **803 Restriction - When Proper**

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

### **808.02 Establishing Burden [R-5] - 800 Restriction in Applications Filed Under 35 U.S.C. 111; Double Patenting**

#### **808.02 Establishing Burden [R-5]**

Where, as disclosed in the application, the several inventions claimed are related, and such related inventions are not patentably distinct as claimed, restriction under 35 U.S.C. 121 is never proper ( MPEP § 806.05). If applicant voluntarily files claims to such related inventions in different applications, double patenting may be held.

Where the **\*** inventions as claimed are shown to be independent or distinct under the criteria of MPEP § 806.05(c) - § 806.06, the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner if restriction is not required. Thus the examiner must show by appropriate explanation one of the following:

(A) **Separate classification thereof**: This shows that each invention has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. Patents need not be cited to show separate classification.

(B) **A separate status in the art when they are classifiable together**: Even though they are classified together, each invention can be shown to have formed a separate subject for inventive effort when the examiner can show a recognition of separate inventive effort by inventors. Separate status in the art may be shown by citing patents which are evidence of such separate status, and also of a separate field of search.

(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.

Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among independent or related inventions.

In the present application, the examiner withdrew claims 1-37 and 39-47 from consideration.

The petition clearly shows on page 4, that at least independent claims 44 and 45 read on the elected species, i.e. are not patentably distinct from the elected species, and thus should not have been indicated to be patentably distinct species and withdrawn from consideration.

Additionally, the examiner has not established that any serious burden exists to examine all of the claims as required by MPEP Section 803 such as by providing evidence of different classification of the species. See MPEP 808.02 above.

Accordingly, the restriction requirement is improper and should be withdrawn. The instant petition is **GRANTED**. The examiner is directed to withdraw the requirement and prepare a new office action.



Jacqueline M. Stone, Director  
Technology Center 1700  
Chemical and Materials Engineering

HOLLAND & HART LLP  
60 E. South Temple, Suite 2000  
P.O. Box 11583  
Salt Lake City UT 84110



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/284,414	11/21/2005	Jeffrey Jacob Cernohous	54509.0038	6286

57600 7590 04/14/2009  
HOLLAND & HART LLP  
60 E. South Temple, Suite 2000  
P.O. Box 11583  
Salt Lake City, UT 84110

EXAMINER

CHANG, VICTOR S

ART UNIT PAPER NUMBER

1794

MAIL DATE DELIVERY MODE

04/14/2009

PAPER

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



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Mailed: ~~APR 14 2009~~  
In re application of  
CERNOHOUS  
Serial No. 11/284,414  
Filed: November 21, 2005  
For: FOAMING ADDITIVES

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DECISION ON  
PETITION

This is a decision on the PETITION TO THE DIRECTOR TO REVIEW REQUIREMENT FOR RESTRICTION.

On August 20, 2008 a petition decision was mailed in which the examiner was direct to withdraw the restriction requirement. Instead the examiner mailed a final rejection in which he withdrew the species restriction requirement with respect to only claims 44 and 45.

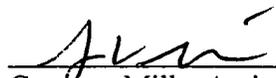
On February 17, 2009 the instant petition under 37 CFR 1.181 was timely filed to formally request that the Director overturn the Examiner's determination that only claims 38,44 and 45 read on the elected species and only these should be examined.

**DECISION**

The restriction requirement done by the examiner is incorrect and cannot be maintained. First it is recognized that the examiner indicated that claim 1 is generic to the proposed species, yet did not examine claim 1. Further, the application contains claims to a foaming additive, a foamed material, a melt processable composition and methods. The examiner attempts to improperly restrict these inventions as species only. Other clear errors in this restriction requirement include restricting claims 27 and 41 as species when they are clearly combination/subcombination claims which require two-way distinctness for restriction; and restricting claim 38 from the claim 27 on which it depends.

Additionally, the examiner has not established that any serious burden exists to examine all of the claims as required by MPEP Section 803 such as by providing evidence of different classification of the species. See MPEP 808.02 above.

Accordingly, the restriction requirement is improper and should be withdrawn. The instant petition is **GRANTED**. The examiner is directed to withdraw the requirement **with respect to all claims** and prepare a new office action on the merits.



Gregory Mills, Acting Director  
Technology Center 1700  
Chemical and Materials Engineering

HOLLAND & HART LLP  
60 E. South Temple, Suite 2000  
P.O. Box 11583  
Salt Lake City UT 84110



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www.uspto.gov

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

COPY MAILED  
NOV 20 2008

In re Application of :  
Hiromitsu Matsuura, et al. :  
Application No. 11/284,426 : DECISION GRANTING PETITION  
Filed: November 21, 2005 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. SCET 22.235 (100809- :  
00296) :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 18, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on July 17, 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.<sup>1</sup>*

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

This application is being referred to Technology Center AU 2837 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

---

<sup>1</sup> *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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P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No.

FULBRIGHT & JAWORSKI, LLP  
666 FIFTH AVE  
NEW YORK NY 10103-3198

**COPY MAILED**

**DEC 22 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Krempel-Hesse et al.	:	
Application No. 11/284,439	:	DECISION ON PETITION
Filed: November 21, 2005	:	PURSUANT TO
Attorney Docket No.: AFILM-202	:	37 C.F.R. § 1.181(A)
Title: MAGNETRON SPUTTER	:	
CATHODE	:	

This is a decision on the petition filed November 4, 2009, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed March 11, 2009, 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 June 12, 2009. A notice of abandonment was mailed on September 25, 2009.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is

required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee ( 35 U.S.C. 151) or for failure to prosecute ( 35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.** It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by

the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

(Emphases added).

#### ANALYSIS

With this petition, Practitioner has stated that the non-final Office action was not received at the correspondence address of record,<sup>1</sup> and that a search of the "file and docket records" indicates the same.<sup>2</sup> This statement is being construed to mean that Petitioner personally reviewed both the file jacket and its contents, and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

Petitioner has further included a copy of the individual docket report that is associated with this particular application.

---

1 Petition, page 1.

2 Crawford declaration of facts, paragraph 4.

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

First, Petitioner has not provided a statement describing the system used for recording an Office communication received at the correspondence address of record with the USPTO.

Second, Petitioner has not established that the docketing system is sufficiently reliable.

On renewed petition, Petitioner should provide a statement which explains how the docketing system which his firm utilizes serves to ensure that the correspondence recorded therein is responded to in a timely manner.

Third, Petitioner has not provided a copy of the master docket for the firm, or stated that no such master docket exists and submitted other forms of evidence listed in the portion of the MPEP reproduced above (other than the individual docket report that is associated with this particular application).

#### CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,<sup>3</sup> hand-delivery,<sup>4</sup> or facsimile.<sup>5</sup> Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.<sup>6</sup>

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything

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3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

5 (571) 273-8300- please note this is a central facsimile number.

6 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>7</sup> All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanowski/  
Paul Shanowski  
Senior Attorney  
Office of Petitions

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<sup>7</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/284,441	11/21/2005	Michael Graeve	MB 521

KLAUS J. BACH  
4407 TWIN OAKS DRIVE  
MURRYSVILLE PA 15668

DATE MAILED: February 15, 2007

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

This is in response to the petition under 37 CFR 1.138(d) filed February 6, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

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

Barbara J. Debram  
Pre-Grant Publication Division



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST-NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/284,443 11/21/2005 Steffen Henzler MB 520 6153
7590 08/06/2009
KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668
EXAMINER
JOYCE, WILLIAM C
ART UNIT PAPER NUMBER
3656
MAIL DATE DELIVERY MODE
08/06/2009 PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be 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 dismissed.

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

- 1. [X] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. [ ] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [ ] The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. [ ] The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Mimi Farmer
Patent/Publication Branch
Office of Data Management



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 11/284,443, 11/21/2005, Steffen Henzler, MB 520, 6153
Row 2: 7590, 08/14/2009, KLAUS J. BACH, 4407 TWIN OAKS DRIVE, MURRYSVILLE, PA 15668
Row 3: EXAMINER, JOYCE, WILLIAM C
Row 4: ART UNIT, PAPER NUMBER, 3656
Row 5: MAIL DATE, DELIVERY MODE, 08/14/2009, PAPER

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

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

The petition is granted.

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

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

Betty Powell (handwritten signature)

Patent Publication Branch
Office of Data Management

Adjustment Date: 08/14/2009 BPOWELL
01/10/2005 REEBRAHT 00000008 500465 11284443
02 FC:1111 500.00 CR

Adjustment date: 08/14/2009 BPOWELL
01/10/2005 REEBRAHT 00000008 500465 11284443
02 FC:1111 500.00 LX



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

Mail Date: 07/26/2010

**Applicant** : Josef Baumgartner : DECISION ON REQUEST FOR  
**Patent Number** : 7650127 : RECALCULATION of PATENT  
**Issue Date** : 01/19/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/284,462 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/21/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **944** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Alexandria, Virginia 22313-1450  
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Workman Nydegger  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, UT 84111

Mail Date: 04/21/2010

<b>Applicant</b>	: Scott Eric Moore	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7568579	: RECALCULATION of PATENT
<b>Issue Date</b>	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/284,472	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/22/2005	: 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.



**EXXONMOBIL RESEARCH & ENGINEERING COMPANY**  
**P.O. BOX 900**  
**1545 ROUTE 22 EAST**  
**ANNANDALE, NJ 08801-0900**

**MAILED**

**APR 26 2010**

**OFFICE OF PETITIONS**

In re Application of  
**Mark D. WINEMILLER, et al.**  
Application No. 11/284,475  
Filed: November 22, 2005  
Attorney Docket No. **GPK-0506**

:  
:  
:  
:  
:

**DECISION ON PETITION  
UNDER 37 CFR 1.137(b)**

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 22, 2010, 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, July 6, 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 October 7, 2009.

The petition is **DISMISSED**.

The petition does not set forth petitioner's registration number.

37 CFR 1.33 (b) states that:

Amendments and other papers filed in the application must be signed by:

- (1) An attorney or agent 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);

\* \* \* \* \*

37 CFR 1.34 states:

"When a patent practitioner acting in a representative capacity appears in person or signs a paper in practice before the United States Patent and Trademark Office in a patent case, his or her personal appearance or signature shall constitute a representation to the United States Patent and Trademark Office that under the provisions of this subchapter and the law, he or she is authorized to represent the particular party on whose behalf he or she acts. In filing such a paper, the patent practitioner must set forth his or her registration number, his or her name and signature. Further proof of authority to act in a representative capacity may be required."

Further, a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(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 requisite petition fee has been submitted. However, this petition does not comply with 37 CFR 1.137(b) since the petition lacks item (3).

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. Therefore, the statement of unintentional delay in an improperly filed petition cannot be accepted.

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 Monica A. Graves at (571) 272-7253.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions



**EXXONMOBIL RESEARCH & ENGINEERING COMPANY**  
**P.O. BOX 900**  
**1545 ROUTE 22 EAST**  
**ANNANDALE, NJ 08801-0900**

**MAILED**

**JUN 17 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>Mark D. WINEMILLER, et al.</b>	:	
Application No. 11/284,475	:	DECISION ON PETITION
Filed: November 22, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. <b>GPK-0506</b>	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 21, 2010, 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, July 6, 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 October 7, 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 items (1) and (3) above.

Turning first to item (3) above, the statement of unintentional delay is not considered at this time to be a properly submitted statement. In this regard, the petition containing the statement of unintentional delay is signed by Gary P. Katz, who is an attorney for ExxonMobil Research & Engineering Company.

*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.

Therefore, as the petition containing the statement of unintentional delay is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Mr. Gary P. Katz) was ever given a power of attorney to act on behalf of the other inventors, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay. **As it appears that Mr. Katz is signing on behalf of an assignee, compliance with 37 CFR 3.73(b) must be satisfied.** In this regard, 37 CFR 3.73(b) provides:

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

(i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment \* \* \* For patent matters only, the submission of the documentary evidence must be accompanied by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee

was or concurrently is being submitted for recordation pursuant to § 3.11; or

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

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

(i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or

(ii) Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.

(c) For patent matters only:

(1) Establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted.

(2) If the submission under this section is by an assignee of less than the entire right, title and interest, such assignee must indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership.

In view of the above, and as it appears that Mr. Katz is signing the statement of unintentional delay as an assignee, then compliance with 37 CFR 3.73(b) must be satisfied. A blank certificate under 37 CFR 3.73(b) is enclosed with this decision for petitioner's convenience.

As to item (1) above, the reply is considered defective also for the reasons stated above (that the paper (reply) must be signed by a proper party; *i.e.*, all the inventors or an assignee of the entire interest and, if signed by an assignee of the entire interest, must satisfy the provisions of 37 CFR 3.73(b).

In sum, petitioner must submit a petition containing a statement of unintentional delay and reply (amendment) signed by all the inventors, **unless** petitioner herein is the assignee of the entire right, title and interest in the instant application, then compliance with 37 CFR 3.73(b) must be satisfied, which can be accomplished by completion of the enclosed certificate under 37 CFR 3.73(b).

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

By mail: Mail Stop PETITIONS

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

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

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

Any questions concerning this matter may be directed to Monica A. Graves at (571) 272-7253.



Thurman K. Page  
Petitions Examiner  
Office of Petitions

Enclosure: **Certificate under 37 CFR 3.73(b) and Privacy Act Statement**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: \_\_\_\_\_

Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: \_\_\_\_\_

Titled: \_\_\_\_\_

\_\_\_\_\_, a \_\_\_\_\_  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1.  the assignee of the entire right, title, and interest in;
- 2.  an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
- 3.  the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy therefore is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet(s).

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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RYAN KROMHOLZ & MANION, S.C.  
POST OFFICE BOX 26618  
MILWAUKEE, WI 53226

**COPY MAILED**

**AUG 18 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Rongshan Li	:	
Application No. 11/284,501	:	DECISION ON PETITION
Filed: November 22, 2005	:	TO WITHDRAW
Attorney Docket No. 9618.18717-PROV FOR	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 3, 2006.

The request is **APPROVED**.

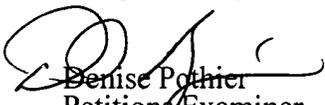
A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between 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 Daniel Ryan on behalf of all attorneys of record who are associated with Customer No. 26308.

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

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

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



Denise Pothier  
Petitions Examiner  
Office of Petitions

cc: Dr. Rongshan Li  
3280 Yale Court  
Brookfield, WI 53005



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.
11/284,503	11/22/2005	Bruce J. Whitefield	05-0851	6491

23483 7590 08/31/2009  
WILMERHALE/BOSTON  
60 STATE STREET  
BOSTON, MA 02109

EXAMINER

SMITH, MATTHEW S

ART UNIT	PAPER NUMBER
2823	

NOTIFICATION DATE	DELIVERY MODE
08/31/2009	ELECTRONIC

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

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

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

michael.mathewson@wilmerhale.com  
teresa.carvalho@wilmerhale.com  
sharon.matthews@wilmerhale.com



UNITED STATES DEPARTMENT OF COMMERCE

**U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11284503	11/22/2005	WHITEFIELD ET AL.	05-0851

WILMERHALE/BOSTON  
60 STATE STREET  
BOSTON, MA 02109

EXAMINER

MATTHEW SMITH

ART UNIT

PAPER

2823

20090814

DATE MAILED:

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

Commissioner for Patents

A Decision on applicant's Petition under 37 CFR 1.48(a) accompanies this letter.

/Matthew S. Smith/  
Supervisory Patent Examiner, Art Unit 2823

Matthew S. Smith  
SPE  
Art Unit: 2823



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No. 8142009

Larissa Bifano Park  
Wilmer Cutler Pickering Hale and Dorr LLP  
60 State Street  
Boston, MA 02109

Appl No.: 11/284,503 :  
Inv: Whitefield et al. : **DECISION ON PETITION**  
Filed: November 22, 2005 : **UNDER 37 CFR 1.48(a)**  
For: NANOTUBE FUSE STRUCTURE :

This is a decision on the applicant's "Petition to Correct And/Or Add to Originally Named Inventors to a Patent Application" filed under 37 CFR 1.48(a) filed on February 20, 2009. The applicant requests that the names of Thomas Rueckes and Claude L. Bertin be added to the list of inventors as originally filed, namely, Bruce J. Whitefield and Derryl D. J. Allman.

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

This decision is being forwarded to our Technical Support Staff for entry into the file and for correction/updating of the Office's Patent Application Location and

Monitoring system whereby the application will have the inventorship listed as being:  
Bruce J. Whitefield, Derryl D.J. Allman, Thomas Rueckes and Claude L. Bertin as the  
actual inventors.

A handwritten signature in black ink, appearing to read "Matthew S. Smith". The signature is fluid and cursive, with the first name being the most prominent.

Matthew S. Smith

Supervisory Primary Examiner AU 2823

Technology Center 2800



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Moore, Hansen & Sumner, PLLP  
Suite 4850  
225 South Sixth Street  
Minneapolis, MN 55402

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**MAY 01 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Randy L. Squier :  
Application No.: 11/284512 : ON PETITION  
Filing or 371(c) Date 11/22/2005 :  
Title of Invention: :  
LOCK ASSEMBLY HAVING SECURE :  
ENGAGEMENT PLATE :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed January 18, 2007.

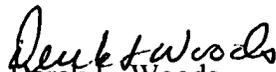
This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed October 4, 2006. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on January 5, 2007. The mailing of this decision precedes the mailing of a Notice of Abandonment.

Applicant has submitted the issue fee with the instant petition.

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

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

  
Derek L. Woods  
Attorney  
Office of Petitions



ROY L. ANDERSON  
LAW OFFICES OF ROY ANDERSON  
401 N. BRAND BLVD. SUITE 520  
GLENDALE, CA 91203

**COPY MAILED**

**JAN 27 2006**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Rocky L. Edwards et al	:	
Application No. 11/284,534	:	<b>DECISION ON PETITION</b>
Filed: November 21, 2005	:	<b>TO MAKE SPECIAL UNDER</b>
Attorney Docket No. RLA35.140	:	<b>37 CFR 1.102(c)(2)</b>
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(iii), filed November 21, 2005, 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)

The instant petition fails to meet the criteria of “materially” contributing to countering terrorism as set forth above. The invention is in the field of systems and methods for linking multiple events involving firearms. Petitioner state “ it should be noted that this application discloses an invention that assists law enforcement personnel in tracking and identifying patterns in criminal activities involving firearms.” While the invention may be beneficial in assisting law enforcement personnel, there is no “material” evidence that the invention actually “counters” terrorism as defined in 18 U.S.C. 2331 (repeated above). The Declaration of Rocky L. Edwards received with the petition to make special does not show that the invention materially contributing to counting terrorism. Therefore the petition does not rise to the level intended by the Rule.

Since no fee is required, petitioner may request a refund of the \$130 submitted with the petition on November 21, 2005 by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner’s request.

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

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

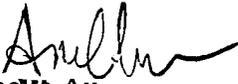
By hand:                    U. S. Patent and Trademark Office  
                                  Customer Service Window, Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA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

By FAX:                    (571) 273-8300

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

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

The application is being forwarded to the Technology Center Art Unit 3641 for action in its regular turn.

  
Ametta Au  
Petitions Examiner  
Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 5-27-2010

TO SPE OF : ART UNIT 2628

SUBJECT : Request for Certificate of Correction for Appl. No.:11284547 Patent No.:7595801\_\_\_\_\_

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**

Eva James  
Certificates of Correction Branch  
703-756-1583 \_\_\_\_\_

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

- |   |  |
|---|--|
| <input type="checkbox"/> <b>Approved</b>                    | All changes apply.                               |
| <input checked="" type="checkbox"/> <b>Approved in Part</b> | Specify below which changes <b>do not</b> apply. |
| <input type="checkbox"/> <b>Denied</b>                      | State the reasons for denial below.              |

**Comments:** For item 1, the correction request for Fig. 1 being printed on the cover of the patent is approved. For item 2, the correction request for patent term adjustment is not handled by TC. Any question regarding the Patent Term adjustment should be directed to the Office of Patent Legal Administration at (571)-272-7702.

\_\_\_\_\_  
**/Xiao Wu/** 2628

**SPE** **Art Unit**



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**PATENT CAPITAL GROUP  
6119 MCCOMMAS BLVD  
DALLAS, TX 75214**

**MAILED**

**JUL 21 2009**

In re Application of  
**William DENINGER, et al.**  
Application No. 11/284,553  
Filed: November 21, 2005  
Attorney Docket No. **6897.P020**

**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 July 20, 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 July 6, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

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.

/Monica A. Graves/  
Petitions, Office of Petitions

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



# UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent Capital Group  
6119 McCommas Blvd  
Dallas, TX 75214

Mail Date: 04/20/2010

<b>Applicant</b>	: William Deninger	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7657104	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/284,553	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/21/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **947** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

Kevin J. Carroll  
Grossman Tucker Perreault & Pflieger, PLLC  
55 South Commercial Street  
Manchester NH 03101

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**NOV 30 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Erik Kindseth et al :  
Application No. 11/284,557 : **ON PETITION**  
Filed: November 22, 2005 :  
Attorney Docket No. RXM001 :

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

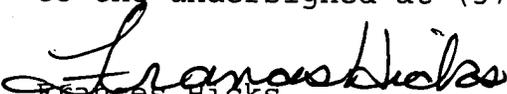
The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings on or before September 21, 2007 in reply to the Notice of Allowability, mailed June 21, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 22, 2007. A Notice of Abandonment was mailed on October 18, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of drawings (Figures 1-12); (2) the petition fee of \$770; and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of June 21, 2007 is accepted as being unintentionally delayed.

This application is being referred to the Office of Data Management for further processing in accordance with this decision reviving the application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions



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Jeffrey J. Hoheshell  
Medtronic, Inc.  
7601 Northland Drive  
Minneapolis, MN 55428

Mail Date: 07/26/2010

Applicant : Robert J. Lawrece : DECISION ON REQUEST FOR  
Patent Number : 7637901 : RECALCULATION of PATENT  
Issue Date : 12/29/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/284,576 : OF WYETH  
Filed : 11/22/2005 :  
:  
:

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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GTC BIOTHERAPEUTICS, INC.  
C/O WOLF, GREENFIELD & SACKS, P.C.  
600 ATLANTIC AVENUE  
BOSTON MA 02210-2206

MAILED

MAR 27 2009

OFFICE OF PETITIONS

Applicant: Ditullio et al.  
Appl. No.: 11/284,585  
Filing Date: November 14, 2005  
Title: TRANSGENICALLY PRODUCED ANTITHROMBIN III  
Attorney Docket No.: G0744.70047US03  
Pub. No.: US 2008/0176786 A1  
Pub. Date: July 24, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 6, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors of claims 12 and 13 having "ATE" rather than "ATIII".

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 or revised patent application publication other than 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.<sup>1</sup>

The error noted by requestor is not a material Office error under 37 CFR 1.221, since the public's ability to appreciate the technical disclosure of the application, and the scope of the provisional rights that applicant may seek to enforce, is unaffected by the error, since the technical disclosure is clear from the context.

The following facts are found. The public is confronted with claims that recite "ATE", which is not set forth in the specification. Applicant carefully included the full name "antithrombin III" in each claim containing an abbreviation, whether properly written as "ATIII" or improperly written as "ATE".

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

It is therefore clear that claims 12 and 13 refer to antithrombin III despite the misprinted abbreviation. The technical disclosure, the scope of the publication and provisional rights are thus unaffected by the misprint.

Applicants are 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 in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

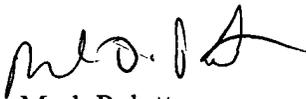
Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a “Pre-Grant Publication” and any questions or request for reconsideration of the decision should be addressed as follows:

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/ebc/portal/tutorials.htm>

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.



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



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PAUL W. MARTIN  
NCR CORPORATION, LAW DEPT.  
3097 SATELLITE BLVD., 2ND FLOOR  
DULUTH, GA 30096

**MAILED**

MAY 27 2010

OFFICE OF PETITIONS

In re Application of :  
Cheryl Kay Harkins :  
Application No. 11/284,592 :  
Filed: November 22, 2005 :  
Attorney Docket No.: 500.0286 (12332) :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed March 26, 2010.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before March 2, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed December 2, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 3, 2010. A Notice of Abandonment was mailed on March 18, 2010. On March 26, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$1,510 issue fee; (2) the petition fee of \$1,620; 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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BACHMAN & LAPOINTE, P.C.  
900 CHAPEL STREET  
SUITE 1201  
NEW HAVEN, CT 06510

Mail Date: 07/26/2010

<b>Applicant</b>	: Roberto Nunes Szente	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7648561	: RECALCULATION of PATENT
<b>Issue Date</b>	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/284,606	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/22/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **829** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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**Dillon & Yudell, LLP**  
**8911 North Capital of Texas Highway**  
**Suite 2110**  
**Austin, TX 78759**

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**JUL 17 2009**

**OFFICE OF PETITIONS**

In re Application of :  
James W. McCoy :  
Application No. 11/284,675 :  
Filed: November 21, 2005 :  
Attorney Docket No. SC14668TS :

**DECISION ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 28, 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 September 8, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 9, 2008. A Notice of Abandonment was mailed on April 27, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

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

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

This application is being referred to Technology Center AU 2611 for appropriate action by the Examiner in the normal course of business on the reply received May 28, 2009.

A handwritten signature in black ink, appearing to read 'Carl Friedman', with a long horizontal flourish extending to the right.

Carl Friedman  
Petitions Examiner  
Office of Petitions



Kokka & Hsu, PC  
1001 N. Rengstorff Ave.  
Suite 250  
Mountain View, CA 94043-1748

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**OFFICE OF PETITIONS**

In re Application of  
Semyon Royzen et al.  
Application No. 11/284,683  
Filed: November 22, 2005  
Attorney Docket No. EPI-004

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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 8, 2006.

The request is **APPROVED**.

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

The request was signed by Scott S. Kokka on behalf of all attorneys of record who are associated with Customer No. 53830.

All attorneys/agents associated with the Customer No. 53830 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: **Semyon Royzen**  
147 Dorado Terrace  
San Francisco, CA 94112

cc: **Kokka & Hsu, PC**  
1001 N. Rengstorff Ave.  
Suite 250  
Mountain View, CA 94043-1748



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**OFFICE OF PETITIONS**

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

In re Patent No. 7,515,706  
Issue Date: April 7, 2009  
Application No. 11/284,701  
Filed: November 22, 2005  
Attorney Docket No: ACER-45277

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**ON PETITION**

This is a decision on the petition, filed September 8, 2009, under 37 CFR 1.182, requesting the issuance of a duplicate Letters Patent for the above-identified application.

The petition is **GRANTED**.

Since it is U.S. Patent and Trademark Office practice to assure mailing of all papers on the date indicated, there is a strong presumption that papers duly addressed and indicated as mailed, such as the Letters Patent in this application, are timely delivered to the addressee. To overcome this presumption, a verified statement with supporting evidence, such as any records which would disclose the receipt of other correspondence mailed from the U.S. Patent and Trademark Office on or about April 7, 2009, but fail to disclose receipt of the Letters Patent mailed on that date, should be promptly submitted. Further, copies of records on which receipt of the Letters Patent would have been entered had it been received are required.

However, if the loss of the Letters Patent was not the fault of the U.S. Patent and Trademark Office or if petitioner simply wishes to avoid overcoming the above-noted presumption, a petition may be filed under 37 CFR 1.182 accompanied by a petition fee of \$400.00 requesting a duplicate Letters Patent.

Petitioners believe the original letters patent to have been mailed to the prior address of record and thus to have been lost. A review of the file reveals that a revocation/power of attorney and address change was filed March 20, 2009 and the USPTO records were updated on March 26, 2009, prior to the mailing of the Letters Patent. Therefore, the Letters Patent were properly addressed and mailed.

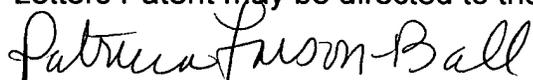
Nonetheless, petitioners have not presented any evidence to prove that the Letters

Patent mailed April 7, 2009 were incorrectly addressed or that the Original, Ribboned copy of the Letters Patent mailed April 7, 2009, if properly addressed, were not received.

In view thereof, the petition fee required is \$400.00. Per the authorization to charge the petition fee, petitioner's deposit account no. 16-0820 has been charged in the amount of \$400.00.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent. The Office of Data Management is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to the undersigned Senior Petitions Attorney at (571) 272-3212. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to the Office of Data Management at (703) 308-9250.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

cc: Niomi Farmer (Fax – (571) 270-9753)



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MICHAEL BEST & FRIEDRICH LLP  
Two Prudential Plaza  
180 North Stetson Avenue, Suite 2000  
CHICAGO, IL 60601

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**NOV 13 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Yoon : DECISION ON PETITION  
Application No. 11/284,721 :  
Filed: November 21, 2005 :  
Docket No.: 015947-9002 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed October 26, 2006.

This application was held abandoned for failure to timely submit a proper reply to the Notice mailed December 27, 2005. Notice of Abandonment was mailed September 5, 2006.

Petitioner asserts that a response to the Notice, including an extension of time, was timely submitted on July 28, 2006 and, further, the response bore a certificate of mailing date of July 25, 2006 in accordance with 37 CFR 1.8.

The original reply was received July 28, 2006 and bears a certificate of mailing date of July 25, 2006 in accordance with 37 CFR 1.8 and is thus deemed to have been timely submitted.

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

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

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

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

Alesia M. Brown  
Petitions Attorney  
Office of Petitions



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HARNESS, DICKEY, & PIERCE, P.L.C  
7700 Bonhomme, Suite 400  
ST. LOUIS, MO 63105

Mail Date: 04/21/2010

Applicant : David M. Lyle : DECISION ON REQUEST FOR  
Patent Number : 7583002 : RECALCULATION of PATENT  
Issue Date : 09/01/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/284,732 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 11/22/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **592** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

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SEP 19 2007

**OFFICE OF PETITIONS**

ON PETITION

In re Application of :  
Marovitz, Daniel Jordan :  
Application No. 11/284,737 :  
Filed: November 22, 2005 :  
Attorney Docket No. 10131/00102 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 13, 2007, to revive the above-identified application.

The petition is **GRANTED**.

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

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

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

Liana Walsh  
Petitions Examiner  
Office of Petitions



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**Morrison & Foerster, LLP**  
555 West Fifth Street  
Suite 3500  
Los Angeles, CA 90013-1024

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**AUG 25 2008**

In re Application of :  
Peter M. Wilson, et al. :  
Application No. 11/284,752 : **DECISION ON PETITION**  
Filed: November 21, 2005 : **TO WITHDRAW**  
Attorney Docket No. 1016720027P : **FROM RECORD**

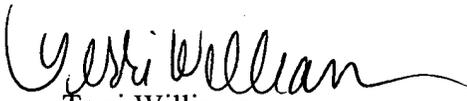
This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 9, 2008.

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

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

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

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

  
Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **Rutan & Tucker, LLP**  
611 Anton Blvd.  
Suite 1400  
Costa Mesa, CA 92626

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090622A

**DATE** : June 22, 2009

**TO SPE OF** : ART UNIT 2823

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7,456,506

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

Please complete this form and return with file, within **7** days to:

**Certificates of Correction Branch - ST (South Tower) 9A22**

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance**

\_\_\_\_\_  
**Certificates of Correction Branch**

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

Note your decision on the appropriated box.

**Approved**

All changes apply.

**Approved in Part**

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

**Denied**

State the reasons for denial below.

**Comments:**

The claim sought to be entered was the claim set filed March 4, 2008. This was the last entered claim set. The applicant has removed the cancelled claim 8 and renumbered the claims as they should have been. A corrected Index of Claims and IIFW will also be included.

/MATTHEW SMITH/  
Supervisory Patent Examiner.Art Unit 2823

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 02/24/10

TO SPE OF : ART UNIT 2886

SUBJECT : Request for Certificate of Correction for Appl. No.: 11284768 Patent No.: 7463366

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:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2886



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Chicago, IL 60610

Mail Date: 04/21/2010

**Applicant** : Michiyasu Chikada : DECISION ON REQUEST FOR  
**Patent Number** : 7627676 : RECALCULATION of PATENT  
**Issue Date** : 12/01/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/284,777 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/21/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **28** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Mail Date: 05/18/2010

**Applicant** : Michiyasu Chikada : NOTICE CONCERNING IMPROPER  
**Patent Number** : 7627676 : CALCULATION OF PATENT TERM  
**Issue Date** : 12/01/2009 : ADJUSTMENT BASED UPON USPTO  
**Application No** : 11/284,777 : IMPROPERLY MEASURING REDUCTION  
**Filed** : 11/21/2005 : 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 **61** 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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JUN 23 2009

OFFICE OF PETITIONS

In re Patent No. 7,526,310 :  
Billmaier et al. : DECISION ON REQUEST FOR  
Issue Date: 04/28/2009 : RECONSIDERATION OF  
Application No. 11/284786 : PATENT TERM ADJUSTMENT  
Filing or 371(c) Date: 11/21/2005 :  
Attorney Docket No. 088245-5200 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705," filed May 21, 2009. This matter is being properly treated under 37 CFR 1.705(d) as an application for patent term adjustment.

The application for reconsideration of patent term adjustment is **DISMISSED**.

The above-identified application matured into U.S. Patent No. 7,526,310 on April 28, 2009. The patent issued with a patent term adjustment of 521 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See, 37 CFR 1.705(d). Patentees request that the patent term adjustment determination for the above-identified patent be changed from 521 days to 679 days.

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that pursuant to Wyeth, a PTO delay under 35 U.S.C. 154(b)(1)(A) overlaps with a delay under 35 U.S.C. 154(b)(1)(B) only if the delays occur on the same day.

The copy of the "Patent Term Adjustment Calculation System" printout submitted by patentees sets forth a period of

under 37 CFR 1.703(b) of 158 days *plus* a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a) of 523 days). The printout also reflects a reduction of patent term adjustment totaling 2 days for applicants' failure to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. Thus, patentees assert entitlement to an overall adjustment of 679 days (681 days for Office delays less 2 days for applicants' delay).

Patentees' printout acknowledges the adjustments under 37 CFR 1.702(a) totaling 523 days. Patentees' printout also acknowledges the reduction for applicants' failure to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. This reduction totals 2 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 during which patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704.

The Office agrees that as of the issuance of the patent on April 28, 2009, the application was pending three years and 158 days after its filing date. The Office agrees that because certain actions were not taken within specified time frames, the patent is entitled to an adjustment of 523 days pursuant to 37 CFR 1.702(a). At issue is whether patentees should accrue an additional 158 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 523 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 158 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 35 CFR 1.703(f) provides that:

To the extent that periods of delay attributable to the grounds specified in § 1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back

to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3-year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718<sup>1</sup>

---

<sup>1</sup> 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, 106<sup>th</sup> Cong. 1<sup>st</sup> 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).

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, November 21, 2005, to the date the patent issued on April 28, 2009. Prior to the issuance of the patent, 523 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 158 days after its filing date. However, the Office did not delay 523 days and then delay an additional 158 days. Accordingly, 523 days of patent term adjustment (not 523 days and 158 days) was properly entered because the period of delay of 158 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 523 days attributable to grounds specified in § 1.702(a). 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 \$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 Attorney Derek Woods, at (571) 272-3232.



Alesia Brown  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



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**MAR 23 2010**

**OFFICE OF PETITIONS**

In re Application of	:	DECISION ON RENEWED
Billmaier et al.	:	REQUEST FOR RECONSIDERATION
Patent Number: 7,526,310	:	OF PATENT TERM ADJUSTMENT
Issue Date: 04/28/2009	:	and
Application No. 11/284786	:	NOTICE OF INTENT TO ISSUE
Filing or 371(c) Date: 11/21/2005	:	CERTIFICATE OF CORRECTION
Attorney Docket Number: 088245-5200	:	

This is a decision on the renewed petition filed on July 23, 2009, which is being treated as a petition under 37 CFR 1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by six hundred seventy-nine (679) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by six hundred seventy-nine (679) 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.

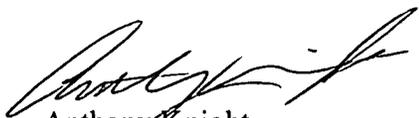
The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **six hundred seventy-nine (679) days**.

Patent No. 7,526,310

Application No. 11/284786

Page 2

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods, at (571) 272-3232.

A handwritten signature in black ink, appearing to read 'Anthony Knight', with a stylized flourish at the end.

Anthony Knight  
Supervisor  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,526,310 B2

DATED : April 28, 2009

INVENTOR(S) : Billmaier 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 521 days.

Delete the phrase "by 521 days" and insert – by 679 days--



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JUN 18 2008

In re Application of :  
Bachmann et al. :  
Application No. 11/284,794 : ON PETITION  
Filed: November 22, 2005 :  
Attorney Docket No. ZAHFRI P794US :

This is a decision on the "Petition For Expungement of Information in Application File", filed on October 5, 2007, which is being treated as a petition under 37 CFR 1.59(a)(2).

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 1.183."

Petitioner maintains that the English translation of the German priority document DE 10 2004 057 126.9 is in fact an English translation of German Priority document DE 10 2004 056 927.4 (U.S. application no. 11/283,615). Thus petitioner contends the wrong translation has been included in the present application. Petitioner requests that the following documents be expunged: 16 page English translation, 6 page preliminary amendment, 12 page redline version of the specification and 12 page substitute specification.

Petitioner's argument has been considered but it is not persuasive. The documents petitioner seeks to expunge were part of the specification as submitted on filing. Information which is part of the original disclosure (specification including any claims, drawings, and any preliminary amendment referred to in the oath or declaration) cannot be expunged under 37 CFR 1.59. A petition to expunge a part of the original disclosure must be filed under 37 CFR 1.183, since such a request requires a waiver of the requirements of 37 CFR 1.59(a).

37 CFR 1.183 provides that 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.

A petition filed under 37 CFR 1.183 requires the submission of a \$400.00 petition fee pursuant to 37 CFR 1.17(f).

It is further noted that this application has been held abandoned for failure to submit a reply to the July 19, 2007 Office action.

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

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                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

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

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



Charlema Grant  
Petitions Attorney  
Office of Petitions



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**MAR 15 2010**

In re Patent No. 7,612,089 : DECISION ON REQUEST  
Song, et al. : FOR  
Issue Date: November 3, 2009 : RECONSIDERATION OF  
Application No. 11/284,805 : PATENT TERM ADJUSTMENT  
Filed: November 21, 2005 : and  
Atty Docket No.022104-001810US: NOTICE OF INTENT TO ISSUE  
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on December 24, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by six hundred sixty-four (664) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by six hundred and sixty-three (663) days<sup>1</sup> is **GRANTED to the extent indicated herein.**

---

<sup>1</sup> It is noted that patentees assert that only 28 days of reduction to the patent term adjustment should be entered for the filing of the amendment under 37 CFR 1.312 on July 17, 2009, however, the period of reduction to the patent term adjustment under 37 CFR 1.704(c)(10) begins on, and includes, the date the amendment under 37 CFR 1.312 was filed and ends on, and includes, the mailing date of the response to the amendment under 37 CFR 1.312. "When a period is indicated (in 37 CFR 1.703 or 1.704) as 'beginning' on a particular day, that day is included in the period, in that such day is 'day one' of the period and not 'day zero.'" MPEP 2731. "For example, a period beginning on April 1 and ending on April 10 is ten (and not nine) days in length." Id.

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 Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by six hundred and sixty-three **(663)** days.

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney at (571) 272-3222.



Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

---

Thus, in this instance, the period of reduction to the patent term adjustment is 29 days.

**DRAFT COPY**

UNITED STATES PATENT AND TRADEMARK OFFICE

**CERTIFICATE OF CORRECTION**

PATENT : 7,612,089 B2

DATED : Nov. 3, 2009

INVENTOR(S) : Song, 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 (316) days

Delete the phrase "by 316 days" and insert – by 663 days--



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VENABLE LLP  
P.O. BOX 34385  
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

<b>Applicant</b>	: Hans-Herbert Schmidt	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7617562	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/284,847	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: 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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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

Mail Date: 04/20/2010

<b>Applicant</b>	: Takehiko Murata	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7607464	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/284,894	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **637** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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MCDERMOTT WILL & EMERY, LLP  
600 13<sup>TH</sup> Street, N.W.  
Washington, DC 20005-3096

In re Application of : DECISION ON REQUEST TO  
Shigeo Yoshii et al. : PARTICIPATE IN PATENT  
Application No. 11/284910 : PROSECUTION HIGHWAY  
Filed: November 23, 2005 : PILOT PROGRAM AND PETITION  
Attorney Docket No. 061352-0115 : 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 February 13, 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.

A handwritten signature in black ink, appearing to read 'Kathryn Gorgos', with a long horizontal line extending to the right.

Kathryn Gorgos  
TQAS TC 1700



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/284,912 11/23/2005 Jun-hyung Ha 49725 1490

7590 10/07/2008
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
COLES, EDWARD L

ART UNIT PAPER NUMBER
2625

MAIL DATE DELIVERY MODE
10/07/2008 PAPER

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

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

The petition is granted.

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

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

Mimi Farmer
Patent Publication Branch
Office of Data Management

Refund Ref:
10/07/2008 NFARMER 0000164693

CHECK Refund Total: \$1400.00

Adjustment date: 10/07/2008 NFARMER
11/25/2005 MBIZUNES 00000043 11284912
02 FC:1111 -500.00 OP
04 FC:1201 -800.00 OP
05 FC:1202 -100.00 OP



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

Mail Date: 04/20/2010

<b>Applicant</b>	: Dale E. Hocevar	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7581159	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/284,929	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/22/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **946** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : June 20, 2008

TO SPE OF : ART UNIT 2617

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/284940 Patent No.: 7321761 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

LAMONTIE 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**

2617  
\_\_\_\_\_  
**Art Unit**



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H.C. PARK & ASSOCIATES, PLC  
8500 LEESBURG PIKE  
SUITE 7500  
VIENNA, VA 22182

Mail Date: 04/20/2010

<b>Applicant</b>	: Min-Seung Chun	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7601439	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/284,968	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **994** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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VENABLE LLP  
P.O. BOX 34385  
WASHINGTON DC 20043-0008

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JAN 16 2009

**OFFICE OF PETITIONS**

In re Application of :  
Naoki Minato et al :  
Application No. 11/284,971 :  
Filed: November 23, 2005 :  
Attorney Docket No. 32011-225866 :  
: DECISION GRANTING PETITION  
: UNDER 37 CFR 1.313(c)(3)  
:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed January 16, 2009, 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 in favor of a continuing application filed January 16, 2009.

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

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

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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WASHINGTON DC 20043-0008

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JAN 16 2009

In re Application of :  
Naoki Minato et al :  
Application No. 11/284,971 : DECISION GRANTING PETITION  
Filed: November 23, 2005 : UNDER 37 CFR 1.313(c)(3)  
Attorney Docket No. 32011-225866 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed January 16, 2009, 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 in favor of a continuing application filed January 16, 2009.

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

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

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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HOWARD & HOWARD ATTORNEYS PLLC  
450 West Fourth Street  
Royal Oak, MI 48067

Mail Date: 04/21/2010

Applicant : Hiroshi Usui : DECISION ON REQUEST FOR  
Patent Number : 7639516 : RECALCULATION of PATENT  
Issue Date : 12/29/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/284,986 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 11/21/2005 : 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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THIRD FLOOR  
WASHINGTON DC 20009

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**OFFICE OF PETITIONS**

In re Application of :  
Hughes et al. :  
Application No. 11/285015 : DECISION ON PETITION  
Filed: November 23, 2005 :  
Attorney Docket No. 3938.005 :

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

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of December 6, 2007. The non-final Office Action set a three (3) month shortened statutory period for reply. No extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on March 7, 2008. A Notice of Abandonment was mailed on June 24, 2008.

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

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555.00 extension of time fee submitted with the petition on October 23, 2005 was subsequent to the maximum extendable period for reply, the fees will be refunded.

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

This application is being referred to Technology Center AU 3611 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant  
Petitions Attorney  
Office of Petitions



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

Mail Date: 05/10/2010

**Applicant** : Yu-Chun Chuang : DECISION ON REQUEST FOR  
**Patent Number** : 7616222 : RECALCULATION of PATENT  
**Issue Date** : 11/10/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/285,041 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/23/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **1015** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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AT&T CORP.  
ONE AT&T WAY, ROOM 2A207  
BEDMINSTER, NJ 07921

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FEB 02 2009

**OFFICE OF PETITIONS**

ON PETITION

In re Application of :  
Divesh Srivastava et al :  
Application No. 11/285,051 :  
Filed: November 22, 2005 :  
Attorney Docket No. 2005-0271 :

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 file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 20, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is June 21, 2008.

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

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

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

This application is being referred to Technology Center AU 2169 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

cc: Wendy Buskop  
4511 Dacoma Street  
Houston, TX 77092



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AT&T Legal Department - JW  
Attn: Patent Docketing  
Room 2A-207  
One AT&T Way  
Bedminster, NJ 07921

Mail Date: 05/06/2010

**Applicant** : Divesh Srivastava : DECISION ON REQUEST FOR  
**Patent Number** : 7630967 : RECALCULATION of PATENT  
**Issue Date** : 12/08/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/285,051 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/22/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **232** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/285,053	11/22/2005	Cullen L. Reed	106223.010100	8317

33717 7590 06/10/2008  
GREENBERG TRAUIG LLP (LA)  
2450 COLORADO AVENUE, SUITE 400E  
INTELLECTUAL PROPERTY DEPARTMENT  
SANTA MONICA, CA 90404

EXAMINER

JOHNSON, SONJI N

ART UNIT PAPER NUMBER

4135

MAIL DATE DELIVERY MODE

06/10/2008

PAPER

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

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR WITHDRAWAL  
AS ATTORNEY OR AGENT  
AND CHANGE OF  
CORRESPONDENCE ADDRESS**

Application Number	11/285,053
Filing Date	November 22, 2005
First Named Inventor	Cullen L. Reed
Art Unit	
Examiner Name	
Attorney Docket Number	106223.010100

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- all the attorneys/agents of record.
- the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are:

6-10-08  
Approved  
*Jacqueline M. Stone*  
Jacqueline M. Stone, Director  
Technology Center 1700

**CORRESPONDENCE ADDRESS**

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

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OR

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Telephone

Email

Signature

Name

Richard H. Newman

Registration No.

41,222

Date

April 17, 2008

Telephone No.

702-792-3773

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/285,129	11/21/2005	2876	500	12920/3	4	20	3

CONFIRMATION NO. 8599

CORRECTED FILING RECEIPT



\*OC00000017952068\*

00757  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

Date Mailed: 01/31/2006

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)**

John Boldebuck, Lombard, IL;

**Assignment For Published Patent Application**

Bold Innovations, LLC

**Power of Attorney:**

Kent Genin--37834  
Jeffry Nichols--46958

**Domestic Priority data as claimed by applicant**

**Foreign Applications**

If Required, Foreign Filing License Granted: 12/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/285,129**

Projected Publication Date: 05/24/2007

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

**Title**

Method and apparatus for promoting a customer to return to, visit, or contact a business

**Preliminary Class**

235

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

Mail Date: 05/10/2010

**Applicant** : Patrick Brant : DECISION ON REQUEST FOR  
**Patent Number** : 7662895 : RECALCULATION of PATENT  
**Issue Date** : 02/16/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/285,135 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/22/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **1121** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-3873

Mail Date: 04/21/2010

<b>Applicant</b>	: Isao Hoda	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7668506	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/285,166	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **809** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-3873

Mail Date: 05/18/2010

<b>Applicant</b>	: Isao Hoda	: NOTICE CONCERNING IMPROPER
<b>Patent Number</b>	: 7668506	: CALCULATION OF PATENT TERM
<b>Issue Date</b>	: 02/23/2010	: ADJUSTMENT BASED UPON USPTO
<b>Application No</b>	: 11/285,166	: IMPROPERLY MEASURING REDUCTION
<b>Filed</b>	: 11/23/2005	: 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 **844** 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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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

Mail Date: 06/22/2010

**Applicant** : John C. Wang : DECISION ON REQUEST FOR  
**Patent Number** : 7636082 : RECALCULATION of PATENT  
**Issue Date** : 12/22/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/285,173 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/23/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **942** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Appl. No. : 11/285,174  
Applicant : Lisec, Peter  
Filed : 23 November 2005  
TC/A.U. : 1791  
Examiner : Slawski, Brian R.  
Confirmation No. : 1284  
Docket No. : 1633.0043DIV  
Customer No. : 27896  
Title : APPARATUS FOR THE MECHANICAL APPLICATION  
OF A SPACER STRIP ONTO A GLASS PANE

**AMENDMENT AFTER NOTICE OF ALLOWANCE UNDER 37 C.F.R. 1.312**

Sir:

In response to the Notice of Allowance mailed 29 December 2008, please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Remarks** begin on page 3 of this paper.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

Mail Date: 07/21/2010

**Applicant** : Byung-seok Soh : DECISION ON REQUEST FOR  
**Patent Number** : 7667623 : RECALCULATION of PATENT  
**Issue Date** : 02/23/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/285,191 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/23/2005 : 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: \_\_\_\_\_

DATE : 11/09/09

TO SPE OF : ART UNIT 2827

SUBJECT : Request for Certificate of Correction for Appl. No.: 11285197 Patent No.: 7095640

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

**Certificates of Correction Branch (C of C)  
Randolph Square 9C62-D  
Palm Location 7580**

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

*Lamonte Newsome*

Certificates of Correction Branch  
703-756-1574

Thank You For Your Assistance

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

Note your decision on the appropriate box.

**Approved**

All changes apply.

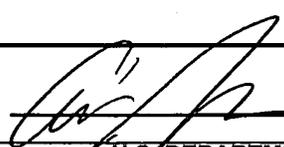
**Approved in Part**

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

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



2827



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HOWERY LLP  
C/O IP DOCKETING DEPARTMENT  
2941 FAIRVIEW PARK DRIVE SUITE 200  
FALLS CHURCH VA 22042

**COPY MAILED**

**NOV 20 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Douglass, et al. :  
Application No. 11/285,221 : ON PETITION  
Filed: November 21, 2005 :  
Atty. Dkt. No.: :  
03678.0102.CPUS01 :

This is a decision on the petition under 37 CFR 1.377, filed September 11, 2006.

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

This application became abandoned for failure to timely submit a proper reply to the Office communication mailed December 28, 2005. Notice of Abandonment was mailed September 5, 2006.

Petitioners allege that a response to the Office communication was timely submitted February 28, 2006 and have provided as proof of timely submission a copy of a date-stamped return postcard as well as a copy of the response.

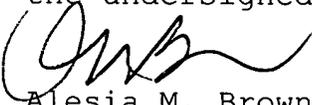
A response asserted to have been intended for this application, but in fact captioned for U.S. App. No. 11,285,211 (*sic*) was received at the USPTO on February 28, 2006. Inspection of PTO records reveals that the aforementioned response was duly entered into the indicated application on February 28, 2006. As a result of applicants' error, the application was held abandoned.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the transmittal accompanying the correspondence. The Office elects, in this instance, to treat applicant's transposition of numbers as a correctable minor error as permitted under MPEP 502. However,

applicants are reminded that minor errors, such as occurred in the instant application, are to be avoided in the future by the careful review of correspondence prior to submission to the Office.

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

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



Alesia M. Brown  
Petitions Attorney  
Office of Petitions



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Commissioner for Patents  
United States Patent and Trademark Office  
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WYETH LLC  
PATENT LAW GROUP  
5 GIRALDA FARMS  
MADISON NJ 07940

**COPY MAILED**

**JAN 26 2010**

In re Application of — :  
LEE ET AL. :  
Application No. 11/285,223 : ON APPLICATION FOR  
Filed: November 22, 2005 : PATENT TERM ADJUSTMENT  
Atty. Docket No. AM101734 :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)", filed August 12, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is seven hundred seventy-nine (779) days, not six hundred thirteen (613) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants seek this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

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

determination on the correctness of the patent term adjustment until the patent has issued.

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

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

The Office acknowledges that Applicants authorized 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) could be charged to Deposit Account No. 01-1425. Accordingly, the \$200.00 fee has been charged to Deposit Account No. 01-1425.

---

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

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

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

Telephone inquiries specific to this decision should be directed to Gay Ann Spahn at (571) 272-8011.

*Christina Pastore Donnell*

Anthony Knight  
Supervisor  
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
11/285,257	11/21/2005	3714	500	08442.0006-07000	24	14	2

**CONFIRMATION NO. 1208**

22852  
 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
 LLP  
 901 NEW YORK AVENUE, NW  
 WASHINGTON, DC 20001-4413

**CORRECTED FILING RECEIPT**


\*OC000000018314539\*

Date Mailed: 03/17/2006

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)**

Robert E. Atkinson, Falcon Heights, MN;  
 Peter T. Keith, Saint Paul, MN;

**Assignment For Published Patent Application**

Anulex Technologies, Inc.

**Power of Attorney:** The patent practitioners associated with Customer Number **22852**.

**Domestic Priority data as claimed by applicant**

This application is a CON of 10/967,042 10/15/2004  
 which is a CON of 10/093,990 03/07/2002 PAT 6,835,205  
 which is a CON of 09/542,972 04/04/2000 PAT 6,402,750

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 12/23/2005

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/285,257****

**Projected Publication Date:** 04/20/2006

**Non-Publication Request:** No

**Early Publication Request: No**

**\*\* SMALL ENTITY \*\***

**Title**

Devices and methods for the treatment of spinal disorders

**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).



Transform Pharmaceuticals, Inc.  
29 Hartwell Avenue  
Lexington, MA 02421

**COPY MAILED**

**AUG 01 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Reynold et, al.	:	
Application No. 11/285,263	:	DECISION ON PETITION
Filed: November 21, 2005	:	TO WITHDRAW
Attorney Docket No. TPIP065	:	FROM RECORD
	:	

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 11, 2006.

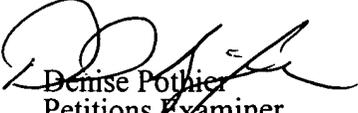
The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, “Assignment of patent application to Reynold Spector filed with the USPTO on November 21, 2005”, do not meet any the conditions set forth in 37 CFR 10.40.

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

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



Denise Pothier  
Petitions Examiner  
Office of Petitions

cc: Reynold Spector  
105 Stone Hill Road  
Colts Neck, NJ 07722



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MHKKG/Oracle (Sun)  
P.O. BOX 398  
AUSTIN, TX 78767

Mail Date: 04/20/2010

<b>Applicant</b>	: Mahmudul Hassan	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7664213	: RECALCULATION of PATENT
<b>Issue Date</b>	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/285,265	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/22/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1068** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

Mail Date: 05/11/2010

<b>Applicant</b>	: Heinz-Georg Krimmel	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7620319	: RECALCULATION of PATENT
<b>Issue Date</b>	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/285,292	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **770** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/285,295 11/23/2005 Keitaro Aoshima Q91648 1542

7590 07/10/2008
SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

EXAMINER

NGUYEN, VU ANH

ART UNIT PAPER NUMBER

4171

MAIL DATE DELIVERY MODE

07/10/2008

PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be 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 dismissed.

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

- 1. [ ] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. [ ] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [x] The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. [ ] The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Patent Publication Branch
Office of Data Management



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/285,295 11/23/2005 Keitaro Aoshima Q91648 1542

7590 12/24/2009
SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

EXAMINER

NGUYEN, VU ANH

ART UNIT PAPER NUMBER

1796

NOTIFICATION DATE DELIVERY MODE

12/24/2009

ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be 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 dismissed.

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

- 1. [X] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. [ ] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [ ] The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. [ ] The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Handwritten signature: Kaitus Buchanan

Patent Publication Branch
Office of Data Management



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Howard J. Greenwald P.C.  
349 W. Commercial Street  
Suite 2490  
East Rochester, NY 14445

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OCT 24 2006

**OFFICE OF PETITIONS**

In re Application of  
Samuel L. DiLiberto, Jr.  
Application No. 11/285,335  
Filed: November 22, 2005  
Attorney Docket No. SLD-900

:  
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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 July 18, 2006.

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

In regards to the letter filed July 21, 2006, the attorneys and/or agents associated with Customer Number 37282 remain the practitioners of record.

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.

  
Amelia Ay  
Petitions Examiner  
Office of Petitions



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CANTOR COLBURN LLP - SABIC (LEXAN/CYCOLOY)  
20 Church Street  
22nd Floor  
Hartford, CT 06103

Mail Date: 04/20/2010

<b>Applicant</b>	: Shantaram Narayan Naik	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7608715	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/285,336	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/21/2005	: 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.



JGJR.: 07-06

Paper No: \_\_

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**AUG 02 2006**

**OFFICE OF PETITIONS**

ROCHELLE LIEBERMAN  
LIEBERMAN & BRANDSDORFER, LLC  
12221 MCDONALD CHAPEL DRIVE  
GAITHERSBURG MD 20878-2252

In re Application of	:	
Gupta, et al.	:	
Application No. 11/285,340	:	ON PETITION
Filed: 22 November, 2005	:	
Attorney Docket No. BEA9-2005-0021-US1	:	

This is a decision on the petition filed on 22 November, 2005, 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 on 22 November, 2005, without, *inter alia*, a fully executed oath/declaration;
- it does not appear that the Office mailed a Notice of Missing Parts (indicating, *inter alia*, that a fully executed oath/declaration was required within two months) because the instant petition was filed contemporaneously with the application;
- on 22 November, 2005, Petitioner filed the instant petition, including therewith, *inter alia*, statement submitted by Counsel Rochelle Lieberman (Reg. No. 39,276) and by Abdolreza Raissinia, employee of the averred assignee, along with an oath/declaration containing the signature of named co-inventors Mr. Gupta and Mr. Lashley (for

themselves and on behalf of) but without the signature of named non-signing co-inventor Daniel A. Wood (Mr. Wood), and averment and documents in support evidencing that the entire application (description, claims, abstract, drawings) was presented to the non-signing inventor Mr. Wood after diligent effort to locate a reasonably believed to be current/valid last known address for him, but that he had failed to join in/sign the oath/declaration.

This application and its 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.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>1</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).



John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>1</sup> 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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JGJR.: 07-06

Paper No: \_\_

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**AUG 02 2006**  
**OFFICE OF PETITIONS**

DANIEL A. WOOD  
3773 CARDINAL TERRACE  
FREMONT, CA 94555

In re Application of :  
Gupta, et al. :  
Application No. 11/285,340 : **COMMUNICATION**  
Filed: 22 November, 2005 :  
Attorney Docket No. BEA9-2005-0021-US1 :

Dear Daniel A. Wood:

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,<sup>1</sup> ¶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,

<sup>1</sup> 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).

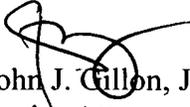
[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

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

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).



John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

Counsel of Record:  
ROCHELLE LIEBERMAN  
LIEBERMAN & BRANDSDORFER, LLC  
12221 MCDONALD CHAPEL DRIVE  
GAITHERSBURG MD 20878-2252

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<sup>2</sup> 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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KRATZ, QUINTOS & HANSON, LLP  
1420 K Street, N.W.  
Suite 400  
WASHINGTON DC 20005

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MAR 19 2008

In re Application of :  
Masahiro Sunohara et al. :  
Application No. 11/285,347 : DECISION GRANTING PETITION  
Filed: November 23, 2005 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 031274A :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 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 February 21, 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.<sup>1</sup>***

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

This application is being referred to Technology Center AU 3729 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

  
Karen Creasy  
Petitions Examiner  
Office of Petitions

<sup>1</sup> 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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Juan Carlos A. Marquez  
c/o Stites & Harbison PLLC  
1199 North Fairfax Street  
Suite 900  
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

<b>Applicant</b>	: Kunihiro Toumura	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7606148	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/285,363	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **929** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/285,368	11/21/2005	Gunther Stuhc	18558-008001/2005P00178US	9111

32864 7590 10/30/2008  
FISH & RICHARDSON, P.C.  
PO BOX 1022  
MINNEAPOLIS, MN 55440-1022

EXAMINER

BUCKINGHAM, KELLYE DEE

ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
10/30/2008	ELECTRONIC

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

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

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

PATDOCTC@fr.com



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

In re Application of:  
GUNTHER STUHEC  
Application No. 11/285,368  
Filed: November 21, 2005

For: TRACKING USAGE OF DATA  
ELEMENTS IN ELECTRONIC BUSINESS  
COMMUNICATIONS

DECISION DISMISSING  
PETITION TO RESET  
PERIOD FOR REPLY

This is a decision on the petition, filed on 19 August 2008, requesting that the shortened statutory period for reply set forth in the Office communication mailed on 04 April 2008 be restarted.

In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office presumes that the communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not received.

The relevant portion of MPEP § 711.03(c) states:

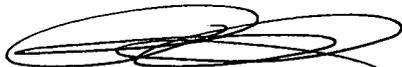
The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

In support of the petition, the petitioner stated that the Office Action mailed 04 April 2008 was never received by the applicants and stated that the applicant's representative only discovered the Office Action during a recent routine review of the PAIR system on 14 July 2008.

The petitioner also provided a statement attesting to the fact that a search of the file jacket and docket record indicated that the Office Action was not received. However, the petitioner failed to provide a copy of the docket record (Patent Record Sheet) showing that the Office Action was never received by the applicant's representative. Therefore, the petitioner has not met all of the criteria set out in MPEP § 711.03(c) for establishing failure to receive the Office Action mailed 04 April 2008.

For the above-stated reasons, the petition is **DISMISSED**. Accordingly, the shortened statutory period that was originally set forth in the Office Action mailed on 04 April 2008 remains the same to run FROM THE DATE OF 04 April 2008.

Any inquiry concerning this decision should be directed to the undersigned whose telephone is (571) 272-3676.



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Rehana Perveen, Group 2160 WQAS  
Technology Center 2100  
Computer Architecture, Software, and  
Information Security



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/285,368	11/21/2005	Gunther Stuhec	18558-008001/2005P00178US	9111

32864 7590 05/18/2009  
FISH & RICHARDSON, P.C.  
PO BOX 1022  
MINNEAPOLIS, MN 55440-1022

EXAMINER

BUCKINGHAM, KELLYE DEE

ART UNIT PAPER NUMBER

2165

NOTIFICATION DATE DELIVERY MODE

05/18/2009

ELECTRONIC

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

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

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

PATDOCTC@fr.com



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PO BOX 1022  
MINNEAPOLIS MN 55440-1022

**MAILED**

**MAY 15 2009**

Technology Center 2100

In re Application of:  
Gunther STUHEC  
Application No. 11/285,368  
Filed: November 21, 2005  
For: TRACKING USAGE OF DATA  
ELEMENTS IN ELECTRONIC BUSINESS  
COMMUNICATIONS

DECISION GRANTING  
PETITION TO RESET  
PERIOD FOR REPLY

This is a decision on the petition, filed on 30 December 2008, requesting that the shortened statutory period for reply set forth in the Office communication mailed on 4 April 2008 be restarted.

In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office presumes that the communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not received.

The relevant portion of MPEP § 711.03(c) states:

The showing required to establish nonreceipt 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 nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

In support of the petition, the petitioner stated that the Office communication mailed 4 April 2008 was never received by applicants and stated applicant's representative only discovered the Office communication from checking the status of the application in PAIR on 14 July 2008. Further, the petitioner provides a statement attesting to the fact that a search of the file jacket and docket record indicated that the Office communication was not received. The petitioner supplied copies of the monthly docket printouts for the three weeks period of April 4, 2008 through April 25, 2008 and copies of the two Patent Jacket Data Sheets for the application showing that the Office communication was never received by applicant's representative. The docket printouts show no entry reflecting receipt of the Office communication on or about 4 April 2008.

For the above-stated reasons, the petition is **GRANTED**. Accordingly, the shortened statutory period that was originally set forth in the Office communication mailed on 4 April 2008 is hereby reset to run FROM THE DATE OF 14 July 2008 (the date which the petitioner checked the status of the application in PAIR became aware of the Office Action of 4 April 2008).

The shortened statutory period has been reset to run from 14 July 2008. No fee for any extension of time has not been charged and is not required.

Any inquiry concerning this decision should be directed to the undersigned whose telephone is (571) 272-3676.

/Rehana Perveen/  
Rehana Perveen, WQAS  
Technology Center 2100  
Computer Architecture and Software



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/285,368	11/21/2005	Gunther Stuhc	18558-008001/2005P00178US	9111

32864 7590 06/24/2010  
FISH & RICHARDSON, P.C.  
PO BOX 1022  
MINNEAPOLIS, MN 55440-1022

EXAMINER

BUCKINGHAM, KELLYE DEE

ART UNIT PAPER NUMBER

2165

NOTIFICATION DATE DELIVERY MODE

06/24/2010

ELECTRONIC

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

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

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

PATDOCTC@fr.com



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

*In re* Application of:  
Gunther STUHEC  
Appl. No.: 11/285,368  
Filed: November 21, 2005  
For: TRACKING USAGE OF DATA ELEMENTS IN  
ELECTRONIC BUSINESS COMMUNICATIONS

DECISION ON PETITION  
UNDER 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed on 02 June 2010, to expunge a document submitted on 02 June 2010.

The petition is **GRANTED**.

Petitioner requests that the document (total 14 pages) listed under Designation ID 202 on the PTO-1449 form submitted on 02 June 2010 be expunged from the record. Petitioner states that the document is Trade Secret Material. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The expunged document has been closed from public view and will not be returned to applicant.

It is noted that the instant application has been published on 18 May 2006. Thus, the aforementioned document submitted on 02 June 2010 has already been made available to the public and subject to copying by the public. Accordingly, the Office cannot guarantee that the document being closed as a result of this decision was not previously accessed by the public.

Applicant is required to retain the expunged information for the life of any patent, which issues on the above-identified application

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

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



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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK, NY 10001-7708

Mail Date: 04/21/2010

<b>Applicant</b>	: Hidenobu Mochinushi	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7587134	: RECALCULATION of PATENT
<b>Issue Date</b>	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/285,369	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/22/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **425** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Paper No. None

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

**COPY MAILED**

**DEC 18 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Brian Shuster et al.	:	
Application No. 11/285,371	:	
Filed: November 21, 2005	:	DECISION ON PETITION
Attorney Docket No. 70013.00068	:	UNDER 37 C.F.R. §1.181(A)
Title: SYSTEM, APPARATUS AND	:	
METHOD FOR HOSTING AND	:	
ASSIGNING DOMAIN NAMES ON A	:	
WIDE AREA NETWORK	:	

This is a decision on the petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment, filed on September 28, 2006.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed January 5, 2006, 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 March 6, 2006. A notice of abandonment was mailed on September 11, 2006.

With the present petition, Petitioner has included a response to the notice along with a petition for a one-month extension of time, each of which contains a certificate of mailing dated April 5, 2006.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has

met his burden of establishing that a response was timely submitted, pursuant to 37 C.F.R. §1.8.

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.

The misspelling of inventor Ford's name has been corrected in Office records. A corrected filing receipt has been enclosed with this decision.

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-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. 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**

Encl. corrected filing receipt

cc: JONATHAN JAECH  
Connolly Bove Lodge & Hutz LLP  
Wells Fargo Center  
South Tower, Suite 3150  
Los Angeles, CA 90071-1560



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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
11/285,371	11/21/2005	2154	0.00	70013.00068	6	9	4

58688  
CONNOLLY BOVE LODGE & HUTZ LLP  
P.O. BOX 2207  
WILMINGTON, DE 19899

CONFIRMATION NO. 6522  
CORRECTED FILING RECEIPT



\*OC000000021637840\*

Date Mailed: 12/15/2006

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

**Applicant(s)**

Brian Shuster, Stateline, NV;  
Johnson Leong, San Jose, CA;  
Matthew Price, Santa Clara, CA;  
Brian Lam, Sunnyvale, CA;  
Desmond Ford Johnson, Monte Sereno, CA;

**Power of Attorney:** The patent practitioners associated with Customer Number **58688**.

**Domestic Priority data as claimed by applicant**

This application is a CON of 10/769,449 01/29/2004

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 12/30/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/285,371**

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

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

System, apparatus and method for hosting and assigning domain names on a wide area network

**Preliminary Class**

709

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

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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**

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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).



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

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**OFFICE OF PETITIONS**

In re Application of  
Bernd GOEBEL, et al  
Application No. 11/285,378  
Filed: November 23, 2005  
Attorney Docket No. 543822019600

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 9, 2007.

The request is **APPROVED**.

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

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

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

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

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

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

There are no Office actions pending at the present time.

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

  
April Wise  
Petitions Examiner  
Office of Petitions

cc: BERND GOEBEL  
RATHAUSSTR.13  
82024 TAUFKIRCHEN  
GERMANY

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


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/285,378	11/23/2005	Bernd Goebel	543822019600

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

**CONFIRMATION NO. 6538**


\*OC000000025560925\*

Date Mailed: 08/27/2007

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 05/09/2007.

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

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

FORMER ATTORNEY/AGENT COPY



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**OFFICE OF PETITIONS**

In re Application of :  
Thomas HAPP, et al :  
Application No. 11/285,387 :  
Filed: November 23, 2005 :  
Attorney Docket No. 543822020200 :

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 pending Office actions at the present time.

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

  
April Wise  
Petitions Examiner  
Office of Petitions

cc: THOMAS HAPP  
14 MADISON AVE., 1<sup>ST</sup> FL.  
PLEASANTVILLE, NY 10570

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
11/285,387	11/23/2005	Thomas Happ	543822020200

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

**CONFIRMATION NO. 6526**



\*OC000000025431328\*

Date Mailed: 08/17/2007

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

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

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199  
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**FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON DC 20007**

**MAILED**

**DEC 07 2009**

In re Application of  
Ahti Heinla et al.  
Application No. 11/285,396  
Filed: November 23, 2005  
Attorney Docket No. 076961-0102

**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 5, 2009.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record 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 under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because there was no forwarding address to send future correspondence. The address should be that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71, who has properly intervened in this application.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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BRIDGESTONE AMERICAS, INC.  
1200 FIRESTONE PARKWAY  
AKRON, OH 44317

Mail Date: 04/20/2010

<b>Applicant</b>	: Steven Luo	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7585805	: RECALCULATION of PATENT
<b>Issue Date</b>	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/285,434	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/22/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **867** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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ARNOLD & FERRERA, L.L.P.  
2401 FOUNTAIN VIEW DRIVE  
SUITE 630  
HOUSTON TX 77057

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**OFFICE OF PETITIONS**

In re Application of  
Millheim, Keith  
Application No. 11/285,439  
Filed: November 22, 2005  
Attorney Docket No. A31312US

:  
:  
:  
:  
:  
:

DECISION ON PETITION  
TO MAKE SPECIAL  
37 CFR 1.102(D)

This is a decision on the petition under 37 CFR 1.102(c) (2)(ii), filed March 2, 2006, to make the above-identified application special based on the invention materially contributing to the development or conservation of energy resources as set forth in M.P.E.P. § 708.02, Section VI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(ii) and MPEP § 708.02, Section VI: Energy, must state how the invention materially contributes to (A) the discovery or development of energy resources, or (b) the more efficient utilization and conservation of energy resources. If the disclosure is not clear on its face that the claimed invention materially contributes category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. No fee is required.

The petition states, "The instant application is drawn to methods and means of exploring and producing oil and gas reserves in locations that have previously been inaccessible to exploration and production operators." While this statement describes a technique for discovering oil and gas reserves, the statement is inadequate to establish for the record that the invention will materially contribute to the discovery and development of energy resources.

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to 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 Technology Center Art Unit 3673 for action in its regular turn.



David Bucci  
Petitions Examiner  
Office of Petitions



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**RAYMOND R. FERRERA**  
**1221 MCKINNEY STREET, SUITE 4400**  
**HOUSTON, TX 77010**

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**MAY 30 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Millheim et al. :  
Application No. 11/285,439 : **DECISION ON PETITION**  
Filed: November 22, 2005 :  
Attorney Docket No. 2750-194 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

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

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 12/150,608.

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

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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MACRONIX  
C/O HAYNES BEFFEL & WOLFELD LLP  
P. O. BOX 366  
HALF MOON BAY, CA 94019

Mail Date: 04/21/2010

<b>Applicant</b>	: Hsiang Lan Lung	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7608503	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/285,473	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/21/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **560** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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MACRONIX  
C/O HAYNES BEFFEL & WOLFELD LLP  
P. O. BOX 366  
HALF MOON BAY, CA 94019

Mail Date: 05/18/2010

<b>Applicant</b>	: Hsiang Lan Lung	: NOTICE CONCERNING IMPROPER
<b>Patent Number</b>	: 7608503	: CALCULATION OF PATENT TERM
<b>Issue Date</b>	: 10/27/2009	: ADJUSTMENT BASED UPON USPTO
<b>Application No</b>	: 11/285,473	: IMPROPERLY MEASURING REDUCTION
<b>Filed</b>	: 11/21/2005	: 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 **665** 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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900 CHAPEL STREET  
SUITE 1201  
NEW HAVEN CT 06510

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In re Application of :  
Awadh B. Pandey :  
Application Number: 11/285481 : DECISION ON PETITION  
Filing or 371(c) Date: 11/21/2005 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket Number: 02-770-CIP :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 10, 2007, to accept an unintentionally delayed claim for benefit of priority under 35 U.S.C. § 120.

The petition is **DISMISSED AS MOOT**.

In the instant petition, petitioner requests that the relationship to prior-filed Application No. 10/342,839 be changed from a "continuation-in-part" to a "continuation". No petition under 37 CFR 1.78(a)(3) and surcharge is required when the applicant is changing the relationship in a benefit claim from "continuation" (or "divisional") to "continuation-in-part" or from "continuation-in-part" to "continuation (or "divisional"), or from "continuation" to "divisional," because the Office was able to schedule the application for publication with the relationship given.

As such, the petition is unnecessary and the petition fee will be refunded to counsel's deposit account.

Petitioner should note that 37 CFR 1.78(a)(2)(iii) states that if the later-filed application is a nonprovisional application, the reference to the prior application must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence(s) following the title. Accordingly applicant should submit an ADS or an amendment to the first line of the specification, stating the desired relationship between the prior-filed application and the present application. See MPEP Section 201.11, Reference to Prior Nonprovisional Applications.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1793 for further processing.



Anthony Knight  
Supervisor  
Office of Petitions



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NEW HAVEN, CT 06510

Mail Date: 07/26/2010

**Applicant** : Awadh B. Pandey : DECISION ON REQUEST FOR  
**Patent Number** : 7648593 : RECALCULATION of PATENT  
**Issue Date** : 01/19/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/285,481 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/21/2005 : 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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Richard Lau  
IPLAW DEPARTMENT / Bldg 008-2  
2455 SOUTH ROAD - MS P386  
POUGHKEEPSIE, NY 12601

Mail Date: 04/20/2010

<b>Applicant</b>	: Timothy D. Greer	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7600195	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/285,492	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/22/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **880** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: \_\_\_\_\_

DATE : 12/03/09

TO SPE OF : ART UNIT 2883

SUBJECT : Request for Certificate of Correction for Appl. No.: 11285499 Patent No.: 7599588

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:** All changes should be approved as requested, except that:

1) the change to page 3, column 1, line 64 should be applied to line 65 instead, and

2) the change to page 3, column 1, line 67 should be applied to line 68 instead.

/Mark Robinson/  
SPE

2883  
Art Unit



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

Mail Date: 04/20/2010

<b>Applicant</b>	: Michael J. Eberle	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7599588	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/285,499	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/22/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **7** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



WILSON SONSINI GOODRICH & ROSATI  
650 PAGE MILL ROAD  
PALO ALTO, CA 94304-1050

**COPY MAILED**

MAY 23 2008

**OFFICE OF PETITIONS**

In re Application of :  
Cohen, et al. :  
Application No. 11/285,509 : DECISION ON PETITION  
Filed: November 21, 2005 : UNDER 37 CFR 1.78(a)(6)  
Attorney Docket No. 33206.704.501 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed January 30, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment to the specification filed January 30, 2008.

The petition is **GRANTED**.

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

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

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application<sup>1</sup>.

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

<sup>1</sup> It is noted that provisional application 60/629,440 was filed on November 19, 2004, and that November 19, 2005, fell on a Saturday. It is further noted that non-provisional application serial number 11/285,509 which claims priority to 60/629,440 was filed on the following Monday November 21, 2005.

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

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

Any inquiries concerning this decision may be directed to Kenya A. McLaughlin at (571) 272-3222. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 1795 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.



Anthony Knight  
Supervisor  
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: 11/285,509, 11/21/2005, 1795, 2130, 33206.704.501, 28, 5

CONFIRMATION NO. 7229

CORRECTED FILING RECEIPT

21971
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050



Date Mailed: 05/15/2008

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)

Jamie L. Cohen, Ithaca, NY;
David J. Volpe, Ithaca, NY;
Hector D. Abruna, Ithaca, NY;

Power of Attorney: The patent practitioners associated with Customer Number 021971

Domestic Priority data as claimed by applicant

This application is a CIP of 11/150,622 06/10/2005
which claims benefit of 60/579,075 06/10/2004
and claims benefit of 60/629,440 11/19/2004
This application 11/285,509
claims benefit of 60/629,440 11/19/2004

Foreign Applications

If Required, Foreign Filing License Granted: 05/15/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/285,509

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

Dual electrolyte membraneless microchannel fuel cells

**Preliminary Class**

429

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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).



LAW OFFICES OF CLEMENT CHENG  
17220 NEWHOPE STREET #127  
FOUNTAIN VALLEY, CA 92708

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**FEB 10 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Ricky Luk : **DECISION ON PETITION**  
Application No. 11/285,520 : **TO MAKE SPECIAL UNDER**  
Filed: November 22, 2005 : **37 CFR 1.102(c)(2)**  
For: GARBAGE DISPOSER REPLACEMENT :  
UNIT :

This is a decision on the petition under 37 CFR 1.102(c)(2)(i), filed November 22, 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 reduce water pollution, 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 instant petition does not provide any evidence as to how it would meet items (A) or (B) above.

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 3725 for action in its regular turn.



David Bucci  
Petitions Examiner  
Office of Petitions



**Morrison & Foerster, LLP**  
12531 High Bluff Drive  
Suite 100  
San Diego, CA 92130-2040

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**FEB 19 2008**

In re Application of	:	
Tae-Ahn Jahng	:	
Application No. 11/285,527	:	DECISION ON PETITION
Filed: November 22, 2005	:	TO WITHDRAW
Attorney Docket No. 001227/1366	:	FROM RECORD
	:	

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 18, 2008.

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

A review of the file record indicates that the power of attorney to Richard C. Kim and all attorneys/agents has been revoked by the assignee of the patent application on January 31, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

There are no outstanding Office actions at this time.

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: Stroock & Stroock & Lavan, LLP  
180 Maiden Lane  
New York, NY 10038



UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICE OF PHILIP A STEINER  
1212 MARSH STREET, SUITE 3  
SAN LUIS OBISPO, CA 93401

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MAR 17 2008

**OFFICE OF PETITIONS**

In re Application of	:	
<b>ROSENBERG, Louis B.</b>	:	
Application No. 11/285,534	:	DECISION ON PETITION
Filed: November 22, 2005	:	TO WITHDRAW
Attorney Docket No. 3502.133	:	FROM RECORD
	:	

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 and re-submitted October 5, 2007.

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

A review of the file record indicates that the power of attorney to **LAW OFFICE OF PHILIP A. STEINER** has been revoked by the applicant of the patent application on October 31, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

  
Monica A. Graves  
Petitions Examiner  
Office of Petitions

cc: **SINSHEIMER JUHNKE LEBENS & MCIVOR, LLP**  
**1010 PEACH STREET**  
**P.O. BOX 31**  
**SAN LUIS OBISPO, CA 93406**



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF DATA MANAGEMENT

TUNG & ASSOCIATES  
838 WEST LONG LAKES  
SUITE 120  
BLOOMFIELD HILLS, MI 48302

In re Application of	:	
BROST RON ET AL	:	
Application No. 11/285544	:	DECISION ON PETITION
Filed: November 21, 2005	:	
Attorney Docket No. 81121922-(67,600-081)	:	NOV 19 2008

This is a decision in response to the "Petition To Withdraw Holding of Abandonment," received in the United States Patent and Trademark Office (USPTO) July 21, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within THREE (3) MONTHS from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to supply CORRECTED DRAWINGS, in the Notice of Allowance mailed on September 6, 2007. The Notice set a non-extendable three (3) months period for reply. No reply having been received, the application became abandoned on May 21, 2008.

Provisions under 37 CFR 1.8(b) requires that the petitioner (1) promptly inform the Office of the previous timely mailing or transmission after becoming aware that the Office has no evidence of receipt of the correspondence, (2) supply copies of the previously mailed correspondence with certificate of mailing thereon, (3) include a statement which attests to the previous timely mailing.

The holding of abandonment cannot be withdrawn at this time.



**UNITED STATES PATENT AND TRADEMARK OFFICE**

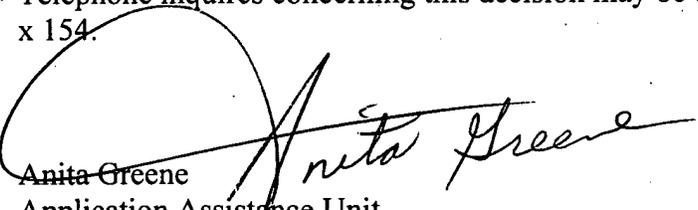
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OFFICE OF DATA MANAGEMENT

Further correspondence should be directed to the Office Of Petition at 703-305-9282 or addressed

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

Telephone inquires concerning this decision may be directed to the undersigned at 703-308-9250 x 154.

  
Anita Greene  
Application Assistance Unit  
Office of Data Management



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DALLAS, TX 75380

Mail Date: 04/20/2010

<b>Applicant</b>	: Jiann-An Tsai	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7586989	: RECALCULATION of PATENT
<b>Issue Date</b>	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/285,546	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/22/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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



# UNITED STATES PATENT AND TRADEMARK OFFICE

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

ABELMAN, FRAYNE & SCHWAB  
666 THIRD AVENUE, 10TH FLOOR  
NEW YORK, NY 10017

Mail Date: 06/18/2010

**Applicant** : Andreas Pally : DECISION ON REQUEST FOR  
**Patent Number** : 7658283 : RECALCULATION of PATENT  
**Issue Date** : 02/09/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/285,553 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/21/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **741** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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REISING, ETHINGTON, BARNES, KISSELLE, P.C.  
P O BOX 4390  
TROY MI 48099-4390

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**MAR 07 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Pattullo :  
Application No. 11/285,554 :  
Filed: November 21, 2005 :  
Attorney Docket No. 654SC-CIP (2630.3203.002) :  
Title of Invention: Combustion Engine Pull-Starter :

ON PETITION

This is a decision on the petition under 37 CFR §1.181 filed January 16, 2007 to withdraw the holding of abandonment.

This application was held abandoned August 18, 2006 for failure to timely reply to the non-final Office Action mailed on May 17, 2006. The non-final Office Action set a three (3) month extendable time period for reply. This decision precedes the mailing of Notice of Abandonment.

Petitioner maintains that a response to the non-final Office Action was mailed on August 17, 2006. Petitioner maintains that the amendment contained the proper application serial number but the Office incorrectly changed the application number and matched it with the parent application serial number 11/059,038. In support of petitioner's contention that a response was timely submitted to the Office Action, petitioner has submitted a copy of a stamped post card receipt and a copy of the response which contained a certificate of mailing pursuant to 37 CFR 1.8.

The response submitted August 21, 2006 has been located in the Office. Based on the facts stated in the instant petition and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed.

The requirements for a grantable petition under 37 CFR §1.181 have been met. This petition is hereby **Granted**.

This application is being forwarded to the Technology Center 3700 for further processing.

Telephone inquiries concerning this matter 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 fluid and cursive, with a long horizontal stroke at the end.

Charlema R. Grant

Petition Attorney

Office of Petitions



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MOTOROLA, INC.  
1303 EAST ALGONQUIN ROAD  
IL01/3RD  
SCHAUMBURG, IL 60196

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FEB 18 2009

**OFFICE OF PETITIONS**

In re Application of :  
William H. ROBERTSON, JR., et al :  
Application No. 11/285,562 : DECISION ON PETITION  
Filed: November 21, 2005 :  
Attorney Docket No. CE15474JME :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 23, 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 29, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 30, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620; and (3) the required statement of unintentional delay.

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

This application is being referred to Technology Center AU 2618 for appropriate action by the Examiner in the normal course of business on the reply received December 23, 2008.

Thurman Page  
Petitions Examiner  
Office of Petitions



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY OF COMMERCE AND  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, DC 20231

7/22/08  
Patent No. : 7297002  
Inventor(s) : Kostrzewski et al.  
Issued : 4/22/2008  
Title : STACKED ROTARY CONNECTOR ASSEMBLY USING A SPLIT RING  
CONFIGURATION MATERIAL  
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals that Government interest is printed in accordance with the record. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

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

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall  
Cecelia Newman  
Decisions & Certificates  
of Correction Branch  
(703) 308-9390 Ext. 108

Sheppard Mullin Richter Hampton LLP  
333 S. Hope Street, 48<sup>th</sup> Floor  
Los Angeles, California 90071

HR/CBN



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United States Patent and Trademark Office  
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**TELCORDIA TECHNOLOGIES, INC.**  
**ONE TELCORDIA DRIVE 5G116**  
**PISCATAWAY NJ 08854-4157**

**MAILED**

**MAY 28 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Wai Chen, et al. :  
Application No. 11/285,593 : **ON PETITION**  
Filed: November 22, 2005 :  
Attorney Docket No. APP 1644 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 19, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed June 25, 2009, which set a shortened statutory period for reply of three (3) months. A two month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 26, 2009. The Notice of Abandonment was mailed February 17, 2010.

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).

The reply of the RCE submitted herewith petition in improper because it was not accompanied by a proper submission. An extension of time is not a proper submission. See 37 CFR 1.114

Also, 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 March 19, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

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

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

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

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

  
Terri Johnson  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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TELCORDIA TECHNOLOGIES, INC.  
ONE TELCORDIA DRIVE 5G116  
PISCATAWAY NJ 08854-4157

**MAILED**  
**JUL 19 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Wai Chen, et al. :  
Application No. 11/285,593 : **ON PETITION**  
Filed: November 22, 2005 :  
Attorney Docket No. APP 1644 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 18, 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 June 25, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two (2) month extension of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is November 26, 2009. The Notice of Abandonment was mailed February 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2617 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 cursive script that reads "Terri Johnson".

Terri Johnson  
Petitions Examiner  
Office of Petitions



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SEP 11 2007

**OFFICE OF PETITIONS**

CHEVRON CORPORATION  
P.O. BOX 6006  
SAN RAMON, CA 94583-0806

In re Application of  
Stephen J. Miller  
Application No. 11/285,630  
Filed: November 21, 2005  
Attorney Docket No. G-0143B

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ON PETITION

This is a decision in response to the petition, filed May 9, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

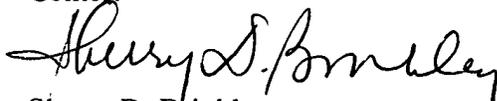
The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed August 9, 2006. A Notice of Abandonment was mailed on May 3, 2007. In response, on May 9, 2007, the present petition was filed.

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 \$1,500; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,020 extension of time fee submitted with the petition on May 9, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application is being referred to Technology Center AU 1764 for appropriate action by the Examiner in the normal course of business on the amendment received May 9, 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



SHOOK, HARDY & BACON LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
2555 GRAND BLVD  
KANSAS CITY MO 64108-2613

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**AUG 22 2006**  
**OFFICE OF PETITIONS**

In re Application of :  
Randy Wells :  
Application No. 11/285,644 : **ON PETITION**  
Filed: November 22, 2005 :  
Attorney Docket No. MLTC.125682 :

This is a decision on the petition filed March 3, 2006, requesting that the above-identified application be accorded a filing date of November 22, 2005, rather than the presently accorded filing date of November 21, 2005. The present petition was recently transferred to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

Petitioner asserts the above-identified application was deposited with the USPS using "Express Mail Service" on November 22, 2005; however, the date-in on Express Mail label No. EV368786345US is November 21, 2005. In support of the assertion, the petition is accompanied by a United States Postal Service Track & Confirm receipt, indicating that the USPS accepted a package bearing Express Mail label No. EV368786345US on November 22, 2005, at 4:58 PM, in Kansas City, MO 64108. The same Express Mail label number was placed on the original application papers located in the official file.

Accordingly, the petition is **granted**.

The Office acknowledges petitioner's loss of small entity status.

**The Office of Initial Patent Examination is directed to correct the filing date of the above-identified application to November 22, 2005, and to mail a corrected filing receipt.**

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

*Christina T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: \_\_\_\_\_

DATE : 5-28-10

TO SPE OF : ART UNIT 1795

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/285654 Patent No.: 7632598

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

**FOR IFW FILES:** should COC be approved

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**

*Ennis Young LRE  
Randolph Sq. Ste 9D62A  
703-756-1542*

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes do not apply.

**Denied**

State the reasons for denial below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SPE *Mia Ridley* ART UNIT 1795



HONEYWELL TURBO TECHNOLOGIES  
23326 HAWTHORNE BOULEVARD, SUITE #200  
TORRANCE, CA 90505

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**JAN 30 2006**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Steve Don Arnold	:	
Application No. 11/285,665	:	DECISION ON PETITION
Filed: November 22, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. H0011396	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c) (2)(ii), filed November 22, 2005, to make the above-identified application special based on the invention materially contributing to the development or conservation of energy resources as set forth in M.P.E.P. § 708.02, Section VI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(ii) and MPEP § 708.02, Section VI: Energy, must state how the invention materially contributes to (A) the discovery or development of energy resources, or (b) the more efficient utilization and conservation of energy resources. If the disclosure is not clear on its face that the claimed invention materially contributes category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. No fee is required.

The instant petition fails to provide any evidence to support how the invention would materially contribute to (B) the more efficient utilization and conservation of energy resources. While the petition states that “turbochargers enable engine downsizing and can improve fuel economy by 10% or more over larger, non-turbocharged engines,” this is not the correct material showing. For the petition to be granted special status, petitioner must provide a showing of how petitioner’s instant invention materially contributes to the conservation of energy resources. If petitioner’s invention is improvements to a turbocharger having a centrifugal compressor that contributes to emissions reduction and fuel conservation as stated in the petition, then petitioner should submit “material” evidence of such as compared to other turbocharger systems with centrifugal compressors.

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

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

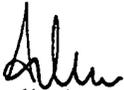
By hand:                   U. S. Patent and Trademark Office  
                                  Customer Service Window, Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA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

By FAX:                   (571) 273-8300

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

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

The application is being forwarded to the Technology Center Art Unit 3748 for action in its regular turn.



Amelia Au  
Petitions Examiner  
Office of Petitions



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**MORGAN, LEWIS & BOCKIUS, LLP.**  
**2 PALO ALTO SQUARE**  
**3000 EL CAMINO REAL**  
**PALO ALTO CA 94306**

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APR 18 2007

**OFFICE OF PETITIONS**

In re Application of

**LACAPRA, Francesco et al.**

Application No. 11/285,677

Filed: November 21, 2005

Attorney Docket No. **60973-5003-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 February 02, 2007.

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

A review of the file record indicates that the power of attorney to Morgan, Lewis & Bockius, LLP has been revoked by the assignee of the patent application on February 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 Michelle R. Eason at 571-272-4231.

Teri Williams  
Petitions Examiner  
Office of Petitions

cc: **Customer No. #02101**  
**BROMBERG & SUNSTEIN LLP**  
**125 SUMMER STREET**  
**BOSTON, MA 02110-1618**



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 United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/285,677	11/21/2005	Vladimir Miloushev	60973-5003-US

CONFIRMATION NO. 8002



\*OC000000023295868\*

2101  
 BROMBERG & SUNSTEIN LLP  
 125 SUMMER STREET  
 BOSTON, MA 02110-1618

Date Mailed: 04/09/2007

## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/14/2007.

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

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

ATTORNEY/APPLICANT COPY


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/285,677	11/21/2005	Vladimir Miloushev	60973-5003-US

**CONFIRMATION NO. 8002**

24341  
 MORGAN, LEWIS & BOCKIUS, LLP.  
 2 PALO ALTO SQUARE  
 3000 EL CAMINO REAL  
 PALO ALTO, CA 94306



\*OC000000023295867\*

Date Mailed: 04/09/2007

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/14/2007.

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

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

FORMER ATTORNEY/AGENT COPY



BROMBERG & SUNSTEIN LLP  
125 SUMMER STREET  
BOSTON MA 02110-1618

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JUN 22 2007

**OFFICE OF PETITIONS**

In re Application of  
Vladimir Miloushev et al.  
Application No. 11/285,677  
Filed: November 21, 2005  
Title of Invention: **DIRECTORY  
AGGREGATION FOR FILES DISTRIBUTED  
OVER A PLURALITY OF SERVERS IN A  
SWITCHED FILE SYSTEM**

:  
:  
: **DECISION ON PETITION**  
: **UNDER 37 CFR 1.78(a)(3)**  
:

This is a decision on the petition filed March 8, 2007, under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of prior-filed non-provisional application no. 10/043,413.

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 Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2165 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.

  
Nancy Johnson  
Senior Petitions Attorney  
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
11/285,677	11/21/2005	2165	2450		19	9

2101  
 BROMBERG & SUNSTEIN LLP  
 125 SUMMER STREET  
 BOSTON, MA 02110-1618

**CONFIRMATION NO. 8002**  
**CORRECTED FILING RECEIPT**



\*OC00000024491915\*

Date Mailed: 06/22/2007

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

**Applicant(s)**

Vladimir Miloushev, Dana Point, CA;  
 Peter Nickolov, Laguna Niguel, CA;

**Power of Attorney:** The patent practitioners associated with Customer Number 02101.

**Domestic Priority data as claimed by applicant**

This application is a DIV of 10/336,833 01/02/2003 ABN  
 and is a CIP of 10/043,413 01/10/2002  
 which claims benefit of 60/261,153 01/11/2001

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 01/05/2006

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is** **US11/285,677**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Directory aggregation for files distributed over a plurality of servers in a switched file system

**Preliminary Class**

707

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

---

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

**GRANTED**

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

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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 : September 26, 2007

TO SPE OF : ART UNIT 2838

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/285,694 Patent No.: 7212416 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**

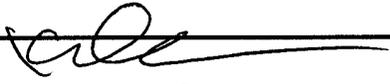
State the reasons for denial below.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

  
KARL EASTHOM  
SUPERVISORY PATENT EXAMINER  
SPE  
10/1/7  
2838  
Art Unit



Robert C. Dorr, Esq.  
Dorr, Carson & Birney, P.C.  
3010 East 6th Avenue  
Denver CO 80206

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**SEP 29 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Pierce , et al. :  
Application No. 11/285,697 : **DECISION ON PETITION**  
Filed: November 21, 2005 : **UNDER 37 CFR 1.78(a)(3)**  
Attorney Docket No. 1482/162(k) :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 19, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

37 CFR § 1.78(a)(6) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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 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 application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2674 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt


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 United States Patent and Trademark Office  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/285,697	11/21/2005	2629	1750	1482/162(k)	19	23	6

Robert C. Dorr, Esq.  
 Dorr, Carson & Birney, P.C.  
 3010 East 6th Avenue  
 Denver, CO 80206

**CONFIRMATION NO. 7890**
**CORRECTED FILING RECEIPT**


\*OC000000020554713\*

Date Mailed: 09/22/2006

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

**Applicant(s)**

Jesse E. Pierce, Las Vegas, NV;  
 Olaf Vancura, Las Vegas, NV;

**Assignment For Published Patent Application**

Mikohn Gaming Corporation

**Power of Attorney:** The patent practitioners associated with Customer Number **23381**.

**Domestic Priority data as claimed by applicant**

This application is a DIV of 11/035,255 01/13/2005  
 which is a CON of 10/809,260 03/25/2004 PAT 6,851,674  
 which is a CIP of 10/161,568 06/03/2002 PAT 6,896,261  
 which is a CON of 09/632,357 08/03/2000 PAT 6,398,219  
 which is a CON of 09/442,831 11/17/1999 PAT 6,139,013  
 which is a CON of 09/098,804 06/17/1998 PAT 6,047,963  
 which claims benefit of 60/081,724 04/14/1998

**Foreign Applications**

If Required, Foreign Filing License Granted: 12/27/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/285,697**

Projected Publication Date: Not Applicable

**Non-Publication Request: No**

**Early Publication Request: No**

**Title**

Pachinko stand-alone and bonusing game with displayed targets

**Preliminary Class**

345

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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**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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LITTLE ROCK, AR 72201

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APR 07 2008

**OFFICE OF PETITIONS**

In re Application of  
Chia Y. Lee, et al.  
Application No. 11/285,700  
Filed: November 21, 2005  
Attorney Docket No. 5339.9952US

:  
:  
:  
:  
:  
:

**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 5, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Williams & Anderson, PLC has been revoked by the assignee of the patent application on November 9, 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: TERESA D. SHADDOCK  
UAMS BIOVENTURES  
4301 W. MARKHAM STREET  
#831  
LITTLE ROCK, AR 72205



POLSINELLI SHALTON FLANIGAN SUELTHAUS PC  
700 W. 47TH STREET  
SUITE 1000  
KANSAS CITY MO 64112-1802

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JUL 1 1 2008

**OFFICE OF PETITIONS**

In re Application of :  
Chia Y. Lee et al. :  
Application No. 11/285,700 : ON PETITION  
Filed: November 21, 2005 :  
Attorney Docket No.: 052592-121221 :

This is a decision on the petition filed June 17, 2008 under 37 CFR 1.137(b),<sup>1</sup> to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed October 9, 2007. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned January 10, 2008. Accordingly, a Notice of Abandonment was mailed June 20, 2008.

A review of the record reveals that a three month extension of time was filed with the instant petition, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$525.00 extension of time fee submitted with the petition on June 17, 2008, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to deposit account no. 50-1662.

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

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

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

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may 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).

This matter is being referred to Technology Center 1652 for appropriate action on the amendment filed June 17, 2008.

Telephone inquiries concerning this matter should 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 style with a large, prominent initial "P".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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Docket Clerk  
P.O. Drawer 800889  
Dallas, TX 75380

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AUG 04 2008

**OFFICE OF PETITIONS**

In re Application of	:	
William R. Smith, Jr., et al.	:	
Application No. 11/285,703	:	DECISION ON PETITION
Filed: November 21, 2005	:	TO WITHDRAW
Attorney Docket No. WAND01-00002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 18, 2008.

The request is **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 Matthew S. Anderson 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 William R. Smith, Jr. at the address indicated below.

The application became abandoned for failure to timely respond to the Office action mailed October 31, 2007.

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

*Terri Williams*

Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **William R. Smith, Jr.**  
**Wanderback LLC**  
**3838 Vinecrest Drive**  
**Dallas, TX 75229**



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/285,703	11/21/2005	William R. Smith JR.	WAND01-00002

**CONFIRMATION NO. 7858**

**POWER OF ATTORNEY NOTICE**



Date Mailed: 08/04/2008

23990  
DOCKET CLERK  
P.O. DRAWER 800889  
DALLAS, TX 75380

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/18/2008.

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

/tswilliams/

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



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Bib Data Sheet

CONFIRMATION NO. 7858

<b>SERIAL NUMBER</b> 11/285,703	<b>FILING OR 371(c) DATE</b> 11/21/2005 <b>RULE</b>	<b>CLASS</b> 711	<b>GROUP ART UNIT</b> 2186	<b>ATTORNEY DOCKET NO.</b>
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**APPLICANTS**  
 William R. Smith JR., Dallas, TX;  
 Daniel F. Kieley, Dallas, TX;

**\*\* CONTINUING DATA \*\*\*\*\***  
 This appln claims benefit of 60/691,825 06/17/2005

**\*\* FOREIGN APPLICATIONS \*\*\*\*\***

**IF REQUIRED, FOREIGN FILING LICENSE GRANTED\*\* SMALL ENTITY \*\***  
 \*\* 12/27/2005

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance Verified and Acknowledged Examiner's Signature _____ Initials _____	<b>STATE OR COUNTRY</b> TX	<b>SHEETS DRAWING</b> 3	<b>TOTAL CLAIMS</b> 20	<b>INDEPENDENT CLAIMS</b> 3
--	-------------------------------	----------------------------	---------------------------	--------------------------------

**ADDRESS**  
 William R. Smith, Jr.  
 Wanderback LLC  
 3838 Vinecrest Drive  
 Dallas, TX 75229

**TITLE**  
 System, method, and computer program product for nonvolatile memory devices

<b>FILING FEE RECEIVED</b> 500	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other- _____ <input type="checkbox"/> Credit
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GRAYBEAL JACKSON LLP  
400 - 108TH AVENUE NE  
SUITE 700  
BELLEVUE, WA 98004

Mail Date: 04/21/2010

<b>Applicant</b>	: Giuseppe Arena	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7601610	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/285,742	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/21/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **16** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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IPSOLON LLP  
111 SW COLUMBIA  
SUITE 710  
PORTLAND OR 97201

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DEC 14 2006

**OFFICE OF PETITIONS**

In re Application of :  
John A. Pacey :  
Application No. 11/285,743 : DECISION GRANTING PETITION  
Filed: November 21, 2005 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. 1116-018/JRD :

This is a decision on the petition under 37 CFR 1.137(b), filed August 7, 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 Replacement Drawings and an Declaration; (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 December 28, 2005, is accepted as having been unintentionally delayed.

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

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

Karen Creasy  
Petitions Examiner  
Office of Petitions



ENZO BIOCHEM, INC.  
527 MADISON AVENUE (9TH FLOOR)  
NEW YORK NY 10022

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**JUN 16 2008**

In re Application of : **OFFICE OF PETITIONS**  
Dakai Liu et al. :  
Application No. 11/285,757 : **DECISION ON PETITION**  
Filed: November 22, 2005 : **UNDER 37 CFR 1.78(a)(3)**  
Attorney Docket Number: **Enz-56(C2)** :

This is a decision on the petition under 37 CFR 1.78(a)(3) filed March 20, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional applications 10/455,101, 09/046,841 and 08/822,963.

The petition is **GRANTED**.

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

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

All 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 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 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 applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1636 for appropriate action on the amendment filed October 25, 2007, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed applications.



Anthony Knight  
Supervisor  
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: 11/285,757, 11/22/2005, 1636, 640, Enz-56(C2), 23, 1

CONFIRMATION NO. 6555

CORRECTED FILING RECEIPT

28171
ENZO BIOCHEM, INC.
527 MADISON AVENUE (9TH FLOOR)
NEW YORK, NY 10022



Date Mailed: 06/09/2008

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)

Dakai Liu, Islip, NY;
Elazar Rabbani, New York, NY;

Assignment For Published Patent Application

Enzo Therapeutics, Inc., New York, NY

Power of Attorney:

Ronald Fedus--32567

Domestic Priority data as claimed by applicant

This application is a DIV of 10/455,101 06/04/2003
which is a CON of 09/046,841 03/24/1998 ABN
which is a DIV of 08/822,963 03/21/1997 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 12/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/285,757

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

Vectors for expressing exogenous gene or exogenous nucleic acid sequences

**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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**MAR 24 2006**

In re Application of  
Dauster, Ting, and Lin  
Application No.: 11/285,758  
Filed: November 22, 2005  
Attorney Docket No: 2004.06.018.NS0  
For: METHOD AND SYSTEM FOR LOCATING  
SUBSCRIBER DATA IN AN IP MULTIMEDIA  
SYSTEM

: **OFFICE OF PETITIONS**  
:  
: **DECISION ACCORDING**  
: **RULE 47(a) STATUS**  
:

This is in response to the petition under 37 CFR 1.47(a), filed March 6, 2006 (certificate of mailing dated February 27, 2006.)

The petition is **GRANTED**.

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

The above-cited application was filed on November 22, 2005, without a properly executed declaration. On January 3, 2006, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application requiring a properly executed oath or declaration, surcharge for the late filing of the same, and the payment of the filing fee, search fee, and examination fee. The instant petition was filed on March 6, 2006, with a certificate of mailing under 37 CFR 1.8 dated February 27, 2006.

Petitioner has shown that inventor Dauster has constructively refused to join the prosecution of the above-identified application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

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

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

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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Samar Dauster  
1615 Country Road  
Blue Ridge, Texas 75424

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**MAR 24 2006**

In re Application of  
Dauster, Ting, and Lin  
Application No.: 11/285,758  
Filed: November 22, 2005  
Attorney Docket No: 2004.06.018.NS0  
For: METHOD AND SYSTEM FOR LOCATING  
SUBSCRIBER DATA IN AN IP MULTIMEDIA  
SYSTEM

:  
:  
: **OFFICE OF PETITIONS**  
: LETTER  
:  
:

Dear Inventor Dauster:

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

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BELLEVUE WA 98004

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**AUG 15 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Jung et al. :  
Application No. 11/285,767 : **DECISION ON PETITION**  
Filed: November 22, 2005 :  
Attorney Docket No. 0305-003-026A-000000 :

This is a decision on the petition filed April 11, 2006 (certificate of mailing dated April 9, 2006), requesting that the Office accord the above-identified application a filing date of November 22, 2005, with Figures 2 and 3 as part of the original disclosure.

On November 22, 2005, applicants filed the above-identified application. On February 9, 2006, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application, which stated, *inter alia*, that the application had been accorded a filing date of November 22, 2005, but informing applicants that the drawings of Figures 2 and 3 as described in the specification appeared to have been omitted.

On April 11, 2006 (certificate of mailing dated April 9, 2006), applicants submitted, *inter alia*, the present petition, copies of 16 sheets of drawings, including Figures 2 and 3, and the \$400.00 petition fee. Applicants asserted that they submitted Figures 2 and 3 with the original application papers filed on November 22, 2005. In support of the assertion, the petition is accompanied by a copy of applicants' date-stamped postcard receipt, which acknowledges receipt in the USPTO of 16 sheets of drawings on November 22, 2005.

Upon a review of the record, the Office received 16 sheets of drawings on November 22, 2005. The second and third drawing sheets did not show any figures, but rather contained the following information on the respective sheets:

EXPRESS MAIL NO.: EV662922955US  
DOCKET NO.: 0305-003-026A-000000  
APPLICANTS: Edward K.Y. Jung; Royce A. Levien; Robert W. Lord; Mark A. Malamud; John D. Rinaldo, Jr.  
TITLE: MOTE DEVICE LOCATING USING IMPULSE-MOTE-POSITION-INDICATION  
Figure 2 of 14  
Sheet 2 of 16

EXPRESS MAIL NO.: EV662922955US

DOCKET NO.: 0305-003-026A-000000

APPLICANTS: Edward K.Y. Jung; Royce A. Levien; Robert W. Lord; Mark A. Malamud; John D. Rinaldo, Jr.

TITLE: MOTE DEVICE LOCATING USING IMPULSE-MOTE-POSITION-INDICATION

Figure 3 of 14

Sheet 3 of 16

Upon inspection of the second and third drawing sheets, the images of Figures 2 and 3 were not properly captured upon scanning. Instead, it appears the Office mistakenly scanned the backside of the second and third drawing sheets, which contained Figures 2 and 3. For this reason, the Office concludes that applicants filed complete images of Figures 2 and 3 on filing, which were not scanned in their entirety.

Accordingly, the petition is **granted**. The requirement for Figures 2 and 3 set forth in the Notice mailed on February 9, 2006, was sent in error.

**The Office realizes the error and directs the Office of Initial Patent Examination to accord the application a filing date of November 22, 2005**, using the copies of Figures 2 and 3 submitted with the petition on April 11, 2006 (certificate of mailing dated April 9, 2006).

The \$400.00 petition fee is unnecessary, and therefore, will be refunded by to the Deposit Account.

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



Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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

**MAILED**

**APR 15 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Shigeyoshi Toda, et al. :  
Application No. 11/285,770 : **ON PETITION**  
Filed: November 22, 2005 :  
Attorney Docket No. 2418.88US01 :

This is a decision on the petition, filed December 7, 2009, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

Petitioner states that the correct assignee's names are "**TOYOTA BOSHOKU KABUSHIKI KAISHA AICHI-KEN, JAPAN and TOYOTA JIDOSHA KABUSHIKI KAISHA AICHI-KEN, JAPAN**" and that an incorrect assignee's name was included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to "**TOYOTA BOSHOKU KABUSHIKI KAISHA AICHI-KEN, JAPAN and TOYOTA JIDOSHA KABUSHIKI KAISHA AICHI-KEN, JAPAN**".

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.

---

<sup>1</sup> See MPEP 1309, subsection II and Official Gazette of June 22, 2004

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

A review of Office database assignment records reflects that an assignment to “TOYOTA BOSHOKU KABUSHIKI KAISHA and TOYOTA JIDOSHA KABUSHIKI KAISHA” has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that “TOYOTA BOSHOKU KABUSHIKI KAISHA and TOYOTA JIDOSHA KABUSHIKI KAISHA” were the assignees of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above and **after issuance of this application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth “TOYOTA BOSHOKU KABUSHIKI KAISHA and TOYOTA JIDOSHA KABUSHIKI KAISHA”, as the assignees.** *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision **must** accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

  
Terri Johnson  
Petitions Examiner  
Office of Petitions



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

Mail Date: 05/24/2010

**Applicant** : Tadahiro Ohmi : DECISION ON REQUEST FOR  
**Patent Number** : 7663195 : RECALCULATION of PATENT  
**Issue Date** : 02/16/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/285,772 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/22/2005 : 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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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
11/285,794	11/22/2005	1653	1820	1676.017US1	20	12

**CONFIRMATION NO. 8042**

 Schwegman, Lundberg, Woessner & Kluth, P.A.  
 P.O. Box 2938  
 Minneapolis, MN 55402

**UPDATED FILING RECEIPT**


\*OC00000022811343\*

Date Mailed: 03/09/2007

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

**Applicant(s)**

Min Lu, New York, NY;

**Power of Attorney:** The patent practitioners associated with Customer Number **21186**.

**Domestic Priority data as claimed by applicant**

 This application is a CON of PCT/US04/07476 03/11/2004  
 which claims benefit of 60/492,704 08/05/2003

**Foreign Applications**

If Required, Foreign Filing License Granted: 03/08/2007

 The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/285,794**

Projected Publication Date: 06/14/2007

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

## Stabilizing peptides

**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).

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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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**MAIL**

**APR 07 2009**

**DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600**

Advent IP LLC  
1652 48th Street  
Brooklyn NY 11204

In re Application of:  
BOHACEK, PETER et al  
Application No. 11/285,805  
Filed: November 22, 2005  
For: INTERACTION OF VOIP CALLS AND  
CELLULAR NETWORKS

**DECISION SUA SPONTE  
WITHDRAWING HOLDING  
OF ABANDONMENT**

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

This application is held abandoned for failure to respond to the Office action mailed September 2, 2008. A Notice of Abandonment was mailed on March 12, 2009.

A review of the file record indicates that Applicant's response to the non-final rejection mailed on September 2, 2008 was received by the PTO on March 5, 2009, which is three days after the expiration of the 6 month period. However, with the response, Applicant filed a certificate of mailing certifying that the response was mailed on March 2, 2009 (i.e. within the 6 month period). This certificate of mailing complies with the requirements of 37 CFR 1.8, such that the reply should be considered timely.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the holding of Abandonment is hereby withdrawn.

The application is being forwarded to the examiner for appropriate action.

Any inquiry regarding this decision should be directed to Wing Chan, Supervisory Patent Examiner, at (571) 272-7493.

Chau T. Nguyen  
Workgroup Quality Assurance Specialist  
Technology Center 2400



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

Mail Date: 05/10/2010

<b>Applicant</b>	: Ashok Bhatnagar	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7629277	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/285,817	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **224** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

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MAR 18 2008

**OFFICE OF PETITIONS**

In re Application of :  
Klaus-Dieter Dihlmann, et al. :  
Application No. 11/285,828 :  
Filed: November 23, 2005 :  
Attorney Docket No. 2345/223 :

ON PETITION

This is a decision in response to the Petition to Revive an Unintentionally Abandoned Patent Application Under 37 CFR 1.137(b), filed November 13, 2007, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181 (no fee).

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the non-final Office action mailed December 29, 2006. A Notice of Abandonment was mailed on July 13, 2007. In response, on November 13, 2007, the present petition was filed.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on July 5, 2007 of, *inter alia*, Amendment/Response and a Petition for Extension of Time. A copy of the previously submitted reply, which bears a certificate of mailing dated June 29, 2007, accompanies the petition.

MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." However, a review of the written record confirms that that a timely response was filed, as it is present in the application file.

Consequently, the holding of abandonment for failure to timely file a response to the Office communication of December 29, 2006 is withdrawn and the application is restored to pending status.

The Notice of Abandonment mailed July 13, 2007 is hereby vacated.

In view of this decision, the petition to revive under 37 CFR 1.137(b) is unnecessary and the \$1,540 petition fee is being credited to counsel's deposit account, as authorized.

This application is being referred to Technology Center AU 2164 for appropriate action in the normal course of business on the reply received July 5, 2007, using a certificate of mailing under 37 CFR 1.8 dated June 29, 2007.

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.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is written in a cursive style with a large, stylized initial 'S'.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



JGJR.: 09-07

Paper No: \_\_

DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 SEVENTH AVENUE, 14TH FLOOR  
NEW YORK NY 10018

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SEP 10 2007

**OFFICE OF PETITIONS**

In re Application of :  
Iida :  
Application No.: 11/285,842 :  
Filing Date: 23 November, 2005 :  
Attorney Docket No. 832.1004CON2 :

DECISION

This is a decision on the petition, filed on 30 April, 2007, to withdraw the holding of abandonment and considered under 37 C.F.R. §1.181.

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.<sup>1</sup>

For the reasons set forth below the petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

**BACKGROUND**

The record reflects that:

- Petitioner failed to reply timely and properly to the non-final Office action mailed on 8 September, 2006, with reply due absent an extension of time on or before 8 December, 2006;

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<sup>1</sup> **NOTE:** Monitoring of the status of applications on PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected. Status Inquiries filed at three (3) or four (4) month intervals provide a demonstration of diligence and attention in supporting a petition seeking relief under 37 C.F.R. §1.181.

- the application went abandoned by operation of law after midnight 8 December, 2006;
- the Office mailed the Notice of Abandonment on 22 March, 2007;
- on 30 April, 2007, Petitioner filed the instant petition, and averred therein, *inter alia*, timely reply in the form of an amendment, on 14 March, 2007, over an 8 March, 2007, certificate of mailing and a request and fee for extension of time to make timely the filing, with a copy of the reply and of the date-stamped (“MAR 14 2007”) receipt card (see: MPEP §503<sup>2</sup>) evidencing Office receipt of the reply, and such averments and showings as instructed (see: MPEP §711.03( c) discussed below).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) can inform an applicant/practitioner as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition

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<sup>2</sup> MPEP §503 provides in pertinent part:  
**§503 Application Number and Filing Receipt**

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A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

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#### **RETURN POSTCARD**

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard “a complete application” or “patent application” will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)); and those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>3</sup>

### STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the

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<sup>3</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

**§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.**

(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.

(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;

(2) Returning papers;

(3) Precluding a party from filing a paper, or presenting or contesting an issue;

(4) Imposing a monetary sanction;

(5) Requiring a terminal disclaimer for the period of the delay; or

(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).

[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).<sup>4</sup>

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.<sup>5</sup>

Delays in responding properly raise the question whether delays are unavoidable.<sup>6</sup> 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).<sup>7</sup>

And the Petitioner must be diligent in attending to the matter.<sup>8</sup> 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.<sup>9</sup>))

### Allegations as to the Request to Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal

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<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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).

<sup>7</sup> See: *In re Application of G*, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

<sup>8</sup> 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.

<sup>9</sup> 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.

of a holding of abandonment.<sup>10</sup>

The commentary at MPEP §711.03(c) provides:

\* \* \*

**B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed**

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a 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

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<sup>10</sup> See: Delgar v. Schulver, 172 USPQ 513 (D.D.C. 1971).

timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP § 512.

\* \* \*

Moreover, the regulation places upon Petitioner a diligence requirement to seek relief within two (2) months of the act complained of.

It appears Petitioner has satisfied the showings required herein.

#### CONCLUSION

The petition as considered under 37 C.F.R. §1.181 is **granted**, and te 22 March, 2007, Notice of Abandonment is **vacated**.

The instant application is released to Technology Center 2800 for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571)

272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>11</sup>) 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

---

<sup>11</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

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



# UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

<b>Applicant</b>	: Ramkumar Ramani	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7583671	: RECALCULATION of PATENT
<b>Issue Date</b>	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/285,875	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **723** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 05-17-10

TO SPE OF : ART UNIT 2891

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/285879 Patent No.: 7678626

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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



Angela Green 703-756-1541  
Certificates of Correction Branch  
703-756-1814

Thank You For Your Assistance

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

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



SPE

Art Unit

2891



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SEP 12 2006

**OFFICE OF PETITIONS**

Carr & Ferrell LLP  
220 Geng Road  
Palo Alto, CA 94303

In re Application of	:	
Rani Cohen et al.	:	
Application No. 11/285,908	:	DECISION ON PETITION
Filed: November 23, 2005	:	TO WITHDRAW
Attorney Docket No. PA3103US	:	FROM RECORD
	:	

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 15, 2006.

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

A review of the file record indicates that the power of attorney to Michael P. Wiersch and the attorneys and/or agents associated with Customer Number 22830 have been revoked by the assignee of the patent application on August 18, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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



Amelia Au  
Petitions Examiner  
Office of Petitions

cc: **Pillsbury Winthrop Shaw Pittman LLP**  
1650 Tysons Boulevard  
McLean, VA 22102-4859



USDA-ARS-OFFICE OF TECHNOLOGY TRANSFER  
PATENT ADVISORS OFFICE  
WESTERN REGIONAL RESEARCH CENTER  
800 BUCHANAN ST  
ALBANY CA 94710

**MAILED**  
**JUN 15 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Mau et al. :  
Application No. 11/285,918 : DECISION ON PETITION  
Filed: 11/23/2005 :  
Attorney Docket No. 0109.98 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed August 13, 2009, which set a shortened statutory period for reply of three (3) months. Petitioner did not submit a request for an extension of time within the six-month statutory period for reply pursuant to 37 CFR 1.136(a). Accordingly, the application became abandoned on November 14, 2009. On February 26, 2010, the Office mailed a Notice of Abandonment.

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

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). The \$1,730.00 extension of time fee was paid after the maximum extendable period for reply. Accordingly, this fee is unnecessary and will be refunded in due course.

This application is being referred to Technology Center AU 1638 for appropriate action by the Examiner on the reply received on February 18, 2010.

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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United States Patent and Trademark Office
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J.I.G. JR. 07-06

Paper No. \_\_

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SEP 11 2006
OFFICE OF PETITIONS

FERNANDEZ & ASSOCIATES, LLP
PO BOX D
MENLO PARK CA 94025-6204

In re Application of :
Fernandez :
Application No. 11/285,920 : ON PETITION
Filed: 23 November, 2005 :
Attorney Docket No. FERN-P013B :

This is a decision on the petition under 37 C.F.R. §1.137(f), filed 24 March, 2006.

The petition is DISMISSED.

On December 28, 2001, Petitioner filed the instant application and filed contemporaneously, a Request and Certification under 35 U.S.C. §122(b)(2)(B)(i) was filed, certifying that the invention disclosed in the attached application has not been and will not be "the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing." Petitioner now requests under 35 U.S.C. §122(b)(2)(B)(ii) that the Request and Certification under 35 U.S.C. §122(b)(2)(B)(i) be rescinded and the application revived because this application became abandoned for failure to notify the Office within 45 days of the filing of a corresponding international or foreign application. In this regard, petitioner states that an international or foreign application corresponding to the instant application was filed on 19 August, 2004, which date was before the filing date of the instant application.

The instant nonprovisional application did not become abandoned as a result of the published international application filed prior to the present application.<sup>1</sup>

<sup>1</sup> In this regard, 35 U.S.C. 122(b)(2)(B)(iii) provides:

An applicant who has made a request under clause (i) but who subsequently files, in a foreign country or under a multilateral international agreement specified in clause (i), an application directed to the invention disclosed in the application filed in the Patent and Trademark Office, shall notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional (emphasis added).

Application No. 11/285,920

The instant application was filed on **23 November, 2005**. The corresponding (foreign-filed) application was filed on **19 August, 2004**. The statute does not provide for the situation where a certification under 35 U.S.C. §122(b)(2)(B)(i) was made despite the fact that an application previously was filed in another country or under a multilateral agreement. The statute at 35 U.S.C. §122(b)(2)(B)(iii) only provides for revival in the situation where a certification was made under 35 U.S.C. §122(b)(2)(B)(i) at the time of filing the application and an application was subsequently filed in a foreign country without notifying the Office within 45 days of the filing thereof.

In view of the above, and since this application did not become abandoned pursuant to the provisions of 35 U.S.C. §122(b)(2)(B)(iii), a petition to revive under the provisions of 37 CFR §1.137(f) is inappropriate and is dismissed.

As requested, the Request and Certification under 35 U.S.C. §122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request indicating a projected publication date of **9 November, 2006**, accompanies this decision.

Statutory provisions governing operations of the Office require payment of a fee on filing each petition. (35 U.S.C. §41(a)(7)). Payment of the petition fee is acknowledged.

The application is released to Technology Center 1600 for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 ) 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

Enc: Notice Regarding Rescission of Nonpublication Request

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<sup>2</sup> The regulations at 37 §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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 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/285,920	11/23/2005	Dennis S. Fernandez	FERN-P013B

**CONFIRMATION NO. 9731**

 Fernandez & Associates, LLP  
 PO Box D  
 Menlo Park, CA 94025-6204

Date Mailed: 07/31/2006

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

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

The projected publication date is 11/09/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"<sup>1</sup> 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](mailto:pgpub@uspto.gov).

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




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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/285,920	11/23/2005	Dennis S. Fernandez	FERN-P013B

**CONFIRMATION NO. 9731**

Fernandez & Associates, LLP  
 PO Box D  
 Menlo Park, CA 94025-6204

Date Mailed: 07/31/2006

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

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

The projected publication date is 11/09/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing," 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](mailto:pgpub@uspto.gov).

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<sup>1</sup> 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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JUL 19 2010

**OFFICE OF PETITIONS**

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

In re Application of :  
Haggai Goldfarb :  
Application No. 11/285,921 : ON REQUEST FOR  
Filed: November 22, 2005 : RECONSIDERATION OF  
Attorney Docket Number: 590282000400 : PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), filed January 21, 2010. Applicant believes that the correct total PTA to date is not 550 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment, but rather should be accorded additional delay to account for Office delay in excess of three years to issue the patent.

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

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

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

Rather than file a request for reconsideration of patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, 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, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee<sup>1</sup>.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment is acknowledged.

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).

The 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 Petitions Attorney Cliff Congo at (571) 272-3207.



Anthony Knight  
Director  
Office of Petitions

---

<sup>1</sup> 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **V. Belov et al.**

Application No.: **11/285,936**

Group No. **To Be Assigned** 1774

Filed: **November 23, 2005**

Examiner: **To Be Assigned** Joy, David

For: **A METHOD FOR INDUCING A VISIBLE LIGHT RESPONSE IN A MATERIAL**

Attorney Docket No. **P29,988 USA**

CERTIFICATE OF ELECTRONIC FILING

FILED ELECTRONICALLY ON USPTO EFS-WEB ON 05-25-2007 BY KAREN RUBINSON  
FOR SARAH KLOSEK, 55,332

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

**PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE  
(37 C.F.R. § 1.102(C) AND M.P.E.P. § 708.02 IV)**

Sir:

Applicants hereby petition to make this application special because applicant Valery Victor Belov is over 65 years of age.

As a showing of this fact, accompanying this petition is a copy of applicant's U.S. Passport, which indicates that he is over 65 years of age.

No fee is required with this petition, in accordance with 37 C.F.R. § 1.102(c).

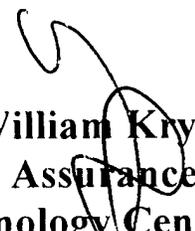
Respectfully submitted,

/Sarah Klosek/

Sarah Klosek (Reg. No. 55,332)  
Attorney for Applicants

Synnestvedt Lechner & Woodbridge LLP  
P.O. Box 592  
Princeton, NJ 08542  
(609) 924-3773

**PETITION GRANTED**

  
**William Krynski**  
Quality Assurance Specialist  
Technology Center 1700  
JUN 7 2007



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FOX ROTHSCHILD LLP  
PRINCETON PIKE CORPORATE CENTER  
2000 Market Street  
Tenth Floor  
Philadelphia PA 19103

MAILED

APR 09 2009

OFFICE OF PETITIONS

In re Application of :  
Valery Victor Belov et al. :  
Application No. 11/285,936 : DECISION ON PETITION  
Filed: November 23, 2005 :  
Attorney Docket No. 81954-00004 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 15, 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 March 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 an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 1794 for appropriate action by the Examiner in the normal course of business on the reply received.

Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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**FOX ROTHSCHILD LLP  
PRINCETON PIKE CORPORATE CENTER  
997 LENOX DRIVE, BLDG. #3  
LAWRENCEVILLE, NJ 08648**

**COPY MAILED**

**FEB 16 2010**

In re Application of	:	
Belov et al.	:	DECISION ON PETITION
Application No. 11/285,936	:	TO WITHDRAW
Filed: November 23, 2005	:	FROM RECORD
Attorney Docket No. 81954-00004	:	

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 9, 2009.

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. 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.

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

  
Alicia Kelley  
Petitions Examiner  
Office of Petitions



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**FOX ROTHSCHILD LLP  
PRINCETON PIKE CORPORATE CENTER  
997 LENOX DRIVE, BLDG. #3  
LAWRENCEVILLE NJ 08648**

**MAILED**

**MAR 26 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Belov et al.	:	DECISION ON PETITION
Application No. 11/285,936	:	TO WITHDRAW
Filed: November 23, 2005	:	FROM RECORD
Attorney Docket: 81954-00004	:	

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 February 24, 2010.

The request is **APPROVED**.

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

The request was signed by Peter J. Butch III, on behalf of all practitioners of record associated with Customer Number 29880.

Customer Number 29880 has been withdrawn as attorney of record. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley  
Petitions Examiner  
Office of Petitions

cc: HOWARD BELL  
SUNSTONE TECHNOLOGY INC.  
141 MEADOWBROOK DRIVE  
PRINCETON, NJ 08540



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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
11/285,936	11/23/2005	Valery Victor Belov	81954-00004

**CONFIRMATION NO. 9756**

**POWER OF ATTORNEY NOTICE**



29880  
FOX ROTHSCHILD LLP  
PRINCETON PIKE CORPORATE CENTER  
997 LENOX DRIVE  
BLDG. #3  
LAWRENCEVILLE, NJ 08648

Date Mailed: 03/26/2010

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/24/2010.

- 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.

/atkelley/

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



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8500 LEESBURG PIKE  
SUITE 7500  
VIENNA, VA 22182

Mail Date: 04/20/2010

<b>Applicant</b>	: Woo Jin Jang	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7577115	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/285,943	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **880** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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ON Semiconductor  
Patent Administration Dept - MD A700  
P.O. Box 62890  
Phoenix, AZ 85082-2890

**COPY MAILED**

AUG 20 2007

**OFFICE OF PETITIONS**

In re Application of :  
Averett, et al. :  
Application No. 11/285,968 :  
Filed: November 25, 2005 :  
Attorney Docket No. ONS00317D01 :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.182 to change the name of the third joint inventor cited on this application in USPTO records.

The petition is granted.

The name of the sole inventor for the above-cited application is changed to "Sudhama C. Shastri."

A corrected filing receipt is enclosed.

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

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

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

Enclosure: Corrected Filing Receipt


**UNITED STATES PATENT AND TRADEMARK OFFICE**

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 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
11/285,968	11/25/2005	2814	1250	ONS00317D01	25	3

**CONFIRMATION NO. 1425**
**CORRECTED FILING RECEIPT**


\*OC000000025452803\*

 ON Semiconductor  
 Patent Administration Dept - MD A700  
 P.O. Box 62890  
 Phoenix, AZ 85082-2890

Date Mailed: 08/20/2007

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

**Applicant(s)**

 Guy E. Averett, Mesa, AZ;  
 Keith G. Kamekona, Scottsdale, AZ;  
 Sudhama C Shastri, Phoenix, AZ;  
 Weizhong Cai, Scottsdale, AZ;  
 Gordon L. Bratten, Scottsdale, AZ;  
 Bladimiro Ruiz JR., Chandler, AZ;

**Power of Attorney:** None

**Domestic Priority data as claimed by applicant**

This application is a DIV of 10/072,145 02/07/2002

**Foreign Applications**
**If Required, Foreign Filing License Granted:** 01/09/2006

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is** **US11/285,968**
**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

SEMICONDUCTOR DEVICE AND METHOD OF PROVIDING REGIONS OF LOW SUBSTRATE CAPACITANCE

**Preliminary Class**

438

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

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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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 GREENVILLE SC 29602-1449

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**JAN 22 2009**

**OFFICE OF PETITIONS**

In re Application of :  
 Pal et al. :  
 Application No. 11/285,982 : **DECISION ON PETITION**  
 Filed: November 23, 2005 :  
 Attorney Docket No. RUS 3.0-020 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 16, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on July 17, 2008. A Notice of Abandonment was mailed January 6, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988)*. Since the \$1,110.00 three month extension of time fee submitted with the petition on December 22, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

Further, petitioner has submitted an unnecessary Request for Continued Examination and \$810.00 fee. This will also be refunded to petitioner's deposit account in due course.

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

This application is being referred to Technology Center AU 1624 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



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

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OCT 01 2007

**OFFICE OF PETITIONS**

ON PETITION

In re Application of :  
Rajesh Baskaran et al :  
Application No. 11/285,993 :  
Filed: November 23, 2005 :  
Attorney Docket No. SEMT125440 :

This is a decision on the petition, filed May 7, 2007, under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

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

The application was held abandoned for failure to timely reply to the Final Rejection mailed September 19, 2006 and the Advisory Action mailed January 18, 2007.

The petition states that a reply was timely submitted on March 16, 2007.

A review of the file record indicates a Request for Continued Examination (RCE) was received on March 16, 2007. Additionally, Office finance records shows a fee of \$1,020 for a three month extension of time on March 16, 2007, in addition to the RCE fee of \$790.

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

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

This matter is being referred to Technology Center AU 2823.

Karen Creasy  
Petitions Examiner  
Office of Petitions



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ILYA ZBOROVSKY  
6 SCHOOLHOUSE WAY  
DIX HILLS, NY 11746

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APR 13 2007

In re Application of : **OFFICE OF PETITIONS**  
Steven Rosenbaum :  
Application No. 11/285,997 : **DECISION ON PETITION**  
Filed: November 25, 2005 :  
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 3, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed January 4, 2006. 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 application became abandoned on March 5, 2006.

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

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

This application is being referred back to the Office Of Initial Patent Examination for completion of the pre-examination process.

Irvin Dingle  
Petitions Examiner  
Office of Petitions



VOLPE AND KOENIG, P.C.  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17<sup>TH</sup> STREET  
PHILADELPHIA, PA 19103

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**JAN 24 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Agnes M. Heltzinger	:	DECISION ON PETITION
Application No. 11/286,002	:	TO MAKE SPECIAL UNDER
Filed: November 23, 2005	:	37 CFR 1.102(c)(1)
Attorney Docket No. HEL-PT001	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 23, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The petition includes a statement by Agnes M. Heltzinger attesting that she is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to Technology Center AU 3711 for action on the merits commensurate with this decision.

  
Denise Pothier  
Petitions Examiner  
Office of Petitions



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**BAKER BOTTS L.L.P.**  
**2001 ROSS AVENUE, SUITE 600**  
**DALLAS TX 75201-2980**

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**JUL 17 2007**

In re Application of

**LACHMAN, Lawrence M.**

Application No. 11/286,014

Filed: November 22, 2005

Attorney Docket No. **063170.6884 (20000204)**

**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 5, 2006.

The request is **NOT APPROVED**.

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

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

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

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

  
Monica A. Graves  
Petitions Examiner  
Office of Petitions

cc: **JOHN PERSER**  
**MULTIGEN-PARADIGM, INC.**  
**5465 LEGACY DRIVE**  
**PLANO, TX 75024**



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HAYNES AND BOONE, LLP  
IP Section  
2323 Victory Avenue  
SUITE 700  
Dallas, TX 75219

Mail Date: 04/21/2010

<b>Applicant</b>	: Hanching Grant Wang	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7579984	: RECALCULATION of PATENT
<b>Issue Date</b>	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,031	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **772** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



Townsend and Townsend and Crew, LLP  
Two Embarcadero Center  
Eighth Floor  
San Francisco, CA 94111-3834

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**FEB 22 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Miles William Carroll et al.	:	
Application No. 11/286,056	:	DECISION ON PETITION
Filed: November 22, 2005	:	TO WITHDRAW
Attorney Docket No. 021911-000530US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed January 24, 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 Karen B. Dow on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated with the Customer Number 20350 have been withdrawn.

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

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

A non-final rejection was mailed on January 2, 2008. Failure to timely respond will result in the abandonment of this application.

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

  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Oxford BioMedica (UK) Limited  
Robert Robinson Avenue  
Medawar Center  
Oxford, United Kingdom OX4 4GA

cc: Marshall, Gerstein & Borun, LLP  
233 South Wacker Drive  
6300 Sears Tower  
Chicago, IL 60606-6357



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/286,056	11/22/2005	Miles William Carroll	021911-000530US

**CONFIRMATION NO. 5758**

**POWER OF ATTORNEY NOTICE**

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



Date Mailed: 02/22/2008

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 01/24/2008.

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

/kainabinet/

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



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MARSHALL, GERSTEIN & BORUN LLP  
233 SOUTH WACKER DRIVE  
6300 WILLIS TOWER  
CHICAGO, IL 60606-6357

Mail Date: 04/21/2010

<b>Applicant</b>	: Miles William Carroll	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7601698	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,056	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/22/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **356** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

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**MAR 17 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Patricia C. IRWIN, et al. :  
Application No. 11/286,060 :  
Filed: November 23, 2005 :  
Attorney Docket No. 189173-1 :

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

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 14, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment 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 Monica A. Graves at (571) 272-7253. 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 1794 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/286,060	11/23/2005	1794	2150	189173-1	39	4

CONFIRMATION NO. 1214

CORRECTED FILING RECEIPT



6147  
GENERAL ELECTRIC COMPANY  
GLOBAL RESEARCH  
PATENT DOCKET RM. BLDG. K1-4A59  
NISKAYUNA, NY 12309

Date Mailed: 03/16/2009

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

**Applicant(s)**

Patricia Chapman Irwin, Altamont, NY;  
Qi Tan, Rexford, NY;  
Abdelkrim Younsi, Ballston Lake, NY;  
Yang Cao, Niskayuna, NY;

**Power of Attorney:** The patent practitioners associated with Customer Number 006147

**Domestic Priority data as claimed by applicant**

This application is a CIP of 10/747,725 12/29/2003

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 12/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/286,060**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Composite coatings for groundwall insulation, method of manufacture thereof and articles derived therefrom

**Preliminary Class**

428

**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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Stanford University Office of Technology Licensing  
Bozicevic, Field & Francis LLP  
1900 University Avenue  
Suite 200  
East Palo Alto, CA 94303

Mail Date: 04/21/2010

<b>Applicant</b>	: Irving L. Weissman	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7641897	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,088	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **398** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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WOODCOCK WASHBURN LLP  
CIRA CENTRE, 12TH FLOOR  
2929 ARCH STREET  
PHILADELPHIA, PA 19104-2891

Mail Date: 04/27/2010

**Applicant** : Jeffrey Michael Alexander : DECISION ON REQUEST FOR  
**Patent Number** : 7650257 : RECALCULATION of PATENT  
**Issue Date** : 01/19/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/286,092 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/23/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **840** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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HONEYWELL/SHIMOKAJI  
PATENT SERVICES  
101 Columbia Road  
P.O.Box 2245  
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

<b>Applicant</b>	: Peter M. Michalakos	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7629290	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,108	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1050** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



HAYNES AND BOONE, LLP  
901 MAIN STREET, SUITE 3100  
DALLAS, TX 75202

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JAN 10 2007

**OFFICE OF PETITIONS**

In re Application of  
Michael Olsen et al  
Application No. 11/286,120  
Filed: November 22, 2005  
Attorney Docket No. 25751.16.02

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

This is a decision on the petition under 37 CFR §1.102(d), filed August 15, 2006, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED**.

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

- (A) That there is an infringing device or product actually on the market or method in use;
- (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

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

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

Telephone inquiries concerning this decision should be directed to 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 3634 for action on the merits commensurate with this decision.



Denise Pothier  
Petitions Examiner  
Office of Petitions



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Commissioner for Patents  
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MAR - 3 2006

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

In re Application of :  
Janjikhel etal. : PETITION TO MAKE SPECIAL  
Serial No.: 11/286,137 :  
Filed: November 23, 2005 :  
Attorney Docket No.: 03269/0203384-US0 :

This is in response to applicants' petition filed February 2, 2006, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

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

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

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the general Office facsimile number, (703) 872-9306.

Marianne C. Seidel  
Special Program Examiner  
Technology Center 1600



Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**DAY PITNEY LLP  
7 TIMES SQUARE  
NEW YORK NY 10036-7311**

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**NOV 13 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Harry Zaphiros	:	DECISION ON PETITION
Application No. 11/286,157	:	TO WITHDRAW
Filed: November 23, 2005	:	FROM RECORD
Attorney Docket No. 007220.116542	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 6, 2009 and October 9, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Ronald E. Brown on behalf of all attorneys of record associated with Customer Number 29540. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed August 11, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski  
Petitions Examiner  
Office of Petitions



DAY PITNEY LLP  
7 TIMES SQUARE  
NEW YORK NY 10036-7311

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NOV 30 2009

**OFFICE OF PETITIONS**

In re Application of	:	
Harry Zaphiros	:	DECISION ON PETITION
Application No. 11/286,157	:	TO WITHDRAW
Filed: November 23, 2005	:	FROM RECORD
Attorney Docket No. 007220.116542	:	

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 November 25, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

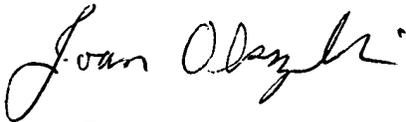
The request was signed by Ronald E. Brown on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is an outstanding Office action mailed August 11, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Joan Olszewski". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Harry Zaphiros  
41 East Webster Avenue  
Roselle Park, NJ 07204



**KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004**

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**OCT 12 2007**

**OFFICE OF PETITIONS**

In re Application of  
Babak REZVANI et al.  
Application No. 11/286,179  
Filed: November 23, 2005  
Attorney Docket No. 13402/201

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 02, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed December 29, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 01, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required replacement drawings; (2) the petition fee of \$750; 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 December 29, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application is being referred to the Office of Initial Patent Examination.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



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KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

Mail Date: 04/21/2010

**Applicant** : Michal Agami : DECISION ON REQUEST FOR  
**Patent Number** : 7572641 : RECALCULATION of PATENT  
**Issue Date** : 08/11/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/286,184 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/22/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **612** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



**SABIC - 08CU - ULTEM**  
**SABIC Innovative Plastics - IP Legal**  
**ONE PLASTICS AVENUE**  
**PITTSFIELD MA 01201-3697**

**MAILED**

**MAY 13 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Eric James Pressman, et al. :  
Application No. 11/286,190 : **DECISION ON PETITION**  
Filed: November 22, 2005 :  
Attorney Docket No. 187572-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed September 25, 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 October 26, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571)272-2991.

This application is being referred to Technology Center AU 1625 for appropriate action by the Examiner in the normal course of business on the reply received

**Brian Brown**  
**Petitions Examiner**  
**Office of Petitions**



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Patent Services  
101 Columbia Road, AB-2  
P.O. Box 2245  
Morristown, NJ 07962-2245

Mail Date: 04/21/2010

<b>Applicant</b>	: Xiaodong Wu	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7616148	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,206	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: 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.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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David A. Einhorn, Esq.  
Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, NY 10111

Mail Date: 04/20/2010

<b>Applicant</b>	: Changho Lee	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7621998	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,219	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **817** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**DECHERT LLP  
P.O. BOX 10004  
PALO ALTO CA 94303**

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JUL 05 2007

**OFFICE OF PETITIONS**

In re Application of	:	
<b>COOPER, Robin et al.</b>	:	
Application No. 11/286,236	:	DECISION ON PETITION
Filed: November 23, 2005	:	TO WITHDRAW
Attorney Docket No. 375462-023US (359791)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 21, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Dechert has been revoked by the assignee of the patent application on April 11, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

*Terri Williams*  
Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **RIGEL PHARMACEUTICALS INC.  
C/O FOLEY & LARDNER LLP  
1530 PAGE MILL ROAD  
PALO ALTO, CA 94304**


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/286,236	11/23/2005	Robin Cooper	375462-023US (359791)

**CONFIRMATION NO. 9671**

 69588  
 RIGEL PHARMACEUTICALS INC.  
 C/O FOLEY & LARDNER LLP  
 1530 PAGE MILL ROAD  
 PALO ALTO, CA 94304


\*OC000000024632450\*

Date Mailed: 07/02/2007

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 04/11/2007.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

ATTORNEY/APPLICANT COPY


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/286,236	11/23/2005	Robin Cooper	375462-023US (359791)

**CONFIRMATION NO. 9671**


\*OC000000024632449\*

 37509  
 DECHERT LLP  
 P.O. BOX 10004  
 PALO ALTO, CA 94303

Date Mailed: 07/02/2007

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 04/11/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY



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**RIGEL PHARMACEUTICALS INC.  
C/O FOLEY & LARDNER LLP  
975 PAGE MILL ROAD  
PALO ALTO CA 94304**

**MAILED**

**JUN 22 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>COOPER, Robin et al.</b>	:	
Application No. 11/286,236	:	DECISION ON PETITION
Filed: November 23, 2005	:	TO WITHDRAW
Attorney Docket No. 064311-2051	:	FROM RECORD
	:	

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 19, 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 Gerald F. Swiss on behalf of all attorneys of record who are associated with customer No. 69588. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.



Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **ROBIN COOPER**  
**1628 GUAVA TRAIL STREET**  
**ST. GEORGE ISLAND, FL 32328**

cc: **RIGEL PHARMACEUTICALS, INC.**  
**1180 VETERANS BOULEVARD**  
**SOUTH SAN FRANCISCO, CA 94080**



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P.O.Box 2245  
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

**Applicant** : Tom G. Mulera : DECISION ON REQUEST FOR  
**Patent Number** : 7614238 : RECALCULATION of PATENT  
**Issue Date** : 11/10/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/286,246 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/22/2005 : 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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Paper No.

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

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**MAR 13 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Scarborough et al. :  
Application No. 11/286,259 : DECISION ON  
Filed: November 23, 2005 : PETITION  
Atty Docket No.022104-000233US:

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181(a) and M.P.E.P. §711.03(c)II BASED ON FAILURE TO RECEIVE OFFICE ACTION filed December 26, 2006.

The above-identified application became abandoned for failure to file a timely and proper reply to the Notice to File Missing Parts of Application mailed January 3, 2006. This Notice set a two month period for reply, with extensions of time obtainable under 37 CFR §1.136(a). No reply having been received and no extensions obtained, the above-identified application became abandoned effective March 4, 2006. A courtesy Notice of Abandonment was mailed on September 13, 2006.

In response, applicants filed the instant petition, asserting that the Notice was never received and requesting that the holding of abandonment be withdrawn. In support thereof, attorney for applicants submitted the declaration of docketing clerk, Lance Smith.

A review of the application file reveals no irregularities in the mailing of the Notice mailed January 3, 2006. Thus, there

is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petitioner has supported his claim of non-receipt with such evidence.

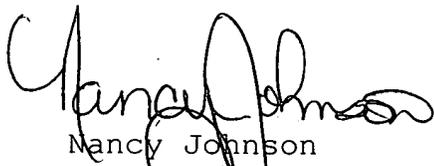
In view thereof, the notice of abandonment mailed September 13, 2006 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application file is, thereby, forwarded to OIPE's technical support staff to withdraw the holding of abandonment and for processing of the response filed December 26, 2006.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



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**MORRISON & FOERSTER LLP  
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PALO ALTO CA 94304-1018**

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**JUL 1 2 2007**

In re Application of  
**HUANG, et al.**  
Application No. 11/286,267  
Filed: November 23, 2005  
Attorney Docket No. **578672000300**

**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. § 1.136(b), filed January 16, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Stephen C. Durant 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: **JIN HUANG  
457 STEVEN STREET  
MOUNTAIN HOUSE, CA 95391**

cc: **BILL GALLIANI  
COOLEY GODWARD & KRONISH  
FIVE PALO ALTO SQUARE  
3000 EL CAMINO REAL  
PALO ALTO, CA 94306-2155**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: \_\_\_\_\_

DATE : 4/13/09

TO SPE OF : ART UNIT 2167 *Rayyan Susan*

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/286264 Patent No.: 7370381

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)  
South Tower - 9A22  
Palm Location 7580**

*[Signature]*  
\_\_\_\_\_  
Certificates of Correction Branch  
703-308-9390 ext. \_\_\_\_\_

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes do not apply.

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*[Signature]*  
\_\_\_\_\_  
**SPE** *[Signature]* **Art Unit**  
*2167*



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Workman Nydegger  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, UT 84111

Mail Date: 04/21/2010

<b>Applicant</b>	: Timothy D. Tuttle	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7584194	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,269	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/22/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **526** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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112 EAST PECAN STREET SUITE 1800  
SAN ANTONIO TX 78205-1521

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**OFFICE OF PETITIONS**

In re Application of :  
Wolford, et al. :  
Application No. 11/286,304 : DECISION GRANTING  
Filed: November 22, 2005 : PETITION  
Attorney Docket No. 30525.3 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed November 3, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to submit a complete reply in response to the Notice to File Missing Parts, mailed January 3, 2006. This Notice set an extendable period for reply of two (2) months for applicants to submit the statutory basic filing fee, a surcharge for its late filing, and an executed oath or declaration. No reply having been received, the application became abandoned on March 4, 2006. A Notice of Abandonment was mailed on September 13, 2006.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required 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 \$1080.00 extension of time fee submitted with the petition on November 3, 2006 was subsequent to the maximum period obtainable for reply (August 3, 2006), this fee has been refunded to petitioner's Deposit Account 03-3483.

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.

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo  
Petitions Attorney  
Office of Petitions



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PATTON BOGGS LLP  
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SUITE 900  
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**JUL 29 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Wolford, et al. :  
Application No. 11/286,304 : ON PETITION  
Filed: November 22, 2005 :  
Attorney Docket No. 027412.0101C1C1 :

This is a decision on the petition to revive under  
37 CFR 1.137(b), filed June 26, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to  
timely file a reply in response to the non-final Office action,  
mailed October 22, 2007. This Office action set a shortened  
statutory period for reply of three months. No reply having been  
received, the application became abandoned on January 23, 2008.  
A Notice of Abandonment was mailed on May 30, 2008.

With the instant petition, applicant made the proper statement of  
unintentional delay, paid the petition fee, and filed the  
required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 2856 for  
consideration of the Amendment, filed June 26, 2009.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo  
Petitions Attorney  
Office of Petitions



Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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**MORRISON & FOERSTER LLP**  
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JUL 09 2007

In re Application of  
**HUANG**, et al.  
Application No. 11/286,306  
Filed: November 23, 2005  
Attorney Docket No. **578672000400**

**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. § 1.136(b), filed January 16, 2007.

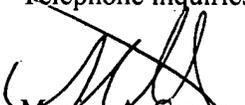
The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Stephen C. Durant 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: **JIN HUANG**  
**457 STEVEN STREET**  
**MOUNTAIN HOUSE, CA 95391**

cc: **BILL GALLIANI**  
**COOLEY GODWARD & KRONISH**  
**FIVE PALO ALTO SQUARE**  
**3000 EL CAMINO REEL**  
**PALO ALTO, CA 94306-2155**



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SAN FRANCISCO CA 94111-3834

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**NOV 10 2008**

In re Application of  
SNOW, David W. et al.  
Application No. 11/286,308  
Filed: November 22, 2005  
Attorney Docket No. 018489-001030US

:  
:  
: 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 14, 2008.

The request is **NOT APPROVED**.

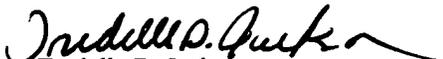
The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (04-08).

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: **POPOVICH, WILES & O'CONNELL, PA**  
**650 THIRD AVENUE SOUTH**  
**SUITE 600**  
**MINNEAPOLIS, MN 55402**



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Alexandria, VA 22313-1450  
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JUL 18 2007

**OFFICE OF PETITIONS**

ZION HADAD  
48 HAALMOGIM STREET  
RISHON LEZION IL ISRAEL

In re Application of  
Zion Hadad  
Application No. 11/286,323  
Filed: November 25, 2005  
Attorney Docket No. None

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:  
:  
:  
:

**ON PETITION**

This is a decision in response to the petition, filed March 6, 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 3, 2006. A Notice of Abandonment was mailed on December 6, 2006. In response, on March 6, 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 delay.

The application is being referred to Technology Center AU 2611 for consideration of the amendment filed March 6, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.  
40 KING STREET WEST  
BOX 401  
TORONTO, ON M5H 3Y2  
CANADA

Mail Date: 04/21/2010

<b>Applicant</b>	: Rafal Rybak	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7620387	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,330	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **222** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.  
40 KING STREET WEST  
BOX 401  
TORONTO, ON M5H 3Y2  
CANADA

Mail Date: 05/18/2010

<b>Applicant</b>	: Rafal Rybak	: NOTICE CONCERNING IMPROPER
<b>Patent Number</b>	: 7620387	: CALCULATION OF PATENT TERM
<b>Issue Date</b>	: 11/17/2009	: ADJUSTMENT BASED UPON USPTO
<b>Application No</b>	: 11/286,330	: IMPROPERLY MEASURING REDUCTION
<b>Filed</b>	: 11/25/2005	: 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 **317** 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).



BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

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**MAY 16 2006**

**OFFICE OF PETITIONS**

In re Application of Liu et al. :  
Application No. 11/286,408 : Decision Refusing to Accord  
Filed: November 25, 2005 : Status Under 37 CFR 1.47(a)  
Attorney Docket No. 5275-0102PUS1 :  
For: Apparatus for Reading/Writing :  
Storage Devices :

This is a decision on the petition under 37 CFR 1.47(a), filed March 3, 2006.

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. No further petition fee is required for the request. 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 current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

- (1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refuses to sign after having been presented with the application papers (specification, claims, and drawings),
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$200 as specified in 37 CFR 1.17(g), and
- (4) the last known address of the omitted inventor(s).

The instant petition fails to satisfy item (1).

Petitioner has failed to prove the non-signing inventor could not be found after diligent effort. The petition fails to discuss the steps taken to locate the non-signing inventor. Any request for reconsideration should include a full discussion of the steps taken to locate the non-signing inventor.

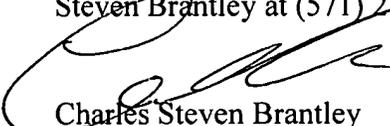
Further correspondence with respect to this matter should be addressed as follows:

By facsimile: (571) 273-8300  
Attn: Office of Petitions

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  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

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



BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

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**SEP 22 2006**

**OFFICE OF PETITIONS**

In re Application of Liu et al. :  
Application No. 11/286,408 : Decision Refusing to Accord  
Filed: November 25, 2005 : Status Under 37 CFR 1.47(a)  
Attorney Docket No. 5275-0102PUS1 :  
For: Apparatus for Reading/Writing :  
Storage Devices :

This is a decision on the renewed petition under 37 CFR 1.47(a), filed July 17, 2006.

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. No further petition fee is required for the request. 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 current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

The instant petition proves the non-signing inventor cannot be found or reached after diligent effort or that the inventor refuses to sign after having been presented with the application papers (specification, claims, and drawings).

Unfortunately, the petition cannot be granted at this time.

The undersigned is unfamiliar with International Address Formats for many countries. At the time the prior decision was mailed, the Office failed to recognize the last known address for the non-signing inventor and the addresses for the inventors on the declaration fail to include a zip code.

An example of a Taiwanese address is:

Yu Chi  
5 Lane 80 Taiyuen Road  
Datong District, Taipei City 10349  
Taiwan (R.O.C.)

The address format for Taiwanese mail can be found at:

[http://www.post.gov.tw/post/internet/u\\_english/postal\\_g\\_2.jsp](http://www.post.gov.tw/post/internet/u_english/postal_g_2.jsp)

The website above *may* contain a section allowing one to determine the zip code for an address if one has the remaining information for the address.

Petitioner should supply the full last known address for the non-signing inventor. Petitioner should supply an Application Data Sheet or supplemental declaration providing the full addresses for all of the inventors.

The petition fee was properly paid on March 3, 2006. A petition fee of \$200 was improperly charged to petitioner's deposit account on July 19, 2006. The \$200 has been credited back to the deposit account.

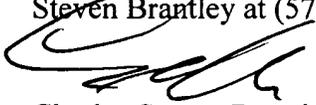
Further correspondence with respect to this matter should be addressed as follows:

By facsimile: (571) 273-8300  
Attn: Office of Petitions

By mail: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
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By hand: U.S. Patent and Trademark Office  
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Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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APR 20 2007

**OFFICE OF PETITIONS**

In re Application of Liu et al.	:	
Application No. 11/286,408	:	Decision According Status
Filed: November 25, 2005	:	Under 37 CFR 1.47(a)
Attorney Docket No. 5275-0102PUS1	:	
For: Apparatus for Reading/Writing	:	
Storage Devices	:	

This is a decision on the renewed petition under 37 CFR 1.47(a), filed December 22, 2006.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Initial Patent Examination will be informed of the instant decision so that it may continue to prepare the application for examination.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

  
Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100219

**DATE** : February 19, 2010

**TO SPE OF** : ART UNIT 2627

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7653919

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

**Certificates of Correction Branch - ST (South Tower) 9A22**

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance**

\_\_\_\_\_  
**Certificates of Correction Branch**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriated box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

**Comments:**

/Joseph H. Feild/  
Supervisory Patent Examiner, Art Unit 2627



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GLOBAL RESEARCH  
ONE RESEARCH CIRCLE  
BLDG. K1-3A59  
NISKAYUNA, NY 12309

Mail Date: 06/24/2010

**Applicant** : Radislav Alexandrovich Potyrailo : DECISION ON REQUEST FOR  
**Patent Number** : 7653919 : RECALCULATION of PATENT  
**Issue Date** : 01/26/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/286,413 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/21/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **882** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/286,422	11/25/2005	Toshihiko Higashi	P70957US0	8915

7590 11/19/2008  
Jacobson Holman PLLC  
400 Seventh Street, N.W.  
Washington, DC 20004

EXAMINER

MAWARI, REDHWAN K

ART UNIT	PAPER NUMBER
3663	

MAIL DATE	DELIVERY MODE
11/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

Jacobson Holman, PLLC  
400 Seventh Street, N.W.  
Washington, DC 20004

In re Application of  
Toshihiko Higashi et al.  
Application No. 11/286,422  
Filed: November 25, 2005  
For: ENGINE OUTPUT CONTROL  
APPARATUS

DECISION ON PETITION  
TO RESTART TIME PERIOD

This is in response to applicants' petition to restart the time period for reply filed in the United States Patent and Trademark Office (USPTO), on October 23, 2008. \

The petition is **DISMISSED**.

A review of the file record reveals that a Notice of Allowability and a Notice of Allowance and Fee Due were mailed to applicants on June 25, 1998. Since the issue fee was not timely paid, the application was held abandoned, and a Notice to that effect was mailed on October 23, 1998.

There is a strong presumption that Office communication properly addressed and delivered to the United States Postal Services, was in fact delivered to the addressee. An allegation that the Office communication was not received must be overcome by a showing that it was not received.

The showing required to establish non-receipt of an Office communication must include all of the following requirements:

- (1) A statement from the practitioner stating the Office communication was not received by the practitioner;
- (2) A statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and
- (3) A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

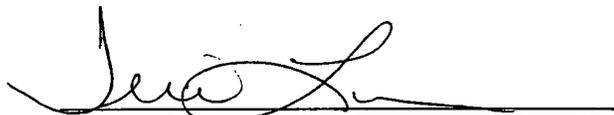
The docket records indicated above must include a copy of the list of **all responses** in the practitioner's office with the due date of August 12, 2008. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 OG 53 (November 16, 1993). The petitioner has failed to comply with requirement (3) indicated above.

The docket record provided in the petition pertains only to the instant application. To satisfy requirement (3) above, a docket record showing all actions due by the firm of Jacobson Holman PLLC at and around the due date of August 12, 2008, needs to be supplied.

As the statutory period for reply has expired, the application is abandoned.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Correspondence with respect to a Petition to Withdraw the Holding of Abandonment under *Delgar Inc. v. Schuyler* should be mailed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Teri P. Luu, Quality Assurance Specialist  
Patent Technology Center 3600  
(571) 272-7045

tl: 11/14/08



JACOBSON HOLMAN PLLC  
400 SEVENTH STREET, N.W.  
WASHINGTON DC 20004

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MAR 13 2009

In re Application of  
Toshihiko Higashi et al.  
Application No. 11/286,422  
Filed: November 25, 2005  
Attorney Docket No: P70957US0

OFFICE OF PETITIONS  
ON PETITION

This is a decision on the petition filed December 24, 2008 under 37 CFR 1.181, to restart the period for reply. The petition is being treated as a petition to withdraw the holding of abandonment in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned for failure to file a timely response to the non-Final Office Action mailed May 12, 2008, which set a three (3) month statutory period for reply. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The file record discloses that the Office Action was mailed to the address of record which is the same address used on all correspondences from the USPTO. Petitioner has provided a copy of the docket report, wherein receipt of the Office Action mailed May 12, 2008 would have been filed, had it been received. To show that the Notice mailed May 12, 2008 was not received, petitioner also explains that after searching the docket it was concluded that no correspondence was received for this matter from the USPTO.

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the non-Final Office Action mailed May 12, 2008, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Office Action.

In view of the facts set forth in the petition, it is concluded that the Office Action was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

This matter is being referred to Technology Center 3663 for a re-mailing of the non-Final Office Action and for a restarting of the period for response.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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LEMOINE & ASSOCIATES L.L.C.  
406 AUDUBON BLVD.  
LAFAYETTE, LA 70503

MAILED

MAY 19 2009

In re Application of :  
Jeffrey A. Reddoch, Sr. :  
Application No. 11/286,475 :  
Filed: November 26, 2005 :  
Attorney Docket No. 20051125 :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 20, 2009, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the non-final Office action mailed July 10, 2008. A Notice of Abandonment was mailed on February 19, 2009.

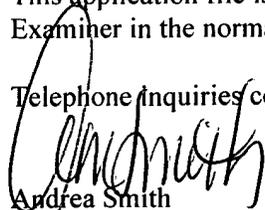
It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address filed on April 20, 2009 has been accepted and made of record. A Notice of Acceptance accompanies this decision.

This application file is being referred to Technology Center Art Unit 3671 for appropriate action by the Examiner in the normal course of business on the amendment filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

Enclosure: Notice of Acceptance of Power of Attorney



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/286,475	11/26/2005	Jeffrey A. Reddoch SR.	DCDC - V&G

**CONFIRMATION NO. 8449**

**POA ACCEPTANCE LETTER**

63082  
LEMOINE & ASSOCIATES L.L.C.  
406 AUDUBON BLVD.  
LAFAYETTE, LA 70503



Date Mailed: 05/15/2009

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 04/20/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



GENERAL INSTRUMENT CORPORATION DBA THE CONNECTED  
HOME SOLUTIONS BUSINESS OF MOTOROLA, INC.  
101 TOURNAMENT DRIVE  
HORSHAM PA 19044

**COPY MAILED**

APR 16 2007

**OFFICE OF PETITIONS**

In re Application of  
Marck S. Schmidt  
Application No. 11/286,497  
Filed: November 23, 2005  
Attorney Docket No. **MOTO/BCS03772**

:  
:  
:  
: **DECISION ON PETITION**  
: **UNDER 37 CFR 1.78(a)(6)**  
:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed August 24, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(iii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. §119(e) is accepted as being unintentionally delayed.

***The granting of the petition to accept the delayed benefit claim to the prior-filed***

***application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.***

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2133 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

  
Charles Pearson  
Director,  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



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**PATRICK REILLY**  
**BOX 7218**  
**SANTA CRUZ CA 95061-7218**

**COPY MAILED**

JUL 27 2007

In re Application of  
**STANIFORD, et al.**  
Application No. 11/286,518  
Filed: November 26, 2005  
Attorney Docket No. **NEV-008-US**

**OFFICE OF PETITIONS**  
DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 27, 2006, to revive the above-identified application.

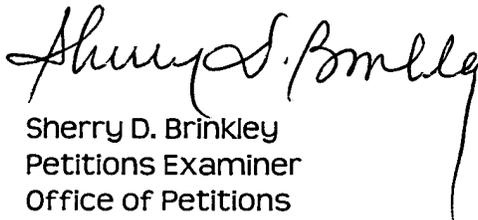
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed January 10, 2006. 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 application became abandoned on March 11, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed oath/declaration and the surcharge fee of \$65; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

The application file is being referred to the Office of Initial Patent Examination for further processing.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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Paper No.

SABIC - 08CU - ULTEM  
SABIC Innovative Plastics - IP Legal  
ONE PLASTICS AVENUE  
PITTSFIELD MA 01201-3697

**MAILED**

**APR 14 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Daniel Steiger et al. :  
Application No. 11/286,521 : DECISION ON PETITION  
Filed: November 21, 2005 : PURSUANT TO  
Attorney Docket Number: : 37 C.F.R. § 1.137(B)  
185192-1 :  
Title: HIGH HEAT :  
POLYETHERSULFONE COMPOSITIONS :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed July 30, 2008, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed January 2, 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 April 3, 2008. A notice of abandonment was

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

mailed on November 20, 2008, subsequent to the filing of this petition.

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 is not applicable.

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 July 30, 2008 can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>1</sup> All other inquiries

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<sup>1</sup> 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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DORSEY & WHITNEY LLP  
on behalf of APPLE, INC.  
370 SEVENTEENTH ST.  
SUITE 4700  
DENVER, CO 80202-5647

Mail Date: 04/20/2010

<b>Applicant</b>	: Christoph H. Krah	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7598711	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,523	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **253** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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
11/286,533	11/23/2005	2612	500		3	20	3

**CONFIRMATION NO. 3865**
**CORRECTED FILING RECEIPT**


\*OC000000018476569\*

Intellimatics  
 Attention Bryan A. Scott  
 Ste. 210-306  
 106 N. Denton Top Rd.  
 Coppell, TX 75019

Date Mailed: 04/06/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

**Applicant(s)**

Bryan Allan Scott, Austin, TX;  
 Kenneth Matthew Glover, Coppell, TX;  
 Dennis Keith Pharr, Oklahoma City, OK;

**Assignment For Published Patent Application**

Intellimatics, LLC

**Power of Attorney:** None

**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

**\*\* SMALL ENTITY \*\***
**Title**

Security key system, method and device

**Preliminary Class**

340

**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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**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 application(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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**STANDLEY LAW GROUP LLP  
6300 RIVERSIDE DRIVE  
DUBLIN, OH 43017**

**MAILED**

**MAR 25 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Wesley G. Chang	:	DECISION ON PETITION
Application No. 11/286,556	:	TO WITHDRAW
Filed: November 23, 2005	:	FROM RECORD
Attorney Docket No. CHA 2088-002	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on March 24, 2010 the power of attorney to Standley Law Group LLP was revoked by the applicant of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: WESLEY CHANG  
4847 VISTA RIDGE DRIVE  
DUBLIN OH 43017



LSI Logic Corporation  
MS: D-106 Legal  
1621 Barber Lane  
Milpitas CA 95035

**COPY MAILED**

JUL 15 2009

**OFFICE OF PETITIONS**

In re Application of	:	
Jonathan Byrn	:	
Application No.: 11/286557	:	DECISION ON
Filing or 371(c) Date: 11/23/2005	:	PETITION
Title of Invention:	:	
PROGRAMMABLE POWER	:	
MANAGEMENT USING A NANOTUBE	:	
STRUCTURE	:	

This is a decision in response to the Petition for Revival of Application Abandoned Unintentionally Under 37 CFR 1.137(b), filed May 14, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment ("Notice"), mailed August 14, 2008. The Notice set a one (1) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on September 15, 2008. A Notice of Abandonment was mailed March 24, 2009.

Applicant files the present petition and Amendment in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 2894 for processing of the reply to the Notice filed with the petition in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/  
Derek L. Woods  
Attorney  
Office of Petitions



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**LSI Logic Corporation**  
**1621 Barber Lane**  
**MS: D-106 Legal**  
**Milpitas CA 95035**

**MAILED**

**AUG 17 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Jonathan Byrn :  
Application No. 11/286,558 : **ON PETITION**  
Filed: November 23, 2005 :  
Attorney Docket No. 05-0786 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 1, 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 December 30, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is March 31, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

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 the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 2894 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.



Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **Raj Abhyanker**  
**1580 W. El Camino Real, Suite 8**  
**Mountain View, CA 94040**

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.

**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL**  
**(Submitted Only via EFS-Web)**

Application Number	11/286,558	Filing Date	2005-11-23	Docket Number (if applicable)	05-0786	Art Unit	2894
First Named Inventor	Jonathan BYRN			Examiner Name	Jami M. Valentine		

**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 Response to Office Action filed on March 2, 2009

Enclosed

Amendment/Reply

Information Disclosure Statement (IDS)

Affidavit(s)/ Declaration(s)

Other \_\_\_\_\_

**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 overpayment to the deposit account identified below.  
 Deposit Account No 122252

01 FC:1801 010.00 DA

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Patent Practitioner Signature

Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (06-09)

Approved for use through 07/31/2009. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Raj Abhyanker/	Date (YYYY-MM-DD)	2009-07-01
Name	Raj Abhyanker	Registration Number	45474

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.*



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MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO, IL 60661

Mail Date: 05/11/2010

**Applicant** : David Chaohua Wu : DECISION ON REQUEST FOR  
**Patent Number** : 7650125 : RECALCULATION of PATENT  
**Issue Date** : 01/19/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/286,561 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/23/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1001** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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JOSEPH S. HEINO, ESQ.  
DAVIS & KUELTHAU, S.C.  
111 E. KILBOURN  
SUITE 1400  
MILWAUKEE WI 53202-6613

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**MAR 01 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Richard T. Sarich :  
Application No. 11/286,592 :  
Filed: November 23, 2005 :  
Attorney Docket No. 25042.22273 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 13, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 30, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 1, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Abstract; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

The application file is being referred to the Office of Patent Initial Examination.

  
Liana Chase  
Petitions Examiner  
Office of Petitions



**COOLEY GODWARD LLP  
ATTN: PATENT GROUP  
SUITE 1100, 777 – 6<sup>TH</sup> STREET, NW  
WASHINGTON, DC 20001**

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DEC 1 1 2008

**OFFICE OF PETITIONS**

In re Application of	:	
Medhavi BHATIA	:	
Application No. 11/286,598	:	DECISION ON PETITION
Filed: November 23, 2005	:	TO WITHDRAW
Attorney Docket No. NEXE-011/00US 306342-2014	:	FROM RECORD

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 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 Daniel M. Bennett on behalf of the attorneys of record associated with Customer No. 22903.

The attorneys of record associated with Customer No. 22903 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 first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee

(e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.



Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: LE NHON BUI  
3402 MALIBU TERRACE  
FREMONT, CA 94539



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ALBANY, NY 12207

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**JAN 22 2010**

In re Application of :  
Rama K.T. Akkiraju, et al. :  
Application No.: 11/286,609 :  
Filed: November 23, 2005 :  
Attorney Docket No.: END920050111US1 :

ON PETITION

This is a decision on the petition, filed January 20, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on December 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.<sup>1</sup>*

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2166 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<sup>1</sup> 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.



**MAILED**

**MAY 10 2010**

**OFFICE OF PETITIONS**

**BROOKS KUSHMAN P.C.  
1000 TOWN CENTER  
TWENTY-SECOND FLOOR  
SOUTHFIELD MI 48075**

In re Application of :  
Michael E. Davis et al :  
Application No. 11/286,611 : **ON PETITION**  
Filed: November 23, 2005 :  
Attorney Docket No. CTL 0108 :  
PUS/60106 :

This is a decision on the petition under 37 CFR 1.137(a), filed January 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply to the final rejection mailed December 30, 2008.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of an amendment; (2) the petition fee of \$540.00; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

Since this application was abandoned for failure to timely file a proper reply to the final rejection mailed December 30, 2008, within the extendible six month period provided therefor, the Examiner had no procedural authority with respect to the abandoned application. See **Lorenz v. Finkl**, 333 F.2d 885, 891, 142 USPQ 26, 30 (CCPA 1964). Therefore, the examiner was without authority to act further in the case absent a grantable petition reviving the application. Nevertheless, in view of this decision on petition, the reply received on January 21, 2010, is now considered a proper filing and the actions of the examiner taken thereafter are hereby ratified.

This application is being referred to Technology Center AU 3688 for appropriate action by the Examiner in the normal course of business on the reply received January 21, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



FRASER CLEMENS MARTIN & MILLER LLC  
28366 KENSINGTON LANE  
PERRYSBURG OH 43551

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**JUN 25 2007**

**OFFICE OF PETITIONS**

In re Application of  
Ken S. Hantman, et al.  
Application No. 11/286,650  
Filed: November 23, 2005  
Attorney Docket No. 1-37796

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 17, 2006 and November 8, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37-CFR-10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, “assignee of entire interest and has filed a revocation of power of attorney”, do not meet any the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being

submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number). The power of attorney filed on January 17, 2006 does not include one of the above two options.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: KEN S. HANTMAN  
3856 BRYON ROAD  
HUNTINGDON VALLEY, PA 19006



FRASER, CLEMENS, MARTIN & MILLER, LLC  
28366 KENSINGTON LANE  
PERRYSBURG, OH 43551

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**MAR 17 2008**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Ken S. Hantman, et al.	:	
Application No. 11/286,650	:	<b>DECISION ON PETITION</b>
Filed: November 23, 2005	:	<b>TO WITHDRAW</b>
Attorney Docket No. 1-37796	:	<b>FROM RECORD</b>
	:	

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 4, 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 James D. Miller on behalf of all attorneys of record who are associated with customer No. 43935.

All attorneys/agents associated with the Customer Number 43935 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).

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: KEN S. HANTMAN  
3856 BRYON ROAD  
HUNTINGDON VALLEY, PA 19006



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/286,650	11/23/2005	Ken S. Hantman	1-37796

**CONFIRMATION NO. 3207**

**POWER OF ATTORNEY NOTICE**



43935  
FRASER CLEMENS MARTIN & MILLER LLC  
28366 KENSINGTON LANE  
PERRYSBURG, OH 43551

Date Mailed: 03/17/2008

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/04/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199



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Paper No.

**DEC 22 2009**

**OFFICE OF PETITIONS**

CALIF KIP TERVO  
6387 CAMINITO LAZARO  
SAN DIEGO CA 92111

In re Application of :  
Cho :  
Application No. 11/286,678 : DECISION ON PETITION  
Filed: November 23, 2005 : PURSUANT TO  
Attorney Docket No.: CHOH-8 : 37 C.F.R. § 1.137(B)  
Title: SANITARY DOUBLE CAP :  
ALLOWING ADDITION OF ADJUNCT :  
TO CONTENTS OF A CONTAINER :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed September 29, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The concurrently submitted Power of Attorney and Change of Correspondence Address has been entered and made of record.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed November 13, 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 February 14, 2009. A notice of abandonment was mailed on June 9, 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 amendment, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.<sup>1</sup>

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on September 29, 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.** Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>2</sup> All other inquiries concerning this application should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>1</sup> See Rule 1.137(d).

<sup>2</sup> 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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**PROSKAUER ROSE LLP  
ONE INTERNATIONAL PLACE  
BOSTON MA 02110**

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JUL 01 2008

**OFFICE OF PETITIONS**

In re Application of :  
Marthinus C. Van Schoor :  
Application No. 11/286,680 : DECISION GRANTING PETITION  
Filed: November 22, 2005 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. MDE-008 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 30, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

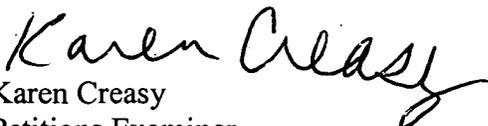
The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on June 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.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3676 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

<sup>1</sup> 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.



**PROSKAUER ROSE LLP  
ONE INTERNATIONAL PLACE  
BOSTON, MA 02110**

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**AUG 28 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Marthinus C. Van Schoor :  
Application No. 11/286,680 :  
Filed: November 22, 2005 :  
Attorney Docket No. MDE-008 :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 14, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request cannot be approved since the proper certifications were not made. Pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period that the practitioner intends to withdraw from employment.

Accordingly, any subsequent requests must include all certifications pursuant to 37 CFR 10.40.

There is an outstanding Non-Final Office action mailed June 19, 2009, that requires a reply from the applicant.

All future communications from the Office will continue to be directed to the above-listed address until properly notified.

Telephone inquires concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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Paper No.

CALFEE HALTER & GRISWOLD, LLP  
800 SUPERIOR AVENUE  
SUITE 1400  
CLEVELAND OH 44114

**MAILED**

**AUG 31 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Villamena et al. :  
Application No. 11/286,682 : ON APPLICATION FOR  
Filed: November 23, 2005 : PATENT TERM ADJUSTMENT  
Atty Docket No. 22727/04292 :

This is in response to the APPLICATION FRO PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 CFR §1.705(b) filed March 11, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is three hundred fifteen (315) days, not forty-one (41) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Citing Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008), applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent<sup>1</sup>.

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

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<sup>1</sup> This calculation is based on a projected issuance date of August 24, 2009.

undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee<sup>2</sup>.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for

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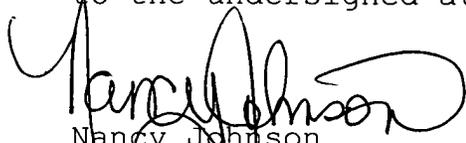
<sup>2</sup> For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for 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.

patent term adjustment under 37 CFR 1.705(b). This fee is required and will not be refunded.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



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CALFEE HALTER & GRISWOLD, LLP  
800 SUPERIOR AVENUE  
SUITE 1400  
CLEVELAND, OH 44114

Mail Date: 04/20/2010

<b>Applicant</b>	: Frederick Villamena	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7598400	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,682	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: 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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**OFFICE OF PETITIONS**

**ALSTON & BIRD, LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 282280-4000**

In re Application of	:	
Robert KING, et al	:	
Application No. 11/286,689	:	DECISION ON PETITION
Filed: November 23, 2005	:	TO WITHDRAW
Attorney Docket No. 048782/302201	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 29, 2007.

The request is **NOT APPROVED**.

The Office cannot approve the request at this time since the reason provided does not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "a practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office." More specifically, 37 CFR 10.40 states, "if paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, Alston & Bird no longer represents Humanscale Corporation., does not meet any of the conditions set forth in 37 CFR 10.40, since Assignee has not properly intervened.

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 continue to be directed to the above-listed address until otherwise notified by 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 July 31, 2007 that requires a reply by the applicant.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

  
April Wise  
Petitions Examiner  
Office of Petitions

cc: HUMANSIZE CORP.  
ATTN : PATRICK J. HOFFNER, ESQ.  
11 EAST 26<sup>TH</sup> STREET  
8<sup>TH</sup> FLOOR  
NEW YORK, NY 10010



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**ALTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET,  
SUITE 4000  
CHARLOTTE, NC 28280-4000**

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**FEB 05 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Robert KING, et al	:	
Application No. 11/286,689	:	DECISION ON PETITION
Filed: November 23, 2005	:	TO WITHDRAW
Attorney Docket No. 048782/302201	:	FROM RECORD
	:	

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 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. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Walter Scott on behalf of all attorneys/agents of record associated with Customer Number 00826.

All attorneys/agents of record associated with Customer Number 00826 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: HUMANSIZE CORP.  
ATTN : PATRICK J. HOEFFNER, ESQ.  
11 EAST 26<sup>TH</sup> STREET  
8<sup>TH</sup> FLOOR  
NEW YORK, NY 10010



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/286,689	11/23/2005	Robert King	048782/302201

**CONFIRMATION NO. 9209**

**POWER OF ATTORNEY NOTICE**



826  
ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

Date Mailed: 02/05/2008

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 01/11/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199



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HENRICKS SLAVIN AND HOLMES LLP  
SUITE 200  
840 APOLLO STREET  
EL SEGUNDO, CA 90245

Mail Date: 04/21/2010

<b>Applicant</b>	: Audra Gerhardt	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7614126	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,701	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/22/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **622** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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: 04/21/2010

<b>Applicant</b>	: Seung-Young Park	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7593420	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,728	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **951** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**JAN 18 2006**

In re Application of :  
Roger Herbstritt :  
Serial Number: 11/286,749 : PETITION UNDER  
Filed: November 25, 2005 : M.P.E.P.708.02 IV  
For: REVERSE-ROTATION DISPLAYS :

This is in response to the petition filed November 25, 2005, requesting that the above-identified application be granted Special Status under Sections 708.02 IV of the MPEP and 37 CFR 1.102 (**no fee required**).

The request for Special Status considered under Section 708.02 IV has not been granted because criteria under 37 CFR 1.102 has not been met. Specifically, evidence such as a birth certificate or a statement by applicant is required to show applicant is 65 years, or more, in age; a statement by the petitioner is not sufficient to meet this requirement.

Accordingly the petition is **DENIED**.

William Krynski, Special Programs Examiner  
Technology Center 1700  
Chemical and Materials Engineering

FAX

PAGE 1  
OF  
2 PAGES

TO: FAX # 571-273-1024  
WILLIAM KRYNSKI  
TECHNOLOGY CENTER

FROM: ROGER HERBSTTRITT 703-938-3937

DATE: JAN 26 2006

SERIAL NUMBER: 11/286,749

SUBJECT: PETITION UNDER M.P.E.P. 708.02IV

PLEASE FIND ON THE NEXT PAGE  
A COPY OF MY BIRTH CERTIFICATE.  
IT SHOWS MY TIME ON THIS PLANET  
BEGAN ON, 6-29-33.

THANK YOU FOR YOUR ATTENTION  
TO THIS MATTER.

*Roger*

PETITION GRANTED

  
William Krynski,  
Special Program Examiner  
Technology Center 1700



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TONG & ASSOCIATES  
5850 ANOGA AVENUE, SUITE #400  
WOODLAND HILLS, CA 91367

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**OFFICE OF PETITIONS**

In re Application of :  
Yu Ching Wu et al :  
Application No. 11/286,752 :  
Filed: November 25, 2005 :  
Attorney Docket No. 205098.001 :

ON PETITION

This is a decision on the petition filed October 25, 2007 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed July 12, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 13, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of 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 file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc: Roland Tong  
P.O. Box 802691  
Valencia, CA 91380



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**SEP 06 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Jeffrey W. Waldrip, Stehen M.	:	
Prather, Matthew Berzins, and	:	
Charles Cornell	:	
Application No. 11/286,764	:	DECISION ON PETITION UNDER
Filed: November 23, 2005	:	37 C.F.R. §1.47(A)
Attorney Docket No. 33588/US/4	:	
Title: CIRCUIT AND METHOD FOR	:	
RAPID POWER UP OF A	:	
DIFFERENTIAL OUTPUT DRIVER	:	

This is in response to the petition under 37 C.F.R. §1.47(a)<sup>1</sup>, filed May 30, 2006.

On November 23, 2005, the application was filed, identifying Jeffrey W. Waldrip, Stehen M. Prather, Matthew Berzins, and Charles Cornell as joint inventors. The application was deposited without a fully executed declaration. On December 30, 2005, a "Notice to File Missing Parts of Nonprovisional

<sup>1</sup> A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
  - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

Application - Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required, along with replacement drawings. This Notice set a two-month period for reply.

With the present petition, Petitioner has submitted the petition fee, the associated surcharge, replacement drawings, a three-month extension of time to make timely this response, a declaration which has been executed by each of the non-signing inventors save Mr. Waldrip, and a statement of facts.

Petitioner has met requirements (1) - (3) and (5) of Rule 47(a).

Regarding the fourth requirement of 37 C.F.R. §1.47(a), Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. *As petitioner has set forth that the non-signing joint inventor cannot be reached, Petitioner is required to establish that a diligent effort was made to locate the non-signing inventor.* Petitioner has set forth that a letter was mailed to the last known address of the non-signing joint inventor, and the letter was returned with an indication that there is no such person at that address. The declarant has concluded that the non-signing inventor "has apparently moved from his last known address<sup>2</sup>," yet it does not appear that Petitioner has undertaken any effort to locate the individual. Petitioner is required to establish that a diligent effort was made to locate the non-signing inventor. There is no indication that Rule 47 applicant attempted to verify the address of the non-signing inventor or to determine his forwarding address and to send the application papers to that address for consideration by the inventor<sup>3</sup>. If attempts to obtain a forwarding address or to locate the non-signing inventor by other means such as through E-mail, telephone, or the Internet fail, then applicant will have provided the necessary proof required under 37 C.F.R. §1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details.

Pursuant to the discussion above, the 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

---

2 Declaration of James Pinto, paragraph 13.

3 See MPEP 409.03(d).

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 mail<sup>4</sup>, hand-delivery<sup>5</sup>, or facsimile<sup>6</sup>.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225<sup>7</sup>. 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**

---

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.

7 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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DENVER CO 80202

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**MAR 30 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Jeffrey W. Waldrip, Stehen M. :  
Prather, Matthew Berzins, and :  
Charles Cornell :  
Application No. 11/286,764 : DECISION ON RENEWED PETITION  
Filed: November 23, 2005 : PURSUANT TO 37 C.F.R.  
Attorney Docket No. 33588/US/4 : §1.47(A)  
Title: CIRCUIT AND METHOD FOR :  
RAPID POWER UP OF A :  
DIFFERENTIAL OUTPUT DRIVER :

This is in response to the renewed petition pursuant to 37 C.F.R. §1.47(a)<sup>1</sup>, filed December 6, 2006.

On November 23, 2005, the application was filed, identifying Jeffrey W. Waldrip, Stehen M. Prather, Matthew Berzins, and Charles Cornell as joint inventors. The application was deposited without a fully executed declaration. On December 30, 2005, a "Notice to File Missing Parts of Nonprovisional

<sup>1</sup> A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 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 C.F.R. §1.63.

Application - Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required, along with replacement drawings. This Notice set a two-month period for reply.

The original petition was filed on May 30, 2006, and was dismissed via the mailing of a decision on September 6, 2006. The decision indicated that with the original petition, Petitioner had met requirements (1) - (3) and (5) of Rule §1.47(a). The petition was dismissed for failing to establish that diligent efforts had been made to locate non-signing inventor Waldrip.

With this renewed petition, Petitioner has submitted a declaration of facts and a one-month extension of time to make timely this response.

With this renewed petition, Petitioner has again failed to establish that diligent efforts have been made to locate the non-signing inventor. Petitioner has set forth that he called directory information in Austin, Texas (the city where Mr. Waldrip was last known to reside), and was told that the phone number was non-published. Directory information further declined his request for Mr. Waldrip's address. Petitioner further spoke with a representative of Mr. Waldrip's former employer, and mailed a letter to Mr. Waldrip's last-known address.

It is not clear what has prevented Petitioner from consulting online directories and databases. For example, the undersigned performed a search for "Jeff Waldrip" using the commercial database Lexis-Nexus®, and found multiple viable results in a plurality of states, at addresses other than the last-known address of the non-signing inventor, including several in Texas, and one in Austin.

It follows that Petitioner's showing is incomplete; consequently, this renewed petition must be **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "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 renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail<sup>2</sup>, hand-delivery<sup>3</sup>, or facsimile<sup>4</sup>.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225<sup>5</sup>. 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

---

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 any further action(s) of Petitioner.



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**OFFICE OF PETITIONS**

In re Application of	:	
Jeffrey W. Waldrip, Stehen M.	:	
Prather, Matthew Berzins, and	:	
Charles Cornell	:	
Application No. 11/286,764	:	DECISION ON SECOND RENEWED
Filed: November 23, 2005	:	PETITION PURSUANT TO
Attorney Docket No. 33588/US/4	:	37 C.F.R. § 1.47(A)
Title: CIRCUIT AND METHOD FOR	:	
RAPID POWER UP OF A	:	
DIFFERENTIAL OUTPUT DRIVER	:	

This is in response to the second renewed petition pursuant to 37 C.F.R. § 1.47(a)<sup>1</sup>, filed October 2, 2007.

On November 23, 2005, the application was filed, identifying Jeffrey W. Waldrip, Stehen M. Prather, Matthew Berzins, and Charles Cornell as joint inventors. The application was deposited without a fully executed declaration. On December 30,

1 A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 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 C.F.R. § 1.63.

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, along with replacement drawings. This Notice set a two-month period for reply.

An original petition was filed on May 30, 2006, and was dismissed via the mailing of a decision on September 6, 2006. The decision indicated that with the original petition, Petitioner had met requirements (1) - (3) and (5) of Rule §1.47(a). The petition was dismissed for failing to establish that diligent efforts had been made to locate non-signing inventor Waldrip.

A renewed petition was filed on December 6, 2006, and was dismissed via the mailing of a decision on March 30, 2007, for again failing to establish that diligent efforts had been made to locate non-signing inventor Waldrip.

With this renewed petition, Petitioner has submitted a four-month extension of time so as to make timely this response<sup>2</sup>. Petitioner has further included a declaration that has been executed by the previously non-signing joint inventor. However, joinder has not been achieved, as this declaration cannot be accepted, as it fails to comply with 37 C.F.R. § 1.63 - **the declaration contains non-initialed and non-dated changes by inventor Waldrip<sup>3</sup>**.

It follows that this second renewed petition must be **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "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.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail<sup>4</sup>, hand-delivery<sup>5</sup>, or facsimile<sup>6</sup>. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web<sup>7</sup>.

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2 This petition contains a certificate of mailing dated October 1, 2007, and it is noted that September 30, 2007 fell on a Sunday.

3 See 37 C.F.R. §1.52(c)(1) and MPEP § 605.04(a).

4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

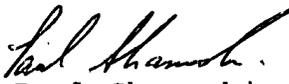
5 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

6 (571) 273-8300- please note this is a central facsimile number.

7 <https://portal.uspto.gov/authenticate/authenticateuserlocalepf.html>

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225<sup>8</sup>. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanoski  
Senior Attorney  
Office of Petitions  
United States Patent and Trademark Office

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<sup>8</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No.

BROWNSTEIN HYATT & FARBER  
410 SEVENTEENTH STREET  
22ND FLOOR  
DENVER CO 80202

**COPY MAILED**  
FEB 04 2008  
**OFFICE OF PETITIONS**

In re Application of :  
Jeffrey W. Waldrip, Stehen M. :  
Prather, Matthew Berzins, and :  
Charles Cornell :  
Application No. 11/286,764 : DECISION NOTING JOINDER AND  
Filed: November 23, 2005 : DISMISSING RENEWED PETITION  
Attorney Docket No. 33588/US/4 : UNDER 37 C.F.R. § 1.47(A) AS  
Title: CIRCUIT AND METHOD FOR : MOOT  
RAPID POWER UP OF A :  
DIFFERENTIAL OUTPUT DRIVER :

This is in response to the third renewed petition pursuant to 37 C.F.R. § 1.47(a)<sup>1</sup>, filed December 21, 2007.

<sup>1</sup> A grantable petition under 37 C.F.R. § 1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 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 C.F.R. § 1.63.

On November 23, 2005, the application was filed, identifying Jeffrey W. Waldrip, Stehen M. Prather, Matthew Berzins, and Charles Cornell as joint inventors. The application was deposited without a fully executed declaration. On December 30, 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, along with replacement drawings. This Notice set a two-month period for reply.

An original petition was filed on May 30, 2006, and was dismissed via the mailing of a decision on September 6, 2006. A renewed petition was filed on December 6, 2006, and was dismissed via the mailing of a decision on March 30, 2007. A second renewed petition was filed on October 2, 2007, and was dismissed via the mailing of a decision on November 5, 2007 - the decision indicated:

With this renewed petition, Petitioner has submitted a four-month extension of time so as to make timely this response<sup>2</sup>. Petitioner has further included a declaration that has been executed by the previously non-signing joint inventor. However, joinder has not been achieved, as this declaration cannot be accepted, as it fails to comply with 37 C.F.R. § 1.63 - **the declaration contains non-initialed and non-dated changes by inventor Waldrip<sup>3</sup>** (emphasis included).

With this third renewed petition, Petitioner has included a declaration that has been executed by the previously non-signing joint inventor.

As such, this third renewed petition is **DISMISSED AS MOOT**.

In view of the joinder of the joint inventor, further consideration under 37 C.F.R. § 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule § 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 C.F.R. § 1.47(a).

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.

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<sup>2</sup> This petition contains a certificate of mailing dated October 1, 2007, and it is noted that September 30, 2007 fell on a Sunday.

<sup>3</sup> See 37 C.F.R. §1.52(c)(1) and MPEP § 605.04(a).

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 Alexandria, Virginia 22313-1450  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/286,769	11/23/2005	1725	565	4064-005	4	11	2

CONFIRMATION NO. 2801

UPDATED FILING RECEIPT



\*OC000000019229494\*

PENDORF & CUTLIFF  
 511 Memorial Highway  
 Tampa, FL 33634-7356

Date Mailed: 06/12/2006

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)**

Johannes Klett, Ofterdingen, GERMANY;  
 Martin Heinrich, Hechingen, GERMANY;

**Power of Attorney:** The patent practitioners associated with Customer Number **000041288**.

**Domestic Priority data as claimed by applicant**

**Foreign Applications**

GERMANY 10 2004 056 636 11/23/2004

If Required, Foreign Filing License Granted: 01/05/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/286,769**

**Projected Publication Date:** 09/21/2006

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

High-frequency surgical apparatus and a method for operating same

**Preliminary Class**

219

**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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**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).



PATENT  
Attorney Docket No. 503148

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Patricia J. Horst

Application No.: 11/286,776

Art Unit: 1761

Filed: November 22, 2005

Examiner: Not Assigned

For: EGG TESTING APPARATUS AND METHOD

PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE  
(37 C.F.R. § 1.102(c) AND M.P.E.P. § 708.02 IV)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions to make this application special because the Applicant is over sixty-five (65) years of age.

In accordance with MPEP 708.02 IV, an Affidavit showing Applicant's age to be over sixty-five (65) years, is attached hereto.

No fee is required with this petition, in accordance with 37 C.F.R. § 1.102(c).

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8			
I hereby certify that this Petition to Make Special and all accompanying documents are, on the date indicated below, <input checked="" type="checkbox"/> being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or <input type="checkbox"/> being facsimile transmitted to the U.S. Patent and Trademark Office, Attention: Examiner , Art Unit , Facsimile Number			
Name (Print/Type)	Nancy Kloster		
Signature	Nancy Kloster	Date	May 9, 2006

5-23-06  
PETITION GRANTED

William Krynski,  
Special Program Examiner  
Technology Center 1700



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FULWIDER PATTON LLP  
HOWARD HUGHES CENTER  
6060 CENTER DRIVE, TENTH FLOOR  
LOS ANGELES CA 90045

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APR 11 2008

**OFFICE OF PETITIONS**

In re Application of :  
**HERNANDEZ, Hector Ray Jr.** :  
Application No. 11/286,788 : DECISION GRANTING PETITION  
Filed: November 23, 2005 : UNDER 37 CFR 1.313(c)(3)  
Attorney Docket No. **ALLTT-75601** :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed April 9, 2008, 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 in favor of a continuing application under 37 CFR 1.53(b).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

Monica A. Graves  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/286,789	11/23/2005	William Arthur Taylor	460p-Taylor	1801
82300	7590	01/26/2010	EXAMINER	
William Arthur Taylor 1326 Aspen Drive Evergreen, CO 80439			JONES, MARCUS D	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			01/26/2010	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

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William Arthur Taylor  
1326 Aspen Drive  
Evergreen CO 80439

*In re* Application of: :  
TAYLOR, WILLIAM ARTHUR :  
Serial No.: 11/286,789 :  
Filed: Nov. 23, 2005 :  
Docket: 460p-Taylor :  
Title: GAMING DEVICE WITH PLAYER :  
SELECTABLE SETTINGS :

DECISION ON PETITION TO  
REVIEW OFFICE ACTION

This is a response to the applicant's letter filed on Dec. 15, 2009. The letter has been treated as a petition to review the final-Office action of September 15, 2009 issued by the examiner under 37 CFR § 1.181.

In the letter of December 15, 2009, the applicant requests the Director to review the Office action of September 15, 2009 issued by the examiner for completeness. In particular, the applicant asserts that the examiner's rejection is unintelligible and makes no sense. The examiner has repeated the applicant's own language in the rejection. The applicant also claims, *inter alia*, that in the Office action, the examiner failed to address his arguments. Finally, the applicant opines that the invention is differentiated from the prior art references.

Discussion and Analysis

A review of the Office action shows that the examiner has rejected all pending claims under various grounds of rejections. In the final Office action of September 15, 2009, the examiner has set forth observations as to how the references are reading on the claims. It should be noted that it is routine for the examiner to apply the claimed language when explaining the prior art references in a rejection in accordance with MPEP § 707.07(a) and 37 CFR § 1.104(b). In the case, the examiner merely used the claimed language to show how the prior art references are read on the claims. It must be noted that the applicant must point out from the claims if there is any differences between the claimed features and what the prior art references fail to teach or show (37 C.F.R § 1.111). Therefore, there is nothing improper when the examiner uses the same claim language for explanation of the prior art references in the Office action. However, the applicant may disagree what and how the examiner interprets the claim language when applying the prior art references in the Office action. For example, the examiner stated that "if applicant believes that having the volatility selection not depend on a previous, initial, subsequent or secondary game session is novel and part of the current invention, applicant should point out

where, in the specification the original disclosure as filed, the limitation is enabled and also put such limitation on record as part of the claims.” in the non- final Office action of March 15, 2009 and repeated in final-Office action of September 15, 2009. The applicant did replied to the examiner’s inquiry as stated in the response filed on 5/8/09 (see page 2 of the Remarks filed on May 8, 2009. In the final-Office action the examiner repeated the same inquiry because the examiner did not agree with the applicant as stated in the Paragraphs 23-37 of the final-Office action. The disagreement in interpretation of claim language and the prior art reference is clearly appealable and not petitionable matters. As such, the petition will not be decided by this decision under 37 CFR § 1.181(a) (1)<sup>1</sup>. The issues presented by the applicant are clearly directed to the propriety of the examiner’s rejection of the claims under 35 U.S.C. § 112, § 102 and § 103. The question of whether claims 1-17 should be rejected under the various sections of 35 U.S.C. § 102 and 103 or not is an appealable issue under 37 CFR 41.31(a) (1). In accordance with 37 CFR §1.181(a) (1), an applicant may properly petition the Director only where the matter to be petitioned is not subject to appeal. The M.P.E.P. defines matters that are in fact subject to appeal in §1201.

With regard to the Supervisory Patent Examiner’s failure to personally attend the interview, it is regretted that his absence was due to last minute schedule conflict. However, the applicant should rest assure that the examiner and the primary examiner do possess negotiation authority to conduct interviews.

After the review of the final Office action of September 15, 2009, the examiner’s Office action does comply with the USPTO rules and regulations. The Office action of September 15, 2009 stands.

#### Conclusion

For the foregoing reasons, the Office action of September 15, 2009 is deemed proper. The application is being forwarded to Examiner Jones via the Supervisor Patent Examiner of Art Unit 3714 awaiting the applicant’s filing of a Notice of Appeal and Appeal Brief to the final Office action of September 15, 2009. As stated in 37CFR § 1.181(f): The mere filing of a petition will not stay any period for reply that may by running against the application, nor act as a stay of other proceedings. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED.



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Robert Olszewski, Director  
Technology Center 3700

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<sup>1</sup> 37 CFR § 1.181 Petition to the Director. (a) Petition may be taken to the Director: (1)From any action or requirement of any examiner in the ex parte prosecution of an application, or in ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;



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**Daniel L. Dawes**  
**Myers, Dawes, Andras & Sherman, LLP**  
**Suite 1150**  
**1990 MacArthur Boulevard**  
**Irvine, CA 92612**

**COPY MAILED**

SEP 30 2008

**OFFICE OF PETITIONS**

In re Application of :  
Bedri A. Cetiner et al. :  
Application No. 11/286,803 :  
Filed: November 22, 2005 :  
Attorney Docket No. UC1.PAU.60 :  
: **DECISION ON PETITION**  
: **TO WITHDRAW**  
: **FROM RECORD**  
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed September 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. 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 Joseph C. Andras, on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed to that of the inventor at the address of record. The address changed 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: Bedri A. Cetiner  
224 East Main Street,  
Apartment #2  
Morehead, KY 40351



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/286,803	11/22/2005	Bedri A. Cetiner	UCI.PAU.60

**CONFIRMATION NO. 1865**

**POWER OF ATTORNEY NOTICE**



Daniel L. Dawes  
Myers Dawes Andras & Sherman LLP  
Suite 1150  
1990 MacArthur Boulevard  
Irvine, CA 92612

Date Mailed: 09/30/2008

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/02/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON, VA 20195

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**MAR 16 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Kamran **BEHZADIAN** :  
Application No. 11/286,832 :  
Filed: November 23, 2005 :  
Attorney Docket No. **36731-000085/US/CPA** :

DECISION ON PETITION TO  
WITHDRAW FROM RECORD  
UNDER 37 CFR 1.36(b)

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 14, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John A. Castellano 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 as it 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 sole 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: **KAMRAN BEHZADIAN**  
**641 KIRKLAND DRIVE**  
**SUNNYVALE, CA 94087**

cc: **CECILY ANNE O'REGAN**  
**WILSON SONSINI GOODRICH & ROSATI**  
**650 PAGE MILL ROAD**  
**PALO ALTO, CA 94304**



UNITED STATES PATENT AND TRADEMARK OFFICE

APR 26 2010

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CHRISTOPHER PARADIES, PH.D.  
FOWLER WHITE BOGGS BANKER, P.A.  
501 E KENNEDY BLVD, STE. 1900  
TAMPA FL 33602

In re Application of	:	DECISION ON PETITION
DITTRICH, KAY W.	:	TO WITHDRAW FINALITY
Appl. No. 11/286,834	:	OF OFFICE ACTION
Filed: November 23, 2005	:	UNDER 37 CFR 1.181
For: COVER SKIN FOR A VARIABLE-	:	
SHAPE AERODYNAMIC AREA	:	

This is a decision on applicant's petition under 37 CFR 1.181 filed on March 11, 2009 to withdraw the finality of the Office action of October 1, 2008.

The petition is **DISMISSED**.

On March 20, 2008, the examiner issued a non-final Office action rejecting all of the claims. On June 19, 2008, applicant submitted an amendment to the claims and arguments. On October 1, 2008, the examiner mailed a final Office action, with an incorrect status box 2b in the Office Action Summary indicating that the action as a non-final action. On March 11, 2009, applicant filed a petition under 37 CFR 1.181 requesting the finality of the October 1, 2008 office action be withdrawn. On April 1, 2009, applicant filed a Request for Continued Examination (RCE). The Request for Continued Examination (RCE) was properly filed and processed to withdraw the finality of the Office action of October 1, 2008. Therefore, the petition filed under 37 CFR 1.181 to withdraw the finality of the office action of March 11, 2009 is moot.

Currently the prosecution of the instant application is closed due to a final rejection mailed October 13, 2009. Applicant is advised to submit a response in accordance with after final procedures.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Michael Mansen at 571-272-6608.

Kathy Matecki, Director  
Technology Center 3600  
571-272-5250

mrm/lm: 4/20/10

LM



# UNITED STATES PATENT AND TRADEMARK OFFICE

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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

<b>Applicant</b>	: Richard John Dansereau	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7645460	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,875	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **960** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 PROCTER & GAMBLE COMPANY  
Global Legal Department - IP  
Sycamore Building - 4th Floor  
299 East Sixth Street  
CINCINNATI, OH 45202

Mail Date: 05/18/2010

**Applicant** : Richard John Dansereau : NOTICE CONCERNING IMPROPER  
**Patent Number** : 7645460 : CALCULATION OF PATENT TERM  
**Issue Date** : 01/12/2010 : ADJUSTMENT BASED UPON USPTO  
**Application No** : 11/286,875 : IMPROPERLY MEASURING REDUCTION  
**Filed** : 11/23/2005 : 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 **999** 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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**BIOTECH BEACH LAW GROUP , PC  
625 BROADWAY  
SUITE 1210  
SAN DIEGO CA 92101**

**MAILED**

**MAR 31 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Wang et al. :  
Application No. 11/286,882 :  
Filed: November 23, 2005 :  
Attorney Docket No. ACE-00119.P.1.1 :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.182, filed December 11, 2008, to change the order of the names of the inventors.

The petition is **GRANTED**.

Petitioner has submitted an Application Data Sheet with the new order of the inventors, along with the \$400.00 petition fee.

The order of the names of the inventors will be changed as follows:

1. Xiaobo WANG
2. Yama A. ABASSI
3. Josephine ATIENZA
4. Xiao XU
5. Junquan XU

This matter is now being referred to Technology Center AU 1636 for further examination on the merits.

Telephone inquiries should be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to the Technology Center.

Liana Walsh  
Petitions Examiner  
Office of Petitions

Enclosure: Corrected Filing Receipt



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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: 11/286,882, 11/23/2005, 1636, 2548, ACE-00119.P.1.1, 45, 3

CONFIRMATION NO. 1569

CORRECTED FILING RECEIPT



59538
BIOTECH BEACH LAW GROUP , PC
625 BROADWAY
Suite 1210
SAN DIEGO, CA 92101

Date Mailed: 03/26/2009

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)

Xiaobo Wang, San Diego, CA;
Yama A. Abassi, San Diego, CA;
Josephine Atienza, San Diego, CA;
Xiao Xu, San Diego, CA;
Junquan Xu, San Diego, CA;

Power of Attorney: The patent practitioners associated with Customer Number 59538

Domestic Priority data as claimed by applicant

This application is a CIP of 11/235,938 09/27/2005
which is a CIP of 11/197,994 08/04/2005 PAT 7,468,255
which is a CIP of 11/055,639 02/09/2005
which is a CIP of 10/987,732 11/12/2004 PAT 7,192,752
which claims benefit of 60/519,567 11/12/2003
and is a CIP of 10/705,447 11/10/2003 PAT 7,470,533
which claims benefit of 60/435,400 12/20/2002
and claims benefit of 60/469,572 05/09/2003
and said 11/235,938 09/27/2005
claims benefit of 60/630,131 11/22/2004
and claims benefit of 60/630,071 11/22/2004
and claims benefit of 60/613,872 09/27/2004
and claims benefit of 60/613,749 09/27/2004
and claims benefit of 60/630,809 11/24/2004
and claims benefit of 60/633,019 12/03/2004
and claims benefit of 60/647,159 01/26/2005
and claims benefit of 60/653,904 02/17/2005

and claims benefit of 60/673,678 04/21/2005 \*  
and claims benefit of 60/689,422 06/10/2005  
and is a CIP of 11/198,831 08/04/2005  
and said 10/987,732 11/12/2004  
is a CIP of 10/705,615 11/10/2003 PAT 7,459,303  
which claims benefit of 60/435,400 12/20/2002  
and claims benefit of 60/469,572 05/09/2003  
and said 11/055,639 02/09/2005  
claims benefit of 60/542,927 02/09/2004  
and claims benefit of 60/548,713 02/27/2004  
and said 11/235,938 09/27/2005  
claims benefit of 60/614,601 09/29/2004  
and said 11/197,994 08/04/2005  
is a CIP of PCT/US05/04481 02/09/2005  
which is a CIP of PCT/US04/37696 11/12/2004  
and said 11/197,994 08/04/2005  
claims benefit of 60/598,608 08/04/2004  
and claims benefit of 60/630,131 11/22/2004  
and claims benefit of 60/689,422 06/10/2005  
and claims benefit of 60/598,609 08/04/2004  
and claims benefit of 60/613,749 09/27/2004  
and claims benefit of 60/647,189 01/26/2005  
and claims benefit of 60/647,075 01/26/2005  
and claims benefit of 60/660,829 03/10/2005  
and claims benefit of 60/660,898 03/10/2005  
This application 11/286,882  
claims benefit of 60/630,809 11/24/2004  
and claims benefit of 60/633,019 12/03/2004  
and claims benefit of 60/653,904 02/17/2005  
and claims benefit of 60/673,678 04/21/2005  
(\*Data provided by applicant is not consistent with PTO records.

**Foreign Applications**

UNITED STATES OF AMERICA PCT/US03/22557 07/18/2003  
UNITED STATES OF AMERICA PCT/US03/22537 07/18/2003  
UNITED STATES OF AMERICA PCT/US05/34561 09/27/2005

**If Required, Foreign Filing License Granted: 12/30/2005**

The country code and number of your priority application, to be used for filing abroad under the Paris Convention,  
is **US 11/286,882**

**Projected Publication Date: Not Applicable**

**Non-Publication Request: No**

**Early Publication Request: No**

**\*\* SMALL ENTITY \*\***

**Title**

Device and method for electroporation-based delivery of molecules into cells and dynamic monitoring of cell responses

**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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Medtronic  
Attn: Noreen C. Johnson, IP Legal Department  
2600 Sofamor Danek Drive  
Memphis, TN 38132

Mail Date: 04/21/2010

<b>Applicant</b>	: Bret M. Berry	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7608078	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,887	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **729** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



GREENBERG TRAURIG (PHX)  
INTELLECTUAL PROPERTY DEPARTMENT  
2450 COLORADO AVENUE , SUITE 400E  
SANTA MONICA CA 90404

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**DEC 23 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Stiles, et al. :  
Application No. 11/286,888 : **DECISION ON PETITION**  
Filed: 23 November, 2005 :  
Attorney Docket No. 104972-013000 :

This is a decision on the petition filed pursuant to 37 C.F.R. §1.78(a)(3), 4 September, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. §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 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §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 C.F.R. §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 reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective

Application No. 11/286,888

because no new matter can be added to an application after its filing date (*see* 35 U.S.C. §132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. §120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. §120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 C.F.R. §1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 C.F.R. §1.121 and 37 C.F.R. §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 inquiries concerning this decision may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

  
Anthony Knight  
Supervisor  
Office of Petitions



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E I DU PONT DE NEMOURS AND COMPANY  
LEGAL PATENT RECORDS CENTER  
BARLEY MILL PLAZA 25/1122B  
4417 LANCASTER PIKE  
WILMINGTON, DE 19805

Mail Date: 04/20/2010

<b>Applicant</b>	: Laurence Waino McKeen	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7588058	: RECALCULATION of PATENT
<b>Issue Date</b>	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,897	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **505** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP  
TEN POST OFFICE SQUARE  
BOSTON, MA 02109

Mail Date: 04/21/2010

Applicant : Michael Ricchetti : DECISION ON REQUEST FOR  
Patent Number : 7574637 : RECALCULATION of PATENT  
Issue Date : 08/11/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/286,915 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 11/23/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **317** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.:20090615

**DATE** : June 15, 2009

**TO SPE OF** : ART UNIT 2826

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7,244,994

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

**Certificates of Correction Branch - ST (South Tower) 9A22**

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance**

\_\_\_\_\_  
**Certificates of Correction Branch**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriated box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

**Comments:**

/SUE PURVIS/  
Supervisory Patent Examiner.Art Unit 2826



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

**Locke Lord Bissell & Liddell LLP**  
**Attn: Michael Ritchie, Docketing**  
**2200 Ross Avenue**  
**Suite #2200**  
**Dallas, TX 75201-6776**

**COPY MAILED**

**APR 17 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Jose Andreas Morales Garzon, et al. :  
Application No. 11/286,932 :  
Filed: November 23, 2005 :  
Attorney Docket No. 544862.00004 :

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 28, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Mark R. Backofen 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 Jose Andres Morales Garzon at the address indicated below.

The application became abandoned for failure to timely to timely respond to the Office action mailed September 27, 2007.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.



Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **Jose Andreas Morales Garzon**  
**18 de Marzo 108**  
**Col. Electricistas**  
**Tehuacan, Puebla 75750**  
**Mexico**

cc: **Investigation Aplicada**  
**S.A. de C.V. of Mexico**  
**7 Norte 416**  
**Col. Centro, Tehuacon**  
**Puebla, Mexico C.P. 75700**  
**Mexico**



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UNITED STATES DEPARTMENT OF COMMERCE  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/286,932	11/23/2005	Jose Andres Morales Garzon	544862.00004

**CONFIRMATION NO. 3356**

**POWER OF ATTORNEY NOTICE**



20873  
Locke Lord Bissell & Liddell LLP  
Attn: Michael Ritchie, Docketing  
2200 Ross Avenue  
Suite # 2200  
DALLAS, TX 75201-6776

Date Mailed: 04/17/2008

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 11/28/2007.

- 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



JGJR.: 02-07

Paper No: \_\_

PATRICK W. RASCHE (12553 - 1000)  
ARMSTRONG TEASDALE LLP  
ONE METROPOLITAN SQUARE, SUITE 2600  
ST. LOUIS MO 63102-2740

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**MAR 0 1 2007**

**OFFICE OF PETITIONS**

In re Application of  
Angelos, et al.  
Application No. 11/286,938  
Filed: 23 November, 2005  
Attorney Docket No. 159044

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ON PETITION

This is a decision on the petition filed on 17 July, 2006, and supplemented via FAX on 26 February, 2007, 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 on 23 November, 2005, without, *inter alia*, a fully executed oath/declaration;
- on 17 February, 2006, the Office mailed a Notice of Missing Parts, indicating, *inter alia*, that a fully executed oath/declaration was required within two months;
- on 17 July, 2006, Petitioner William J. Zychlewicz (Reg. No. 51,366) filed the original petition (with fee) with, *inter alia*, an oath/declaration containing the signatures of named co-inventors Dutta, Li, Londt, Vass, Tang, Okerlund and Hsieh (for themselves and on behalf of) but without the signature of named non-signing co-inventor Elisabeth Angelos

(Ms. Angelos), and Petitioner supplemented this filing via FAX on 26 February, 2007, with an averment that the entire application (description, claims, abstract and drawings) was transmitted to non-signing inventor Ms. Angelos, as well as a copy of the transmittal letter in evidence supporting the averment in fulfillment of the statutory and regulatory requirements, along with a statement as to the diligent effort to ascertain the current/reasonably last known address of the non-signing inventor Ms. Angelos.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

**§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.**

(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.

(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;

(2) Returning papers;

(3) Precluding a party from filing a paper, or presenting or contesting an issue;

(4) Imposing a monetary sanction;

(5) Requiring a terminal disclaimer for the period of the delay; or

(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).

[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

This application and its papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

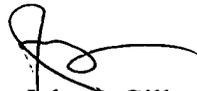
This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

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.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).



John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>2</sup> 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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Alexandria, VA 22313-1450  
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JGJR : 02-07

Paper No: \_\_

ELISABETH ANGELOS  
923 PARKVIEW STREET  
HARTLAND, WI 53029

**COPY MAILED**

**MAR 0 1 2007**

**OFFICE OF PETITIONS**

In re Application of  
Angelos, et al.  
Application No. 11/286,938  
Filed: 23 November, 2005  
Attorney Docket No. 159044

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**COMMUNICATION**

Dear Elisabeth Angelos:

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,<sup>1</sup> ¶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,

<sup>1</sup> 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).

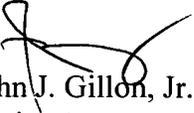
[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

Counsel of Record:  
PATRICK W. RASCHE (12553 - 1000)  
ARMSTRONG TEASDALE LLP  
ONE METROPOLITAN SQUARE, SUITE 2600  
ST. LOUIS MO 63102-2740

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<sup>2</sup> 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.



MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO IL 60661

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APR 27 2006

OFFICE OF PETITIONS

In re Application of  
Mahesh et al.  
Application No. 11/286,946  
Filed: November 21, 2005  
Attorney Docket Number: 192392IT(17192US01)  
Title of Invention: System and Method for Patient  
Acuity Driven Workflow Using Computer-aided  
Diagnosis of Medical Image

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:  
DECISION GRANTING PETITION  
:  
:  
:

This is a decision on the "Petition to Correct Filing Date" under 37 CFR 1.10 (c) filed on March 17, 2005, requesting that the above-identified application be accorded a filing date of November 22, 2005, rather than the presently accorded filing date of November 21, 2005.

Petitioner contends the application was deposited in Express Mail service on November 22, 2005. In support, petitioner supplied a copy of Express Mail track and confirm No. EV435257039US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). It is noted a copy of the Express Mail Label has not been provided. Nonetheless, 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 November 22, 2005.

In view of the above, the petition is **Granted**. No petition fee is required and none has been charged.

The application is being forwarded to Office of Initial Patent Examination for correction of the filing date to **November 22, 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


**UNITED STATES PATENT AND TRADEMARK OFFICE**

 UNITED STATES DEPARTMENT OF COMMERCE  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/286,946	11/22/2005	3737	1000	192392IT (17192US01)	4	20	3

**CONFIRMATION NO. 2682**

 23446  
 MCANDREWS HELD & MALLOY, LTD  
 500 WEST MADISON STREET  
 SUITE 3400  
 CHICAGO, IL 60661

**CORRECTED FILING RECEIPT**


\*OC000000018669649\*

Date Mailed: 05/03/2006

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)**

 Prakash Mahesh, Hoffman Estates, IL;  
 Murali Kumaran Kariathungal, Hoffman Estates, IL;  
 Mark M. Morita, Arlington Heights, IL;

**Assignment For Published Patent Application**

General Electric Company

**Power of Attorney:** The patent practitioners associated with Customer Number 23446.

**Domestic Priority data as claimed by applicant**
**Foreign Applications**
**If Required, Foreign Filing License Granted:** 12/27/2005

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/286,946**
**Projected Publication Date:** 05/24/2007

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

System and method for patient acuity driven workflow using computer-aided diagnosis of medical images

**Preliminary Class**

351

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



# UNITED STATES PATENT AND TRADEMARK OFFICE

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LEONARD T. GUZMAN  
IBM CORP., LAW DEPT., C4TA/J2B  
650 HARRY ROAD  
SAN JOSE, CA 95120-6099

Mail Date: 04/20/2010

<b>Applicant</b>	: Naizhen Qi	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7630984	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/286,948	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1048** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HOWARD & HOWARD ATTORNEYS PLLC  
450 West Fourth Street  
Royal Oak, MI 48067

Mail Date: 04/30/2010

<b>Applicant</b>	: James McConville	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7607671	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/286,994	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **865** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/21/2010

<b>Applicant</b>	: Christian Moser	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7635455	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/287,002	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **901** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



Traves Dean Crabtree  
116 Sherwood Drive  
Glen Carbon IL 62034

MAILED

JUL 09 2009

OFFICE OF PETITIONS

In re Application of :  
CRABTREE, TRAVES DEAN : DECISION ON PETITION  
Application No. 11/287,011 :  
Filed: 11/23/2005 :  
Attorney Docket No. TCMV-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 3, 2009, 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 February 21, 2008, which set a three-month shortened statutory period to reply. The above-identified application became abandoned on May 22, 2009. A Notice of Abandonment was mailed October 27, 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 3738 for appropriate action by the Examiner in the normal course of business on the reply received on February 3, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

*C. T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions





AKIN GUMP STRAUSS HAUER & FELD L.L.P.  
ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200  
PHILADELPHIA PA 19103

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**OCT 10 2006**  
**OFFICE OF PETITIONS**

In re Application of :  
Michenaud et al. : **DECISION REFUSING STATUS**  
Application No. 11/287,031 : **UNDER 37 CFR 1.47(a)**  
Filed: November 23, 2005 :  
Attorney Docket No. 10000-39US :

This is in response to the petition under 37 CFR 1.47(a), filed May 8, 2006 (certificate of mailing dated May 4, 2006).<sup>1</sup> The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

The petition is **dismissed**.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a). No additional petition fee is necessary for filing a request for reconsideration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Applicants lack item (1) as set forth above.

As to item (1), it appears that applicants did not present the non-signing inventor with a complete copy of the application papers, including the specification, claims, and drawings. In the Declaration of Facts, Andre Marchand stated that the Declaration and Power of Attorney and Assignment for the present application were forwarded to inventor Royer for his signature;

<sup>1</sup> Applicants obtained an extension of time for response within the second month. Therefore, the petition is timely filed.

however, he refused to sign documents. Unless applicants presented the non-signing inventor with a complete copy of the application papers, including the specification, claims and drawings, he could not attest that he "has reviewed and understands the contents of the application," and therefore, could not sign the declaration that he was given. Accordingly, applicants failed to show or provide proof that the non-signing inventor refused to sign the declaration. See MPEP 409.03(d).

To show that the inventor refused to join in the application, applicants must show that a complete copy of the present U.S. nonprovisional application, including the specification, claims and drawings, was mailed to the non-signing inventor, personally or through his designated representative, and that he did not respond to the request that he sign the declaration. The circumstances of any refusal to join in the filing of the application must be made by all persons with firsthand knowledge of the event.

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Christina Tartera Donnell, Senior Petitions Attorney:**

By mail:                   Mail Stop Petition  
                                  Commissioner for Patents  
                                  P.O. Box 1450  
                                  Alexandria, VA 22313-1450

By FAX:                   (571) 273-8300  
                                  Attn: Office of Petitions

By hand:                   Customer Service Window  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.



Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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United States Patent and Trademark Office  
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ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200  
PHILADELPHIA PA 19103

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**FEB 26 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Michenaud et al.	:	DECISION ACCORDING STATUS
Application No. 11/287,031	:	UNDER 37 CFR 1.47(a)
Filed: November 23, 2005	:	
Attorney Docket No. 10000-39US	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed January 3, 2007.<sup>1</sup>

The petition under 37 CFR 1.47(a) is **granted**.

Applicants showed that the non-signing inventor constructively refused to join in the filing of the above-identified application after having been sent the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being referred to Technology Center Art Unit 2123 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

*C. T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

<sup>1</sup> Applicants obtained an extension of time for response within the first month. Therefore, the petition is timely filed.



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Jean-Hugues Royer  
26, rue de Menilmontant  
F-75020 Paris, France

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**FEB 26 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Michenaud et al. :  
Application No. 11/287,031 :  
Filed: November 23, 2005 :  
Attorney Docket No. 10000-39US :

**LETTER**

Dear Jean-Hugues Royer:

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 Services at (571) 272-3150 or 800-972-6382 (outside the Washington D.C. area).

*C. T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

AKIN GUMP STRAUSS HAUER & FELD L.L.P.  
ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200  
PHILADELPHIA PA 19103

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JUL 28 2009

**OFFICE OF PETITIONS**SCHERING-PLOUGH CORPORATION  
PATENT DEPARTMENT (K-6-1, 1990)  
2000 GALLOPING HILL ROAD  
KENILWORTH, NJ 07033-0530

In re Application of Chen et al.	:	
Application No. 11/287,041	:	On Application For
Filing Date: November 23, 2005	:	Patent Term Adjustment
Attorney Docket No. CD01613KBUS	:	

This is in response to the "Request for Reconsideration of Patent Term Adjustment Under 37 C.F.R. §1.705(b)" filed May 20, 2009. Applicants submit the correct patent term adjustment to be indicated on the patent is 845 days, not 563 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the

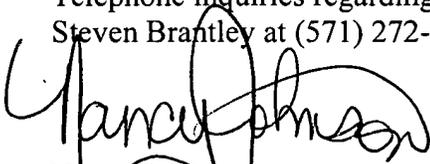
issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee<sup>1</sup>.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

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<sup>1</sup> For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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Bell & Associates  
58 West Portal Avenue #121  
San Francisco, California 94127

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MAR 16 2009

In re Application of	:	OFFICE OF PETITIONS
Flippen et al.	:	
Application No. 11/287,050	:	DECISION ON PETITION
Filed: November 25, 2005	:	
Attorney Docket No. Flippen-001 US	:	

This is a decision on the petition, filed February 18, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Non-Compliant Amendment of April 9, 2008, which set a one (1) month shortened statutory period for reply. Accordingly, a reply was due on or before May 9, 2008.

Petitioner states that a timely reply was mailed via certificate of transmission on April 12, 2008, which included the following papers: an amendment. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of transmission, dated April 12, 2008, which would have rendered the reply timely if received. A copy of the Auto-Reply Facsimile Transmission and a copy of the sending unit's report have also been provided.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Non-Compliant Amendment of April 9, 2008 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on April 12, 2008.

This application is being referred to Technology Center AU 2612 for appropriate action in the normal course of business on the reply received with petition.



Charlema Grant  
Petition Attorney  
Office of Petitions



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GEORGE S. LEVY  
3980 DEL MAR MEADOWS  
SAN DIEGO CA 92130

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SEP 24 2007

In re Application of

Abraham Jacob Sacks, et al.  
Application No. 11/287,051  
Filed: November 25, 2005  
Attorney Docket No. 051102

**OFFICE OF PETITIONS**

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 19, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant Abraham J. Sacks. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3637 to await a response to the outstanding Office action mailed July 12, 2007.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



Jay Chesavage  
3833 Middlefield  
Palo Alto, CA 94303

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**MAY 31 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Alexander F. Routberg et al. :  
Application No. 11/287,056 :  
Filed: November 25, 2005 :  
Attorney Docket No. RUTBERG-1 :  
: 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 April 2, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition does not include supporting evidence or statement.

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 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 1724 for action in its regular turn.

A handwritten signature in cursive script, appearing to read "Frances Hicks".

Frances Hicks  
Petitions Examiner  
Office of Petitions



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Jay Chesavage  
3833 Middlefield  
Palo Alto, CA 94303

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JUL 05 2007

**OFFICE OF PETITIONS**

In re Application of  
Alexander F. Routberg et al.  
Application No. 11/287,056  
Filed: November 25, 2005  
Attorney Docket No. RUTBERG-1

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 15, 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 photocopy of a passport. 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 1709 action on the merits commensurate with this decision.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions



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April 2006

Douglas P. Mueller  
HAMRE, SCHUMANN, MUELLER & LARSON, P.C.  
P.O. Box 2902-0902  
Minneapolis, MN 55402-0902

**APR 18 2006**

In re Application of:	:	
SATO	:	DECISION ON PETITION TO
Serial No.: 11/287,069	:	MAKE SPECIAL FOR NEW
Filed: 23 November 2005	:	APPLICATION UNDER 37
Docket: 10873.1817U501	:	C.F.R. § 1.102 & M.P.E.P. §
Title: COLOR CATHODE RAY TUBE AND	:	708.02 (VIII)
ELECTRON GUN USED THEREIN	:	

This is a decision on the petition filed on November 23rd, 2005 to make the above-identified application special for accelerated examination procedure set forth in MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

In support of the petition, petitioner provides: a) the applicable fee; b) a statement that a search has been made; c) a list of references deemed most pertinent, with copies of the foreign references; and d) a detailed discussion of the references.

For accelerated examination under MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d), a showing of the following is required: a) the applicable petition fee; b) all claims are directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status; c) a statement that a pre-examination search was made, listing the field of search by class and subclass; d) a copy of each of the references deemed most closely related to the claimed subject matter; and e) a detailed discussion of the references pointing out with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is distinguishable over the references.

The requirements of MPEP § 708.02(VIII)(a), (d) and (e) are considered to have been met. However, the petition fails to meet the requirements of MPEP § 708.02(VIII) (b) and (c) because applicant has not agreed to election without traverse in the event of a restriction requirement and because there is insufficient evidence provided to show that a proper search has been conducted.

Regarding MPEP § 708.02(VIII)(b), the petition does not state that all claims are directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, petitioner will make an election without traverse as a prerequisite to the grant of special status. Thus, the petition does not meet the requirement of MPEP § 708.02(VIII)(b).

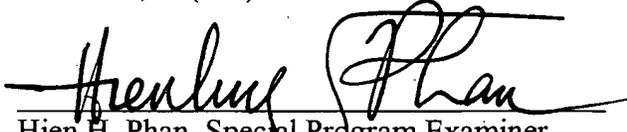
MPEP § 708.02(VIII)(c) requires applicant to “[submit] a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc.” Applicant’s pre-examination search does not meet these requirements because a class and subclass has not been searched. Instead, the search was conducted in “Global-PATLIOT,” an in-house patent search system provided by Matsushita Electrical Industrial Co., Ltd., using a combination of keywords including “horizontal,” “vertical,” “dimension,” “distance,” and “amount.” Japanese patent abstracts dating back to 1977 pertaining to electron guns were searched, in particular the category “AB07: Main lens sections.” Using these terms, eighty-five (85) Japanese publications were obtained. No field of search in either the US Patent Office class/subclasses or in International Patent Classification system was provided. Further, it is not clear that applicant’s keyword search constitutes a proper search because no US or European patents were searched, and because the combination of search terms is narrow and limited to just the abstracts. Nor can it be established that a category “AB07” pertaining to “Main lens sections” of electron guns in an “in-house” database is the best field of search for claim features directed to electrodes used in the main lens since this category does not correspond to any commonly accepted classification system and would be impossible for an examiner or other “out-of-house” researcher to duplicate. For these reasons, the petition fails to meet the requirements of MPEP § 708.02(VIII)(c) for a proper search.

While Technology Center Directors may have granted petitions that do not comply with the detailed discussion requirement of the Accelerated Examination procedure, Technology Center Director decisions on petitions are not binding precedent of the Patent Examining Corps, and the application of an improper standard in certain cases does not require the Office to continue to apply the improper standard in all cases. *See In re The Boulevard Entertainment, Inc.*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003)).

For the above-mentioned reasons, the petition is dismissed. The application will therefore be taken up by the examiner for action in its regular turn.

Any request for reconsideration of this decision must be submitted within 2 (two) months of the date of this decision in order to be considered timely. Any request for reconsideration must include: 1) a statement that all claims are directed to a single invention and that applicant will make an election without traverse if the Office determines that all the claims presented are not obviously directed to a single invention; and 2) a proper search including US or International patent classes and subclasses searched.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

A handwritten signature in black ink, appearing to read "Hien H. Phan", written over a horizontal line.

Hien H. Phan, Special Program Examiner  
Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components



UNITED STATES DEPARTMENT OF COMMERCE  
COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Date : 8/4/2009  
Patent No. : 7,534,181 B2  
Serial No. : 11/287,079  
Inventor(s) : Perissinotto  
Issue Date : May 19, 2009  
Title : CHAIN DRIVE WITH CHAIN WHEEL AND ALIGNED SUPPORT WHEEL  
Doc./File No. : 30051/41058

Re: Certificate of Correction (Reconsideration)

Consideration has been given your request for a certificate of correction (reconsideration), for the above-identified patent under the provisions of Rule 1.322 and 1.323.

Respecting the alleged error(s) in your request, the alleged error appearing in the printed patent is a editing change made in accordance with the Style Manual of the Government Printing Office and the Patent Data Base Entry Preparation Manual. Therefore, no correction is in order here under Rules 1.322 or 1.323. No correction is in order here.

In view of the foregoing, your request in this matter is denied.

Future correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

**Ernest C. White, LIE (703) 756-1590**  
Mary F. Diggs, *Supervisor* (703) 756-1580  
Decisions & Certificates of Correction Branch

MARSHALL, GERSTEIN & BORUN LLP  
233 SOUTH WACKER DRIVE  
6300 SEARS TOWER  
CHICAGO IL 60606-6357

ecw



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Stolowitz Ford Cowger LLP  
621 SW Morrison St  
Suite 600  
Portland, OR 97205

Mail Date: 05/20/2010

**Applicant** : Udayakumar Srinivasan : DECISION ON REQUEST FOR  
**Patent Number** : 7620870 : RECALCULATION of PATENT  
**Issue Date** : 11/17/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/287,093 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/22/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1029** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.  
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE  
P.O. BOX 3791  
ORLANDO, FL 32802-3791

Mail Date: 07/13/2010

Applicant : Giuseppe Visalli : DECISION ON REQUEST FOR  
Patent Number : 7643588 : RECALCULATION of PATENT  
Issue Date : 01/05/2010 : TERM ADJUSTMENT IN VIEW  
Application No : 11/287,112 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 11/23/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **895** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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ASHOK TANKHA  
36 GREENLEIGH DRIVE  
SEWELL, NJ 08080

MAILED

FEB 19 2010

OFFICE OF PETITIONS

In re Application of  
Santosh Kumar Mukherjee  
Application No. 11/287,139  
Filed: November 25, 2005  
Attorney Docket Vekstec\_01

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 9, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Ashok Tankha on behalf of all practitioners of record.

Ashok Tankha has been withdrawn as attorney of record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed October 5, 2009 that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

  
Alicia Kelley  
Petitions Examiner  
Office of Petitions

cc: SANTOSH KUMAR MUKHERJEE  
15 DAVEY STREET  
BLOOMFIELD, NJ 07003



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/287,141	11/23/2005	Randall Jay Brown	055188-0112	9428

82368 7590 03/05/2010  
Foley & Lardner LLP  
777 E Wisconsin Avenue  
Milwaukee, WI 53202-5306

EXAMINER
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FRANK, NOAH S

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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03/05/2010

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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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 23313-1450  
WWW.USPTO.GOV

Mailed:

*In re* Application of Brown et al.  
Serial No.: 11/287,141  
Filed: November 23, 2005

**DECISION ON PETITION  
UNDER 37 CFR 1.48(a)**

Title: RESIN FOR COMPOSITE STRUCTURES

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed May 29, 2006 to correct inventorship under 37 CFR 1.48(a) by adding the name of Icheng Huang to the list of inventors of the instant application.

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.48(a) by (1) submitting a request to correct the inventorship that sets forth the desired inventorship change; (2) providing a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) providing a declaration of the actual inventors as required by 37 C.F.R. § 1.63; (4) providing the processing fee set forth in 1.17(i); and, (5) providing the written consent of the assignee.

The request is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

A handwritten signature in black ink, appearing to read "Mark Eashoo".

Mark Eashoo  
Supervisory Patent Examiner  
Art Unit 1796  
Technology Center 1700

FOLEY & LARDNER LLP  
777 East Wisconsin Avenue  
Milwaukee, WI 53202-5306



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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
11/287,142	11/23/2005	1733	2800	055188-0113	5	52	4

CONFIRMATION NO. 1725

CORRECTED FILING RECEIPT



\*OC000000018715235\*

26371  
 FOLEY & LARDNER LLP  
 777 EAST WISCONSIN AVENUE  
 SUITE 3800  
 MILWAUKEE, WI 53202-5308

Date Mailed: 05/09/2006

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)**

Randall Jay Brown, Puyallup, WA;  
 Semen Kharchenko, Taylor, MI;  
 Harry D. Coffee, Aurora, OH;

**Assignment For Published Patent Application**

Milgard Manufacturing Incorporated

**Power of Attorney:** The patent practitioners associated with Customer Number **26371**.

**Domestic Priority data as claimed by applicant**

**Foreign Applications**

**Acceptable Request to Retrieve Priority Application Received?**

**If Required, Foreign Filing License Granted:** 12/28/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/287,142**

**Projected Publication Date:** Request for Non-Publication Acknowledged

**Non-Publication Request:** Yes

**Early Publication Request:** No

**Title**

Pultruded component

**Preliminary Class**

156

## **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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### **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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**ACCU-BREAK TECHNOLOGIES, INC.**  
**1000 SOUTH PINE ISLAND ROAD, SUITE 230**  
**PLANTATION FL 33324**

**COPY MAILED**

**NOV 30 2007**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
<b>SOLOMON, et al.</b>	:	
Application No. 11/287,145	:	<b>DECISION ON PETITION</b>
Filed: November 23, 2005	:	<b>TO MAKE SPECIAL UNDER</b>
Attorney Docket No. <b>SLP-056</b>	:	<b>37 CFR 1.102(c)(1)</b>
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 31, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Allan S. Kaplan, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Initial Patent Examination at 571-272-4000.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

  
 Monica A. Graves  
 Petitions Examiner  
 Office of Petitions



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ACCU-BREAK TECHNOLOGIES, INC.  
1000 SOUTH PINE ISLAND ROAD  
SUITE 230  
PLANTATION, FL 33324

Mail Date: 05/11/2010

**Applicant** : Lawrence Solomon : DECISION ON REQUEST FOR  
**Patent Number** : 7622137 : RECALCULATION of PATENT  
**Issue Date** : 11/24/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/287,145 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/23/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **116** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

**Applicant** : Marek Brejl : DECISION ON REQUEST FOR  
**Patent Number** : 7590272 : RECALCULATION of PATENT  
**Issue Date** : 09/15/2009 : TERM ADJUSTMENT IN VIEW  
**Appliction No** : 11/287,161 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/23/2005 : 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.



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ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS)  
136 S WISCONSIN ST  
PORT WASHINGTON, WI 53074

Mail Date: 04/20/2010

<b>Applicant</b>	: Kevin F. King	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7592809	: RECALCULATION of PATENT
<b>Issue Date</b>	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/287,184	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **973** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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FEB 07 2006

CISLO & THOMAS, LLP  
233 WILSHIRE BLVD  
SUITE 900  
SANTA MONICA CA 90401-1211

In re Application of :  
Raul Kivatinetz :  
Serial No.: 11/287,185 : **DECISION ON PETITION**  
Filed: November 22, 2005 :  
For: Verbal Ordering System :

This is in response to the petition applicant filed on November 22, 2005 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact Frederick Schmidt by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (571) 272-2975 or by facsimile transmission at (751) 273-8300.

---

Frederick R. Schmidt  
Technology Center 3700



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FISH & RICHARDSON, PC  
P.O. BOX 1022  
MINNEAPOLIS, MN 55440-1022

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**JAN 21 2009**

In re Application of :  
Shunpei Yamazaki, et al. :  
Application No. 11/287,187 : DECISION GRANTING PETITION  
Filed: November 28, 2005 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 127320012002 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 16, 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 November 25, 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.<sup>1</sup>*

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> *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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JACOBSON HOLMAN PLLC  
400 SEVENTH STREET N.W.  
SUITE 600  
WASHINGTON, DC 20004

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JUN 29 2009

OFFICE OF PETITIONS

In re Patent No. 7,531,037 :  
Issue Date: May 12, 2009 :  
Application No. 11/287,219 :  
Filed: November 28, 2005 :  
Attorney Docket No. P70793US0 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/15/08

Paper No.:         

TO SPE OF : ART UNIT 1796

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/287251 Patent No: 7375140B2

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: Correction of title

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

J. Wu  
SPE

1796  
Art Unit

DOCKET NO.: 280306US3DIV/aj

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Toshiro HIGUCHI, et al.

PATENT NO.: 7,375,140

GROUP: 1796

ISSUED: May 20, 2008

EXAMINER: HAIDER, SAIRA BANO

FOR: PROCESS FOR PRODUCING EMULSION AND MICROCAPSULES

**REQUEST FOR CERTIFICATE OF CORRECTION**

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
ALEXANDRIA, VA 22313-1450

SIR:

The following is a Request for Certificate of Correction in Serial Number 11/287,251, now U.S. Patent Number 7,375,140.

In accordance with the provisions of Rule 322 of the Rules of Practice, which implement 35 USC 254, the U.S. Patent and Trademark Office is respectfully requested to issue a Certificate of Correction in the above-identified patent.

In light of the fact that the errors were the fault of the U.S. Patent and Trademark Office, no fees are required. The requested corrections are listed on FORM P.T.O. 1050.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



C. Irvin McClelland

Registration No. 21,124

Fred L. Braun

Registration No. 56,123

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 03/06)

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : **7,375,140**  
DATED: **May 20, 2008**  
INVENTOR(S): **Higuchi et al.**

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the title page, Item (54), and Column 1, the title information is incorrect. Item (54) and Column 1 should read:

-- (54) **PROCESS FOR PRODUCING EMULSION AND MICROCAPSULES** --

Mailing address of sender:

Patent No. 7,375,140

Customer Number

**22850**

No. of add'l copies  
@ .30 per page

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 03/06)





KITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112

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AUG 01 2006

OFFICE OF PETITIONS

In re Application of :  
Takayuki Ishikawa et al :  
Application No. 11/287,257 :  
Filed: November 28, 2005 :  
Attorney Docket No. 03500.017097.1 :

ON PETITION

This is a decision on the petition, filed July 28, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on July 6, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 1751 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> 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).



ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON VA 22209-3873

**MAILED**

**JUN 16 2010**

**OFFICE OF PETITIONS**

In re Patent No. 7,663,713 :  
Issue Date: February 16, 2010 :  
Application No. 11/287,294 :  
Filed: November 28, 2005 :  
Attorney Docket No. 501.45640X00 :

**ON PETITION**

This is a decision on the "PETITION FOR SUSPENSION OF THE RULES AND CERTIFICATE OF CORRECTION UNDER 37 CFR 1.323," filed April 21, 2010, which is properly treated as a petition under 37 CFR 3.81(b).

Patentees request correction of the front page of the Letters Patent to include the correct assignee data via Certificate of Correction. With the present request, patentees submitted a completed Certificate of Correction form and paid the requisite fees. Furthermore, it is noted that the assignment was recorded with the USPTO prior to the issuance of the patent.

In view of the above, the request under 37 CFR 3.81(b) to correct the assignee data 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 as to the assignment information.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

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JUN 29 2007

**OFFICE OF PETITIONS**

In re Application of :  
Yasushi Nakazato et al :  
Application No. 11/287,303 : DECISION GRANTING PETITION  
Filed: November 28, 2005 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 276781US-2-CONT :

This is a decision on the petition, filed June 28, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

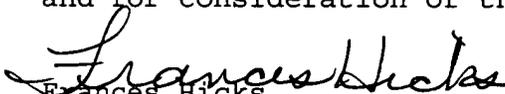
The petition is **GRANTED**.

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 May 29, 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.<sup>1</sup>*

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2852 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions

C:\Documents and Settings\fhicks\My Documents\470\june10\287303.wpd

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment.



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GLOBAL IP COUNSELORS, LLP  
1233 20TH STREET, NW, SUITE 700  
WASHINGTON DC 20036-2680

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**JAN 17 2007**

**OFFICE OF PETITIONS**

Applicant: Nakamiya et al.

Appl. No.: 11/287,304

Filing Date: November 28, 2005

Title: POWER SUPPLY CONTROL CIRCUIT, ELECTRONIC APPARATUS,  
SEMICONDUCTOR DEVICE, CONTROL METHOD FOR POWER SUPPLY CONTROL  
CIRCUIT, AND CONTROL METHOD FOR ELECTRONIC APPARATUS

Attorney Docket No.: SE-US055205

Pub. No.: US 2006/0091860 A1

Pub. Date: May 4, 2006

This is a decision on the request for a "Corrected Notice of Publication of Application, filed on June 12, 2006, for the above-identified application

The request is DISMISSED.

Applicant requests that the Notice of Publication of Application be corrected because the first applicant's name "Shinji Nakamiya" is misprinted as "Shingi Nakamiya".

The Notice of Publication cannot be reprinted with the different name as requested, as there is not a method to regenerate the Notice. The notice was printed with the name as indicated on the Filing Receipt mailed January 4, 2006. To avoid this type of problem in the future, applicant's representative should make request a corrected filing receipt.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).

Mark Polutta

Legal Advisor

Office of Patent Legal Administration

Office of the Deputy Commissioner

for Patent Examination Policy



OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA VA 22314

**MAILED**

JUN 09 2009

OFFICE OF PETITIONS

In re Application of :  
Hiroshi Hosokawa, et al. :  
Application No. 11/287,305 : DECISION GRANTING PETITION  
Filed: November 28, 2005 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 281239US3 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 5, 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 29, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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 2852 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

<sup>1</sup> 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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DR. MARK FRIEDMAN LTD.  
C/O BILL POLKINGHORN  
9003 FLORIN WAY  
UPPER MARLBORO, MD 20772

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**MAR 10 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Bela Shteinvas et al	:	
Application No. 11/287,306	:	DECISION ON PETITIONS
Filed: November 28, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 3238/6	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(i), filed November 28, 2005, to make the above-identified application special based on the invention materially enhancing the quality of the environment as set forth in M.P.E.P. § 708.02, Section V. This is also a decision on the petition under 37 CFR 1.102(c)(2)(ii), filed November 28, 2005, to make the above-identified application special based on the invention materially contributing to the development or conservation of energy resources as set forth in M.P.E.P. § 708.02, Section VI.

The petition under 37 CFR 1.102(c)(2)(i) 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

The present invention relates to metal working surfaces having particulate additive such as solid lubricants, and, more particularly, to a method and device for incorporating such particulate additives into metal working surfaces. While petitioner's invention may relate to metal working surfaces, there is no factual evidence that the invention "materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basis-life sustaining natural elements." The contribution of petitioner's invention, while beneficial to the environment, does not rise to the level intended by the Rule.

The petition under 37 CFR 1.102(c)(2)(ii) is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(ii) and MPEP § 708.02, Section VI: Energy, must state how the invention materially contributes to (A) the discovery or

development of energy resources, or (b) the more efficient utilization and conservation of energy resources. If the disclosure is not clear on its face that the claimed invention materially contributes category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. No fee is required.

The instant petition fails to support that the claimed invention will materially contribute to the more efficient utilization and conservation of energy resources or is a discovery or development of energy resources. While petitioner states the working surface reduces friction and reduces energy consumption, the petition and disclosure do not clearly explain how applicant's invention would actually contribute materially to the conservation of energy. Additionally, the petition and disclosure do not clearly explain how the claimed invention materially contributes to the discovery or development of energy resources.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                    Mail Stop PETITION  
                                  Commissioner for Patents  
                                  P. O. Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                    U. S. Patent and Trademark Office  
                                  Customer Service Window, Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

By FAX:                    (571) 273-8300

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3723 for action in its regular turn.

  
Amelia Au  
Petitions Examiner  
Office of Petitions



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OFFICE OF PETITIONS

MITCHELL SILBERBERG & KNUPP  
11377 WEST OLYMPIC BOULEVARD  
LOS ANGELES, CA 90064-1683

In re Application of  
Shuo Peng, et al.  
Application No. 11/287,372  
Filed: November 28, 2005  
Attorney Docket No. A-9731

:  
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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed August 14, 2009.

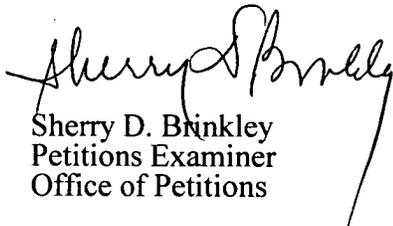
The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before July 6, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 6, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 7, 2009. A Notice of Abandonment was subsequently mailed on July 31, 2009. On August 14, 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 the \$755 issue fee and \$300 publication fee; (2) the petition fee of \$810; 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 inquiries 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



UNITED STATES PATENT AND TRADEMARK OFFICE

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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

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**MAR 22 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Takahashi et al. :  
Application No. 11/287,389 :  
Filed: November 28, 2005 : ON PETITION  
Attorney Docket Number: Q91638 :

This is a decision on the Response to Notice of Omitted Items in a Nonprovisional Application Filed Under 37 CFR 1.53(B) filed January 26, 2006, requesting the above-identified application be accorded a filing date of November 28, 2005, including drawing Figures 17a-b described in the specification.

The application was filed on November 28, 2005. On January 4, 2006, the Office of Initial Patent Examination mailed a Notice of Omitted Items in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, drawing Figures 17a-b described in the specification appeared to have been omitted from the application.

Applicant responds with the instant petition wherein Applicant avers that drawing Figures 17a-b described in the specification were included among 17 sheets of drawings originally filed with the application on November 28, 2005, and were received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of, *inter alia*, 17 sheets of drawings in the above-identified application by this Office on November 28, 2005.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, 17 sheets of drawings in the above-identified application by this Office on November 28, 2005.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

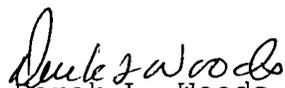
Accordingly, the petition is granted.

The copy of drawing Figures 17a-b, filed with the instant petition on January 26, 2006, will be used for examination purposes.

The petition fee has been refunded to deposit account 19-4880 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of November 28, 2005, and an indication that 17 sheets of drawings were present on filing, including drawing Figures 17a-b, using the copy of drawing Figures 17a-b, filed with the instant petition on January 26, 2006.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

  
Derek L. Woods

Attorney  
Office of Petitions



BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH VA 22040-0747

**COPY MAILED**

**AUG 29 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Sung Oh Choi et al. :  
Application No. 11/287,391 : **DECISION GRANTING PETITION**  
Filed: November 28, 2005 :  
Attorney Docket No.: 2832-0285PUS1 :

This is a decision on the petition filed March 6, 2006, in response to the "Notice to File Missing Parts" mailed January 4, 2006, which is treated under 37 CFR 1.182.

The instant application was filed November 28, 2005 and a filing date was accorded. However, the Notice indicated that Figure 3 described in the specification appeared to have been omitted.

Petitioner asserts that Figure 3 was among the papers filed on November 28, 2005, and submits, *inter alia*, a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, *inter alia*, that the application included 3 sheets of drawings and bears a United States Patent and Trademark Office date-stamp of November 28, 2005. However, only two (2) sheets of drawing figures is of record and while the postcard did not specifically itemize the number of Figures, it is obvious that Figure 3 was on sheet 3. Additionally, the postcard receipt lacks any notation of non-receipt of any item listed. In view thereof, the petition is **GRANTED**.

Given the basis for granting the petition, no petition fee is due. Petitioner's deposit account no. 02-2448 will be credited in the amount of \$400.00.

This matter will be forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on November 28, 2005 and Figure 3 submitted on petition March 6, 2006.

Telephone inquiries regarding this decision 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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SEAN KAUFHOLD  
P.O. BOX 89626  
SIOUX FALLS SD 57109

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APR 13 2007

**OFFICE OF PETITIONS**

In re Application of :  
Michael Merriweather et al :  
Application No. 11/287,440 : DECISION GRANTING PETITION  
Filed: November 28, 2005 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. SAM2639 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 11, 2006, to revive the above-identified application.

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance of August 23, 2006 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Patent Publication.

*Karen Creasy*

Karen Creasy  
Petitions Examiner  
Office of Petitions



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RABIN & Berdo, PC  
1101 14TH STREET, NW  
SUITE 500  
WASHINGTON, DC 20005

Mail Date: 04/21/2010

<b>Applicant</b>	: Youiti Kado	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7649870	: RECALCULATION of PATENT
<b>Issue Date</b>	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/287,444	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **900** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



**MAILED**

JOHN V STEWART  
1308 HENRY BALCH DRIVE  
ORLANDO FL 32810

**JUN 26 2006**  
Director's Office  
Group 3700

In re Application of: KINDT :  
Appl. No.: 11/287,451 : DECISION ON PETITION to  
Filed: November 26, 2005 : make SPECIAL under 37 CFR  
For: PACKAGE FOR SEPARATE COMPOUNDS: 1.102  
TO BE MIXED

This is a decision on the petition filed on February 6, 2006 to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) and in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is DISMISSED.

In support of the petition, petitioner provides: a) the applicable fee; b) a statement that a pre-examination search has been made in Class 141/1; class 220/8, class 206/216, 216, 221, 222,; class 495/259.6 and class 426/394; d) a copy of each reference /a PTO-1449 IDS listing references considered pertinent; and e) a discussion of the references.

For accelerated examination under MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d), a showing of the following is required: a) the applicable petition fee; b) all claims are directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, applicant will make an election without traverse; c) a statement that a pre-examination search was made, listing the field of search by class and subclass; d) a copy of each of the references deemed most closely related to the claimed subject matter; and e) a detailed discussion of the references pointing out with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is distinguishable over the references.

The requirements of MPEP § 708.02(VIII) (a), (c) and (d) are considered to have been met. However, the petition does not meet the requirements of MPEP § 708.02(VIII) (b) and (e).

MPEP § 708.02(VIII)(b) requires petitioner to state that all claims are directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, applicant will make an election without traverse. Petitioner does not state that all claims are directed to a single invention, or that applicant will make an election without traverse should the Office make a restriction requirement. Because the petition does not contain this statement, it fails to meet the requirements of MPEP § 708.02(VIII)(b).

Regarding the requirement of MPEP § 708.02(VIII)(e), 37 CFR § 1.111 (b) states “[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.” 37 CFR § 1.111 (c) states in part “the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made.” In particular herein, claim 10- does not recite two bottom walls as recited in claim 1, therefore petitioner’s statement that claim 10 distinguishes over Goodman (‘655) by recitation of all elements listed for claim 1 is inaccurate. Further, petitioner’s statements regarding the differences between Yacko et al. (‘105) and Lutz (‘219) are inaccurate for at least the reasons set forth above. It appears that petitioner’s allegations with respect to the prior art are not commensurate in scope with each independent claim. To meet the requirements of 37 CFR § 1.111 (c), each independent claim must be compared with each reference, and the patentable novelty in each independent claim relative to each reference must be clearly pointed out. Because the petition does not point out the specific language in each independent claim that distinguishes over each reference, it fails to meet the requirements of MPEP § 708.02(VIII)(e).

While Technology Center Directors may have granted petitions that do not comply with the detailed discussion requirement of the Accelerated Examination procedure, Technology Center Director decisions on petitions are not binding precedent of the Patent Examining Corps, and the application of an improper standard in certain cases does not require the Office to continue to apply the improper standard in all cases. *See In re The Boulevard Entertainment, Inc.*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003)).

For the above-mentioned reasons, the petition is dismissed. The application will therefore be taken up by the examiner for action in its regular turn.

Any request for reconsideration of this decision must be submitted within 2 (two) months of the date of this decision in order to be considered timely. Any request for reconsideration must provide: a detailed discussion of each reference with respect to each independent claim as outlined hereinabove.

Any inquiry regarding this decision should be directed to J. Harrison at 571-272-4449.

Petition DISMISSED



J. Harrison, Special Program Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products



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AUG 09 2006

Director's Office  
Group 3700

JOHN V STEWART  
1308 HENRY BALCH DRIVE  
ORLANDO FL 32810

In re Application of:

KINDT, JOHN H.

Serial No.: 11/287,451

Filed: November 26, 2005

Title: PACKAGE FOR SEPARATE  
COMPOUNDS TO BE MIXED

:  
:  
: DECISION ON RENEWED  
: REQUEST FOR PETITION TO  
: MAKE SPECIAL UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02(VIII)  
:

This is a decision on the renewed petition filed on July 20, 2006 to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) and in accordance with 37 C.F.R. § 1.102(d). The renewed petition contains corrections and improvements in response to the petition decision issued on June 26, 2006 that dismissed the petitioner's original February 6, 2006 petition to make special.

The petition to make the application special is **GRANTED**.

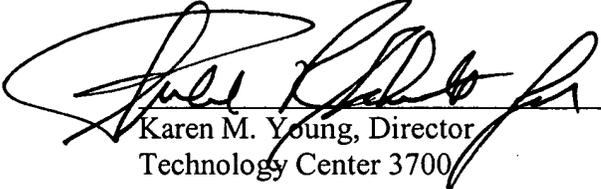
In support of the petition, petitioner provides: A) the applicable fee; B) a statement that the claims are directed to a single invention, or that applicant will make an election without traverse if the examiner properly determines the claims are not directed towards a single invention; C) a statement that a search has been made on the USPTO database in Class 141, Subclass 1; Class 220, Subclass 8; Class 206, Subclasses 216, 219, 221, 222; Class 405, Subclass 259.6; Class 426, Subclass 394; D) a PTO-1449 IDS listing references considered pertinent; and E) a detailed discussion of the references.

For accelerated examination under MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d), a showing of the following is required: A) the applicable petition fee; B) all claims are directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, applicant will make an election without traverse; C) a statement that a pre-examination search was made, listing the field of search by class and subclass; D) a copy of each of the references deemed most closely related to the claimed subject matter; and E) a detailed discussion of the references pointing out with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is distinguishable over the references.

All the requirements of MPEP § 708.02(VIII)(A), (B), (C), (D), and (E) are considered to have been met.

For the above-mentioned reasons, the petition is granted. The application will therefore be taken up by the examiner for action in its accelerated turn.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.



---

Karen M. Young, Director  
Technology Center 3700



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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

<b>Applicant</b>	: Samuel W. Peterson	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7574029	: RECALCULATION of PATENT
<b>Issue Date</b>	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/287,497	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **931** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



PATENT ADMINISTRATOR  
KATTEN MUCHIN ROSENMAN LLP  
1025 THOMAS JEFFERSON STREET, N.W.  
EAST LOBBY: SUITE 700  
WASHINGTON DC 20007-5201

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NOV 13 2007

**OFFICE OF PETITIONS**

In re Application of :  
Cook :  
Application No. 11/287,519 :  
Filed: November 23, 2005 :  
Attorney Docket No. 333821-00002 :  
For: SYSTEMS AND METHODS FOR :  
ENABLING TABLET PC/PEN TO PAPER :  
SPACE :

ON PETITION

This is a decision on the petition captioned under 37 CFR 1.182, filed October 15, 2007, requesting confirmation of the pendency of the above-identified application or, in the alternative, requesting revival of the unavoidably abandoned application – a petition under 37 CFR 1.137(a). In addition, this decision addresses the Request for Withdrawal As Attorney and Change of Correspondence Address, filed October 24, 2007.

The petition requesting confirmation of the pendency of the above-identified application will be treated as a petition under 37 CFR 1.181, a petition to withdraw the holding of abandonment, and it is **DISMISSED**.

The petition under 37 CFR 1.137(a) is **DISMISSED**, because no petition fee has been paid. The payment of the petition fee is a prerequisite to the filing of a petition to revive under 37 CFR 1.137(a). This requirement cannot be waived. MPEP 711.03(c)(III)(B). Therefore, consideration of the merits of the petition before receipt of the petition fee is prohibited.

The request for withdrawal as attorney is **NOT ACCEPTED**.

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. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application was held abandoned for failure to properly respond to a Notice to File Corrected Application Papers, mailed July 5, 2006, which required applicant to submit replacement drawings and compact discs that comply with labeling requirements. On May 8, 2006 (certificate

of mailing date May 5, 2006), application filed a request for a two month extension of time and required fee, replacement drawings, and compact discs. On July 10, 2007, the Office mailed a Notice of Incomplete Reply (Nonprovisional) requesting that applicant submit replacement drawings and compact discs that comply with labeling requirements. No new period was set in the July 10, 2007 Notice of Incomplete Reply (Nonprovisional). This application became abandoned on November 6, 2006.

Petitioner requests withdrawal of the holding of abandonment because a good faith response to the Notice of July 5, 2006 was timely filed.

The rules of practice are clear that prosecution of an application to save it from abandonment must include such complete and proper action as the condition of the case may require. In this instance, petitioner did not respond properly to the Notice of July 5, 2006. It was applicant's responsibility to do so. The fact that a good faith response was filed on May 8, 2006 (certificate of mailing date May 5, 2006) does not shift the burden of continuing prosecution to the Office.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

The request for withdrawal as attorney 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. The request under 37 CFR 1.36 is **not accepted**.

Petitioner is encouraged to file a petition to revive under the unintentional delay standard of 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**By hand:** U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**By FAX:** (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries may 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



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1025 THOMAS JEFFERSON STREET, N.W.  
EAST LOBBY: SUITE 700  
WASHINGTON DC 20007-5201

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JAN 15 2008

**OFFICE OF PETITIONS**

In re Application of :  
Cook :  
Application No. 11/287,519 :  
Filed: November 23, 2005 :  
Attorney Docket No. 333821-00002 :  
For: SYSTEMS AND METHODS FOR :  
ENABLING TABLET PC/PEN TO PAPER :  
SPACE :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 29, 2007, requesting revival of the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application was held abandoned for failure to properly respond to a Notice to File Corrected Application Papers, mailed July 5, 2006, which required applicant to submit replacement drawings and compact discs that comply with labeling requirements. On May 8, 2006 (certificate of mailing date May 5, 2006), application filed a request for a two month extension of time and required fee, replacement drawings, and compact discs. On July 10, 2007, the Office mailed a Notice of Incomplete Reply (Nonprovisional) requesting that applicant submit replacement drawings and compact discs that comply with labeling requirements. No new period was set in the July 10, 2007 Notice of Incomplete Reply (Nonprovisional). This application became abandoned on November 6, 2006.

Applicant has submitted a proper reply to the July 5, 2006 Notice in the form of replacement drawing figures and 2 compact discs, an acceptable statement of the unintentional nature of the delay in responding to the July 5, 2006 Notice, and the \$770.00 petition fee.

Regarding the statement of 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.

All requirements being met, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further processing and consideration of the Request for Withdrawal As Attorney or Agent and Change of Correspondence Address, filed November 27, 2007.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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PHILIP S. JOHNSON  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003

Mail Date: 04/20/2010

**Applicant** : Mark S. Ortiz : DECISION ON REQUEST FOR  
**Patent Number** : 7651017 : RECALCULATION of PATENT  
**Issue Date** : 01/26/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/287,525 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/23/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **516** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS MN 55402-0903

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OCT 14 2008

In re Application of :  
Seabaugh et al. :  
Application No. 11/287548 :  
Filing or 371(c) Date: 11/23/2005 :  
Attorney Docket Number: :  
40455.0009US01 :

**OFFICE OF PETITIONS**  
**DECISION ON PETITION**

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f)) filed July 30, 2008.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of a foreign or international application filed on November 21, 2006. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the foreign or international application.

In view of the above, this application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date

of filing of such foreign or international application as provided by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing accompanies this Decision.

The application will be referred to Technology Center AU 2419 for continued examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/  
Derek L. Woods  
Attorney  
Office of Petitions

Attachment: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing



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Table with 4 columns: APPLICATION NUMBER (11/287,548), FILING OR 371(C) DATE (11/23/2005), FIRST NAMED APPLICANT (Aaron W. Seabaugh), ATTY. DOCKET NO./TITLE (40455.0009US01)

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

CONFIRMATION NO. 2457
NONPUBLICATION RESCISSION
LETTER



Date Mailed: 10/09/2008

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," then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

1 Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/dlwoods/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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CARRIER BLACKMAN AND ASSOCIATES  
43440 WEST TEN MILE ROAD  
EATON CENTER  
NOVI, MI 48375

Mail Date: 04/20/2010

<b>Applicant</b>	: Masahito Watanabe	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7590263	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/287,553	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **939** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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NOVI, MI 48375

Mail Date: 04/20/2010

<b>Applicant</b>	: Nobuharu Nagaoka	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7620237	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/287,554	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **968** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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NOVI, MI 48375

Mail Date: 05/17/2010

**Applicant** : Nobuharu Nagaoka : NOTICE CONCERNING IMPROPER  
**Patent Number** : 7620237 : CALCULATION OF PATENT TERM  
**Issue Date** : 11/17/2009 : ADJUSTMENT BASED UPON USPTO  
**Application No** : 11/287,554 : IMPROPERLY MEASURING REDUCTION  
**Filed** : 11/23/2005 : 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 **1011** 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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NOVI, MI 48375

Mail Date: 04/20/2010

<b>Applicant</b>	: Masahito Watanabe	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7599521	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/287,555	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **867** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Mail Date: 05/17/2010

**Applicant** : Masahito Watanabe : NOTICE CONCERNING IMPROPER  
**Patent Number** : 7599521 : CALCULATION OF PATENT TERM  
**Issue Date** : 10/06/2009 : ADJUSTMENT BASED UPON USPTO  
**Application No** : 11/287,555 : IMPROPERLY MEASURING REDUCTION  
**Filed** : 11/23/2005 : 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 **972** 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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FAEGRE & BENSON LLP  
PATENT DOCKETING - INTELLECTUAL PROPERTY (32469)  
2200 WELLS FARGO CENTER  
90 SOUTH SEVENTH STREET  
MINNEAPOLIS, MN 55402-3901

Mail Date: 04/20/2010

<b>Applicant</b>	: Eyal Doron	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7580750	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/287,557	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **437** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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NOVI, MI 48375

Mail Date: 04/20/2010

<b>Applicant</b>	: Nobuharu Nagaoka	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7616806	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/287,577	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/23/2005	: 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.



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Kraguljac & Kalnay, LLC - Oracle  
4700 Rockside Road  
Summit One, Suite 510  
Independence, OH 44131

Mail Date: 04/20/2010

**Applicant** : Shilpa S. Lawande : DECISION ON REQUEST FOR  
**Patent Number** : 7634457 : RECALCULATION of PATENT  
**Issue Date** : 12/15/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/287,622 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/28/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **273** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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SCHWEGMAN, LUNDBERG & WOESSNER/BSC-CRM  
PO BOX 2938  
MINNEAPOLIS, MN 55402

Mail Date: 05/24/2010

**Applicant** : Alan F. Marcovecchio : DECISION ON REQUEST FOR  
**Patent Number** : 7653430 : RECALCULATION of PATENT  
**Issue Date** : 01/26/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/287,631 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/28/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **327** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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90 SOUTH SEVENTH STREET  
MINNEAPOLIS MN 55402-3901**

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**NOV 06 2007**

**OFFICE OF PETITIONS**

In re Application of  
Randall Alley et al  
Application No. 11/287,647  
Filed: November 28, 2005  
Attorney Docket No. 74603-357801

DECISION ON PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed May 10, 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 June 6, 2006. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded.

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 3753 for examination in due course.

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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2200 WELLS FARGO CENTER  
90 SOUTH SEVENTH STREET  
MINNEAPOLIS, MN 55402-3901

Mail Date: 04/20/2010

<b>Applicant</b>	: Randall Alley	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7631657	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/287,647	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **491** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

GOODWIN PROCTER LLP  
599 LEXINGTON AVENUE  
NEW YORK, NY 10022

**COPY MAILED**

**MAY 25 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Jason Tiefenback :  
Application No. 11/287,667 : **ON PETITION**  
Filed: November 28, 2005 :  
Attorney Docket No. 104303-154084 :

This is a decision on the petition under 37 CFR 1.137(a), filed April 23, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration or petition under 37 CFR 1.137(b) must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extension 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 above-identified application became abandoned for failure to reply to the non-final Office action mailed July 12, 2006, which set a shortened period for reply of three (3) months from its mailing date. No response was received within the allowable period, and the application became abandoned on October 13, 2006. A Notice of Abandonment was mailed on February 23, 2007.

A grantable petition under 37 CFR 1.137(a)<sup>1</sup> must be accompanied by: (1) the required reply,<sup>2</sup> 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

<sup>1</sup>As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

<sup>2</sup> 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.

date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer required by 37 CFR 1.137(c).

The instant petition lacks item (3).

**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.”<sup>3</sup>

“[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.”<sup>4</sup>

“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.’”<sup>5</sup>

“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.”<sup>6</sup>

**The standard**

“[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.”<sup>7</sup>

---

<sup>3</sup>*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’ 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.”))

<sup>4</sup>*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).

<sup>5</sup>*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)).

<sup>6</sup>*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)).

<sup>7</sup>*Id.*

The general question asked by the Office is: “Did petitioner act as a reasonable and prudent person in relation to his most important business?”<sup>8</sup> Nonawareness of a PTO rule will not constitute unavoidable delay.<sup>9</sup>

### **Application of the standard to the current facts and circumstances**

In the instant petition, petitioner maintains that the circumstances leading to the abandonment of the application meet the aforementioned unavoidable standard and, therefore, petitioner qualifies for relief under 37 CFR 1.137(a). In support thereof, petitioner asserts that the non-final Office action mailed July 12, 2006, was not received.

With regard to item (3) above, the aforementioned argument of petitioner in support of petitioner’s belief that the above-cited application was unavoidably abandoned is not persuasive. The reasons petitioner’s argument must necessarily fail are addressed below.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* (MPEP) that requires the following:

[t]he showing requires to establish nonreceipt 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 nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner’s statement.

The petition was not accompanied by the relevant docket records, notwithstanding the assertion in the petition to contrary. The renewed petition must be accompanied by the relevant docket records in order to be considered grantable.

It is noted that an alternative petition under 37 CFR 1.137(b) was filed in the event that the petition under 37 CFR 1.137(a) was not granted. Because the error in the petition under 37 CFR 1.137(a) can be remedied, the undersigned postponed treatment of the petition under 37 CFR 1.137(b) (and the higher petition fee). If petitioner is not able to meet the requirements of a

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<sup>8</sup>See *In re Mattulah*, 38 App. D.C. 497 (D.C. Cir. 1912).

<sup>9</sup>See *Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing *Potter v. Dann*, 201 U.S.P.Q. (BNA) 574 (D.D.C. 1978) for the proposition that counsel’s nonawareness of PTO rules does not constitute “unavoidable” delay). Although court decisions have only addressed the issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel.

grantable petition under 37 CFR 1.137(a) as cited above, a petition under 37 CFR 1.137(b) may be filed in response to this decision.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Commissioner for Patents  
                                  United States Patent and Trademark Office  
                                  Box 1450  
                                  Alexandria, VA 22313-1450

By facsimile:           (571) 273-8300  
                                  Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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599 LEXINGTON AVENUE  
NEW YORK, NY 10022

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JUN 25 2007

**OFFICE OF PETITIONS**

In re Application of :  
Jason Tiefenback :  
Application No. 11/287,667 :  
Filed: November 28, 2005 :  
Attorney Docket No. 104303-154084 :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(a) filed June 7, 2007.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-final Office action mailed July 12, 2006. The non-final Office action set shortened statutory period for reply of three months from its mailing date. A reply was not received within the allowable period, and the application became abandoned on October 13, 2006. A Notice of Abandonment was mailed on February 23, 2007. A petition under 37 CFR 1.137(a) was filed on April 23, 2007, and dismissed by a decision mailed May 25, 2007.

The response filed April 23, 2007, is noted.

The file is now being forwarded to Technology Center 3700, GAU 3742 for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

*Kenya A. McLaughlin*  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

APR 04 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 11/287,682  
Applicant : Hopkins  
Filed : November 28, 2005  
TC/A.U. : not assigned 1774  
Examiner : not assigned  
Docket No. : HOP-1-CIP2  
Customer No. : 29698

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Petition to Make Special

Sir:

Applicant hereby petitions for the above-captioned patent application to be made special in accordance with 37 CFR §1.102(c) and MPEP §708.02 because of the Applicant's age. In accordance with 37 CFR §1.102(c) no fee is required.

A copy of the Applicant's birth certificate, showing his date of birth to be September 12, 1933, is attached hereto. As the Applicant is more than 65 years old expedited prosecution is respectfully requested.

Please address all correspondence to the below-indicated address.

Respectfully submitted,

*Leigh Gregory*  
Leigh J. Gregory  
Reg. No. 33,241

April 4, 2006  
P.O. Box 168  
Clemson, SC 29633-0168  
757-642-6039

PETITION GRANTED

*William Krynski*  
William Krynski,  
Special Program Examiner  
Technology Center 1700  
APR 13 2006



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United States Patent and Trademark Office  
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CARRIER BLACKMAN AND ASSOCIATES  
43440 WEST TEN MILE ROAD  
EATON CENTER  
NOVI, MI 48375

Mail Date: 04/20/2010

<b>Applicant</b>	: Masakazu Saka	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7619668	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/287,739	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **692** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450  
Alexandria, VA 22313-1450  
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**MICHAEL BEST & FRIEDRICH LLP  
TWO PRUDENTIAL PLAZA  
180 NORTH STETSON AVE, SUITE 2000  
CHICAGO, IL 60601**

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**JUN 06 2007**

In re Application of  
VOLDER, Laurent De  
Application No. 11/287,745  
Filed: November 28, 2005  
Attorney Docket No. 018758-9002-02

**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 16, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Larry L. Saret 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.

There is an outstanding Office action mailed December 4, 2006 that requires a reply from the applicant. Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

  
Monica A. Graves  
Petitions Examiner  
Office of Petitions

cc: **LAURENT DE VOLDER  
AALTERSTRAAT 11  
MARIA-AALTER, BELGIUM**

cc: **BUREAU VAN CUTSEM  
ATTN: PAUL VAN CUTSEM, JR.  
25 RUE WASHINGTON BR3  
BRUXELLES, BELGIUM B-1050**



UNITED STATES PATENT AND TRADEMARK OFFICE

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MEYER UNKOVIC & SCOTT, LLP  
1300 OLIVER BUILDING  
PITTSBURGH, PA 15222

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**MAR 23 2006**

In re Application of  
William J.B. Jacobs et al  
Application No. 11/287,747  
Filed: November 28, 2005  
Attorney Docket No. 275105.108NP

**OFFICE OF PETITIONS**

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 February 13, 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 William J.B. Jacobs 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 1771 for action on the merits commensurate with this decision.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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JAN 30 2008

DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

CARRIER BLACKMAN AND ASSOCIATES  
24101 NOVI ROAD  
SUITE 100  
NOVI MI 48375

In re Application of	:	
NAGAOKA, NOBUHARU, et al.	:	DECISION ON REQUEST TO
Application No. 11/287,749	:	PARTICIPATE IN PATENT
Filed: November 28, 2005	:	PROSECUTION HIGHWAY
Attorney Docket No. SIP-163-A	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 28, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

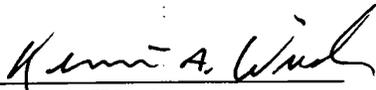
- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Kenneth Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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P.O. Box 1450  
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REINHART BOERNER VAN DEUREN P.C.  
2215 PERRYGREEN WAY  
ROCKFORD, IL 61107

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**DEC 20 2006**

In re Application of  
Patricia J. Horst  
Application No. 11/287,755  
Filed: November 28, 2005  
Attorney Docket No. 504091

**OFFICE OF PETITIONS**

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 May 12, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Inventor Patricia J. Horst stating that she is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

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 2859 for action on the merits commensurate with this decision.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc: Lawrence E. Crowe  
Reinhart Boerner Van Deuren, P.C.  
483 N. Mulford Road, Suite 7  
Rockford, IL 61107



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**TAFT STETTINIUS & HOLLISTER LLP**  
**ONE INDIANA SQUARE, SUITE 3500**  
**INDIANAPOLIS IN 46204**

**MAILED**

**MAR 03 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Matthew S. **THEOBALD, et al.** :  
Application No. 11/287,760 :  
Filed: November 28, 2005 :  
Attorney Docket No. **11332-400** :

DECISION ON PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 25, 2007, July 29, 2008 and re-submitted August 1, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 14, 2007, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 15, 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 items (2) and (3).

*As to item (2);*

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is \$770.



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 Monica A. Graves at (571) 272-7253.

A handwritten signature in black ink, appearing to read 'BWB', with a long horizontal flourish extending to the right.

Brian W. Brown  
Petitions Examiner  
Office of Petitions



TOLER & LARSON & ABEL  
5000 PLAZA ON THE LAKE STE 265  
AUSTIN, TX 78746

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**FEB 23 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Venkat Selvamanickam	:	DECISION ON PETITION
Application No. 11/287,770	:	TO MAKE SPECIAL UNDER
Filed: November 28, 2005	:	37 CFR 1.102(c)
Attorney Docket No. 1014-SP102-CONT	:	

This is a decision on the petition under 37 CFR 1.102(c), filed on January 18, 2006, 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 meets the requirement of MPEP § 708.02 (IX). Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to your name 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 1753 for action on the merits commensurate with this decision.

David Bucci  
Petitions Examiner  
Office of Petitions



ASPEN AEROGELS INC.  
IP DEPARTMENT  
30 FORBES ROAD  
BLDG. B  
NORTHBOROUGH MA 01532

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of :  
Je Kyun LEE et al. :  
Application No. 11/287,777 : DECISION ON PETITION  
Filed: November 28, 2005 :  
Attorney Docket No. 1025-02 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 26, 2009 which set a shortened statutory period for reply of three (3) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 27, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of March 26, 2009 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 4231.

The application file is being referred to Technology Center AU 1796 for appropriate action on the concurrently filed amendment.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



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KATTEN MUCHIN ROSENMAN LLP  
575 MADISON AVENUE  
NEW YORK, NY 10022-2585

Mail Date: 04/21/2010

<b>Applicant</b>	: Tadahiro Sato	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7593705	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/287,787	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **938** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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WOODCOCK WASHBURN LLP  
CIRA CENTRE, 12TH FLOOR  
2929 ARCH STREET  
PHILADELPHIA, PA 19104-2891

Mail Date: 04/21/2010

<b>Applicant</b>	: David V. Uy	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7583203	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/287,806	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **947** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
530 B STREET  
SUITE 2100  
SAN DIEGO CA 92101

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**DEC 21 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Sheng Chiao	:	
Application No. 11/287,807	:	DECISION ON PETITION
Filed: November 28, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 110866-ISE26	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(i) & (ii), filed August 18, 2006, to make the above-identified application special based on the invention (a) materially enhancing the quality of the environment as set forth in M.P.E.P. § 708.02, Section V and (b) materially contributing to certain categories related to energy resource as set forth in M.P.E.P. § 708.02, Section VI.

The petitions are **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.

The instant invention is directed to a system for powering accessories in a vehicle. However the allegation in the instant petition that the use of the system of instant invention with a gasoline hybrid vehicle would save gasoline use and thus eliminating any potential emissions associated therewith does not in itself satisfy the materiality standard i.e., the petitioner has failed to state how the claimed invention contributes in a significant, substantial, or noticeable manner to the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(ii) and MPEP § 708.02, Section VI: Energy, must state that special status is sought because the invention materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), 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. If the application disclosure is not clear on its face that the claimed invention materially contributes to category (A) or (B), the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required.

The invention is generally directed to a system for powering accessories in a vehicle. Although, the invention could lead to energy savings, when used with a hybrid vehicle, as alleged in the instant petition, it is noted that any energy savings would derive primarily from the use of the hybrid engine. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to category (A) or (B). Thus, the materiality standard of the rule has not been met, i.e., petitioner has failed to state how the claimed invention contributes in a significant, substantial, or noticeable manner to category (A) or (B).

This lack of meeting the materiality standards of 37 CFR 102(c)(2) (i) and (ii) does not permit the applicant to enjoy the benefit of advanced examination.

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 Ramesh Krishnamurthy at 571-272-4914, or to the undersigned at 571-272-7099.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2836 for action in its regular turn.

  
David Bueci  
Petitions Examiner  
Office of Petitions



E I DU PONT DE NEMOURS AND COMPANY  
LEGAL PATENT RECORDS CENTER  
BARLEY MILL PLAZA 25/1122B  
4417 LANCASTER PIKE  
WILMINGTON DE 19805

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JUN 03 2008

**OFFICE OF PETITIONS**

In re Application of :  
Keeler, et al. :  
Application No.: 11/287,809 : **ON PETITION**  
Filed: November 28,2005 :  
Attorney Docket No: **CL2926USNA** :

This is in response to the petition under 37 CFR 1.137(b) filed March 4, 2008.

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 application became abandoned for failure to file a timely and proper response to the final Office action mailed August 23, 2007, which set a shortened statutory period for reply of three months from its mailing date. A proper response was not filed within the allowable period, and the application became abandoned on November 24, 2007.

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 pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed. In a non-provisional 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 set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy the requirements of items (1) and (2) above.

As to item (1) above, Examiner Rod Swartz has determined that the response filed March 4, 2008, does not place the application in condition for allowance<sup>1</sup>. The petition must be dismissed because of the lack of a proper response to the final Office action mailed August 23, 2007. The renewed petition must be accompanied by a proper response to the final Office action, which may include an amendment that places the application in condition for allowance, Request for Continued Examination under 37 CFR 1.114, or a Notice of Appeal. Questions regarding the determination of the sufficiency of the reply filed March 4, 2008, should be directed to Examiner Swartz.

As to item (2), the petition fee of \$1540.00 did not accompany the petition, neither was an authorization to charge a deposit account for the petition fee found. In order to be considered grantable, the renewed petition must be accompanied by the petition fee

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions  
Commissioner for Patents  
United States Patent and Trademark Office  
Box 1450  
Alexandria, VA 22313-1450

By facsimile:

(571) 273-8300  
Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.



Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

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<sup>1</sup> More specifically, Examiner Swartz indicates that the new proposed amendments of March 4, 2008, improperly list claim 14 and would not be entered into the record. This claim is missing text present in the June 7, 2008, claim 14.



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**JUL 01 2008**

In re Application of :  
Keeler, et al. :  
Application No.: 11/287,809 : **ON PETITION**  
Filed: November 28, 2005 :  
Attorney Docket No: **CL2926USNA** :

This is in response to the renewed petition under 37 CFR 1.137(b) filed June 16, 2008.

This application became abandoned for failure to file a timely and proper response to the final Office action mailed August 23, 2007, which set a shortened statutory period for reply of three months from its mailing date. A proper response was not filed within the allowable period, and the application became abandoned on November 24, 2007. A petition under 37 CFR 1.137(b) was first filed on March 4, 2008, and dismissed by a decision mailed June 3, 2008.

The Request for Continued Examination filed June 16, 2008, is noted and made of record.

The application is being forwarded to Technology Center 1600, GAU 1645 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 10/20/08

TO SPE OF : ART UNIT 2831 (2800)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/287,813 Patent No.: 7,091,420

**Attn: William Mayo III**

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**

**\*ATTN: Ok to enter changes to inventorship as requested in the COCIN?**

*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: William Mayo 2/24/09

\_\_\_\_\_

\_\_\_\_\_

*Diego*  
**DIEGO GUTIERREZ  
SUPERVISORY PATENT EXAMINER**

**3/2/09**



BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO IL 60610

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**JUL 16 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Blacker et al. :  
Application No. 11/287818 : DECISION ON APPLICATION  
Filing or 371(c) Date: 11/28/2005 : FOR PATENT TERM ADJUSTMENT  
Attorney Docket Number: :  
6298-521 :

This is a decision on the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT, filed May 14, 2009. The request is properly treated under 37 C.F.R. 1.705(b).

The application for patent term adjustment is **DISMISSED**.

On February 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 (PTA) to date is zero (0) days.

The instant application for patent term adjustment was timely submitted May 14, 2009, along with issue fee payment. Applicants do not dispute the adjustments to date of 82 days. Further, applicants do not dispute the reductions to date of 31 days and two (2) days attributed to Applicant pursuant to 37 CFR 1.704(b). Instead, applicants contest the reduction of 97 days accorded in connection with the amendment filed January 14, 2009.

In this regard, applicants argue that the Patent Office delayed 59 days, from October 9, 2008 until January 8, 2009, in mailing a Notice of Non-Compliant Amendment to Applicants. Applicants subtract 26 days of Applicant delay from the time the initial response was filed October 9, 2008 to the filing of an Information Disclosure Statement ("IDS") on November 4, 2008, and an additional six (6) days of Applicant delay from the mailing of the Notice of Non-Compliant Amendment on January 9, 2009 until the filing of the Reply to the Notice on January 14, 2009. Applicants conclude that after subtracting the difference of 65 days from Applicant's delay, Applicants may be entitled to 17 days of patent term adjustment.

Applicants arguments have been carefully considered, but are not found convincing. Applicants are advised that the date of mailing of the Notice of Non-Compliant Amendment has no bearing

on the calculation of reduction pursuant to 37 CFR 1.704(c) in connection with supplemental paper (IDS) filed November 4, 2008 or the response to non-final Office action filed January 14, 2009.

37 CFR 1.704(c) provides, in pertinent part, that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(7) Submission of a reply having an omission (§1.135(c)), in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed;

The MPEP 2732 further explains that

37 CFR 1.704(c)(7) establishes submission of a reply having an omission (37 CFR 1.135(c)) as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. Submitting a reply having an omission requires the Office to issue an action under 37 CFR 1.135(c) and await and process the applicant's reply to the action under 37 CFR 1.135(c) before the initial reply (as corrected) can be treated on its merits. In addition, 37 CFR 1.704(c)(7) provides that in such a case the period of adjustment set forth in 37 CFR 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed. The reference to 37 CFR 1.135(c) is parenthetical because 37 CFR 1.704(c)(7) is not limited to Office actions under 37 CFR 1.135(c) but applies when the Office issues any action or notice indicating that a reply has an omission which must be corrected: e.g., (1) a decision on a petition under 37 CFR 1.47 dismissing the petition as lacking an item necessary to grant the petition; or (2) a notice indicating that the computer readable format sequence listing filed in reply to a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (PTO-1661) does not comply with 37 CFR 1.821 et seq.

The non-final Office action was mailed July 9, 2008. The record reveals that a response to the non-final Office action was filed October 9, 2008. The response was non-compliant as it contained an omission, as indicated in the Notice of Non-Compliant Amendment mailed January 8, 2009. A response correcting the omission was filed January 14, 2009.

Thus, the adjustment was properly reduced 97 days in accordance with 37 CFR 1.704(c)(7), the reduction having commenced October 10, 2008, the day after the date that the initial reply

having an omission was filed, and ending January 14, 2009, the date that the reply correcting the omission was filed.

It is noted that the period reduction under 37 CFR 1.704(c)(8) of 26 days in connection with the submission of the IDS on November 4, 2008 has not been assessed as it overlaps with the period of reduction of 97 days accorded under 37 CFR 1.704(c)(7).

In view thereof, the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance is zero (0) days (adjustments totaling 82 days less reductions totaling 130 days).

Authorization to charged the required \$200.00 fee set forth in 37 CFR 1.18(e) was received June 22, 2009. Thus, the required application fee has been charged to applicants' deposit account. No additional fees are required.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods at (571) 272-3232.



Alesia Brown  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



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MACMILLAN SOBANSKI & TODD LLC  
ONE MARITIME PLAZA  
FOURTH FLOOR  
720 WATER ST  
TOLEDO OH 43604

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**JAN 30 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Tomasz Buchner, Swaminathan : DECISION ACCORDING STATUS  
Krishnan : UNDER 37 CFR 1.47(a)  
Application No. 11/287,828 :  
Filed: November 28, 2005 :  
Attorney Docket No. 1-27313 :

This is in response to the petition under 37 CFR 1.47(a), filed January 10, 2006.

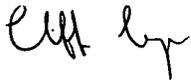
The petition under 37 CFR 1.47(a) is GRANTED.

Petitioner has shown that non-signing inventor Swaminathan Krishnan has been unable to be located.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to Group Art Unit 3679 for examination in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo  
Petitions Attorney  
Office of Petitions



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SWAMINATHAN KRISHNAN  
34730 MAPLE GROVE APT H  
STERLING HEIGHTS MI 48312

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**JAN 30 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Tomasz Buchner, Swaminathan Krishnan :  
Application No. 11/287,828 :  
Filed: November 28, 2005 :  
Title: Ball Joint Assembly :  
: :  
: :

LETTER

Dear Mr. Krishnan:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo  
Petitions Attorney  
Office of Petitions

Donald A. Wilkinson  
MacMillan, Sobanski & Todd  
One Maritime Plaza  
Fourth Floor  
720 Water St  
Toledo, OH 43604  
734-542-0900



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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
100 GALLERIA PARKWAY, NW  
STE 1750  
ATLANTA, GA 30339-5948

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**JAN 12 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Yao-Jen Hsieh, Huan-Hsin Li,	:	
Chih-Sung Wang and Huan-Lin Peng	:	
Application No. 11/287,874	:	DECISION GRANTING PETITION
Filed: November 28, 2005	:	UNDER 37 CFR 1.47(a)
For: LIQUID CRYSTAL DISPLAY WITH	:	
IMPROVED MOTION IMAGE QUALITY	:	
AND DRIVING METHOD THEREFOR	:	

This is in response to the "Petition Under 37 CFR 1.47(a)," filed November 28, 2005.

The petition is granted.

Petitioner has shown that non-signing inventor Huan-Lin Peng has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The file is being forwarded to Technology Center 2600 for examination *in due course*.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

HUAN-LIN PENG  
No. 57, SANMIN ST.  
JHUDONG TOWNSHIP, HSINCHU COUNTY  
TAIWAN, R.O.C.

**COPY MAILED**

**JAN 12 2006**

**OFFICE OF PETITIONS**

In re Application of  
Yao-Jen Hsieh, Huan-Hsin Li, Chih-Sung Wang and Huan-Lin  
Peng  
Application No. 11/287,874  
Filed: November 28, 2005  
For: LIQUID CRYSTAL DISPLAY WITH IMPROVED  
MOTION IMAGE QUALITY AND DRIVING METHOD  
THEREFOR

Dear HUAN-LIN PENG:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3228. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
100 GALLERIA PARKWAY, NW  
STE 1750  
ATLANTA, GA 30339-5948



Judy Jarecki-Black, Ph.D., J.D.  
3239 Satellite Blvd.  
Duluth GA 30096

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DEC 08 2008

**OFFICE OF PETITIONS**

In re Application of  
Detraz, et al.  
Application No. 11/287,906  
Filed: November 28, 2005  
Attorney Docket No. MER 04-036

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 13, 2008, to revive the above-identified application.

The petition is **GRANTED**.

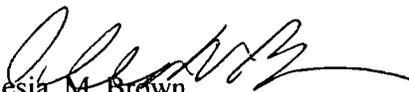
The application became abandoned June 15, 2008 for failure to timely submit a proper reply to the non-final Office action mailed March 14, 2008. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136(a) was timely requested. Notice of Abandonment was mailed September 23, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply to the non-final Office action, (2) the required petition fee, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,110.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, petitioners may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request. Petitioners request for a refund to practitioner's deposit account cannot be processed as the fee in question was submitted via credit card payment.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

This application is being referred to Technology Center AU 1657 for appropriate action by the Examiner in the normal course of business on the reply received herewith.

  
Alesia M. Brown  
Petitions Attorney  
Office of Petitions



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RUDOLF O. SIEGESMUND  
2100 ROSS AVENUE  
SUITE 2650  
DALLAS TX 75201

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APR 14 2008

**OFFICE OF PETITIONS**

In re Application of	:	
Hughes et al.	:	
Application No.: 11/287912	:	DECISION ON
Filing or 371(c) Date: 11/28/2005	:	PETITION
Attorney Docket Number:	:	
AHUG.017	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 25, 2008, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed November 8, 2007. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned February 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 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 Publishing Division for processing into a patent.

*Derek L. Woods*  
Derek L. Woods  
Attorney  
Office of Petitions



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D1W Apr-09

AT&T LEGAL DEPARTMENT - Haynes  
ATTN: PATENT DOCKETING  
ROOM 2A-207 ONE AT & T WAY  
BEDMINISTER NJ 07921

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**APR 28 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Boroditsky et al. :  
Application Number: 11/287922 :  
Filing Date: 11/28/2005 : **ON PETITION**  
Attorney Docket Number: 2005- :  
0049 (1014-206) :

This is a decision on the petition under 37 CFR 1.137(b)<sup>1</sup> filed on March 19, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on March 17, 2009, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on December 16, 2008, which set a three (3)-month statutory period for reply. On March 24, 2009, Notice of Abandonment was mailed.

<sup>1</sup> Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

On March 19, 2009, the subject petition was filed, along with payment of the issue fee.

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.<sup>2</sup> In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be mailed. 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.

The application is referred to the Office of Data Management for processing into patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

Encl:

MICHAEL N. HAYNES  
1341 HUNTERSFIELD CLOSE  
KESWICK VA 22947

---

<sup>2</sup> See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).



JAMES T. ROBINSON  
EXCLUSIVITY-LAW, INC.  
222 EAST MAIN STREET  
NORMAN, OK 73069-1303

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**FEB 10 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Keith E. Wellman	:	DECISION ON PETITION
Application No. 11/287,923	:	TO MAKE SPECIAL UNDER
Filed: November 28, 2005	:	37 CFR 1.102(c)(2)
Attorney Docket No. WEL101	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(i), filed November 28, 2005, to make the above-identified application special based on the invention materially contributing to the development or conservation of energy resources as set forth in M.P.E.P. § 708.02, Section VI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(ii) and MPEP § 708.02, Section VI: Energy, must state how the invention materially contributes to (A) the discovery or development of energy resources, or (b) the more efficient utilization and conservation of energy resources. If the disclosure is not clear on its face that the claimed invention materially contributes category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. No fee is required.

The instant petition fails to provide evidence of the reduction of energy consumption as there is no showing of how the invention materially reduces energy consumption compared to other similar devices.

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 your name at 571-272-

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 Art Unit Number for action in its regular turn.



Amelia Au  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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PHILIP S. JOHNSON  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003

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APR 08 2009

**OFFICE OF PETITIONS**

In re Application of	:	
Alireza Rezania, et al.	:	
Application No. 11/287,933	:	ON PETITION
Filed: November 28, 2005	:	
Attorney Docket No. LFS5062USNP	:	

This is a decision on the petition, filed February 5, 2009, 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 June 19, 2008, 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. This decision precedes the mailing of a Notice of Abandonment. On February 5, 2009, the present petition was filed.

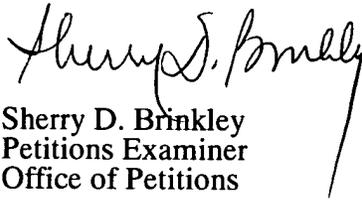
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay<sup>1</sup>.

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 \$2,350 extension of time fee submitted with the petition on February 5, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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.

<sup>1</sup> 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.

The application is being referred to Technology Center AU 1614 for consideration of the response filed February 5, 2009.



Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON DC 20036

**MAILED**  
JUL 09 2009  
OFFICE OF PETITIONS

In re Application of :  
Zoltan et al. :  
Application No.: 11/287944 : **DECISION ON**  
Filing or 371(c) Date: 11/28/2005 : **PETITION**  
Attorney Docket Number: 071570 :

This is a decision in response to the “Petition for Remailing of Office Action Under 37 CFR § 1.181(a) Expedited Processing Requested,” filed June 3, 2009.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled “Renewed Petition under [insert the applicable code section].” This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed December 5, 2008. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on March 6, 2009. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

The present petition

Applicant files the present petition and states that Applicant has no record of receiving the Office action. In support of this assertion, Applicant submits evidence, to wit – a copy of the mail log of items received by Applicant from December 5, 2008 to December 22, 2008, and a copy of the file jacket – wherein receipt of the Office action would have been documented in the ordinary course of business.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in

support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

### Analysis/conclusion

Regrettably, the petition is not grantable at this time. The Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication has been modified. The Office requires a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. In addition, a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence

such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. (Emphasis supplied).

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of docket records and/or file jacket docketed for a date that is two (2) months from the mail date of the non-received Notice.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                    Director for Patents  
                                 PO Box 1450  
                                 Alexandria, VA 22313-1450

By FAX:                    (571) 273-8300  
                                 Attn: Office of Petitions

By hand:                   Customer Service Window  
                                 Randolph Building  
                                 401 Dulany Street  
                                 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/  
Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON DC 20036

MAILED

JUL 28 2009

OFFICE OF PETITIONS

In re Application of :  
Zoltan et al. :  
Application No.: 11/287944 : DECISION ON  
Filing or 371(c) Date: 11/28/2005 : PETITION  
Attorney Docket Number: 071570 :

This is a decision in response to the “Renewed Petition for Remailing of Office Action Under 37 CFR § 1.181(a) Request for Reconsideration of Decision dated July 9, 2009 Expedited Processing Requested,” filed July 16, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed December 5, 2008. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on March 6, 2009. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

With the present renewed petition, Applicant has demonstrated non-receipt of the Office action by a preponderance of the evidence.

In view of the foregoing, the petition is **granted**. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 3767 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



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DEC 03 2009

**OFFICE OF PETITIONS**

Gus T. Hampilos, Esq.  
Chief Patent Counsel  
Engelhard Corporation  
101 Wood Avenue  
Iselin, NJ 08830

In re Application of	:	
David Matheson Stockwell	:	
Application No. 11/287,946	:	ON PETITION
Filed: November 28, 2005	:	
Attorney Docket No. 5160	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 23, 2009, to revive the above-identified application.

The application became abandoned for failure to file a response to the final Office action mailed on March 3, 2009. A Notice of Abandonment was mailed September 21, 2009.

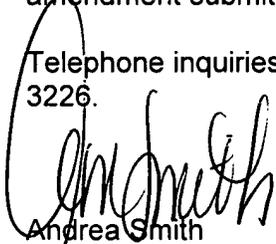
The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Stuart D. Frenkel appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Frenkel desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

Additionally, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) along with the \$810 fee and the submission under 37 CFR 1.114; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 1793 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: Stuart D. Frenkel  
3975 University Drive, Suite 330  
Fairfax, VA 22030



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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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**COOK, ALEX, McFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
SUITE 2850  
200 WEST ADAMS STREET  
CHICAGO IL 60606**

**COPY MAILED  
AUG 30 2007  
OFFICE OF PETITIONS**

In re Application of :  
Shuhei Nagatsuka :  
Application No. 11/287,957 : **DECISION GRANTING PETITION**  
Filed: November 28, 2005 : **UNDER 37 CFR 1.313(c)(2)**  
Attorney Docket No. 0553-0467 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 28, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

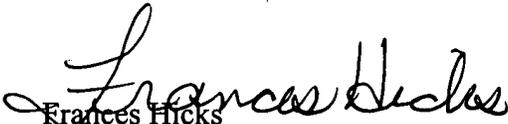
The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on August 3, 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.<sup>1</sup>*

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2819 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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United States Patent and Trademark Office  
P.O. Box 1450  
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[www.uspto.gov](http://www.uspto.gov)

Larry B. Guernsey, Esq.  
IPLO, Intellectual Property Law Offices  
Suite 660  
1901 S. Bascom Avenue  
Campbell CA 95008

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AUG 24 2007

**OFFICE OF PETITIONS**

In re Application of :  
Kwang-Ho Baik et al :  
Application No. 11/287,958 : DECISION ON PETITION  
Filed: November 28, 2005 :  
Attorney Docket No. 15865.22.2 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 26, 2007, 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 January 16, 2007; as required by the Notice of Allowance and Fee(s) Due, mailed October 13, 2006. Accordingly, the date of abandonment of this application is January 17, 2007. A Notice of Abandonment was mailed on February 7, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,400 and publication fee \$300, (2) the petition fee of \$1,500, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

The record fails to show that petitioner herein is an attorney of record, although petitioner has been prosecuting this application. Therefore, the statement of unintentional delay is being treated as having been made by a party having knowledge of the circumstances surrounding the delay in timely submitting the issue fee payment. 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 petitioner learns 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 promptly notify the Office.

If petitioner herein desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to petitioner, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to Publishing Division for appropriate processing in accordance with this decision on petition accepting the delayed payment of the issue and publication fees.



Frances Hicks  
Petitions Examiner  
Office of Petitions

cc:

Richard C. Gilmore  
Workman Nydegger  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, UT 84111



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**OFFICE OF PETITIONS**

In re Application of :  
Kwang-Ho Baik et al :  
Application No. 11/287,958 :  
Filed: November 28, 2005 :  
Attorney Docket No. 15865.22.2 :

ON PETITION

This is a decision on the petition, filed September 4, 2007 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

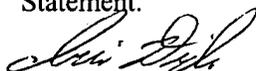
The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on February 26, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3637 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc: Richard Gilmore  
Workman Nydegger, P.C.  
60 East South Temple  
1000 Eagle Gate Tower  
Salt Lake City, UT 84111

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100520

**DATE** : May 21, 2010

**TO SPE OF** : ART UNIT 3637

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7,469,646

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

**Certificates of Correction Branch - ST (South Tower) 9A22**

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance**

\_\_\_\_\_  
**Certificates of Correction Branch**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriated box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

**Comments:**

/DARNELL M JAYNE/  
Supervisory Patent Examiner.Art Unit 3637



15 DEC 2005

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Raymond Aniban  
1760-B  
Palolo Ave.  
Honolulu, HI 98616

In re Application of :  
ANIBAN : DECISION  
Application No.: 11/287,971 :  
Filing Date: AUGUST 03, 20050 :  
Attorney's Docket No.: NONE :  
For: POP-UP SEWER CLEANOUT CAP SENSOR :

This is in response to the applicant's Petition, filed November 21, 2005 which has been treated as a petition filed under 37 CFR 1.182 to accord the papers filed on August 03, 2005 a filing date of August 03, 2005 and treat the papers as an application under 35 U.S.C. 111(a). The required \$400 petition fee has been paid. The petition is **GRANTED**.

#### BACKGROUND

On 09 February 2004, applicant filed international application PCT/US2004/003777, which did not claim priority to an earlier filed application. Accordingly, the thirty-month period for paying the basic national fee in the United States expires at midnight on 09 August 2006.

On 03 August 2005, applicant filed a "Transmittal letter To the United States Receiving Office (Form PTO-1382), which was accompanied by, inter alia: a Fee Transmittal for FY 2005 (Form PTO/SB/17), the \$150 the small entity utility filing fee, specification, claims, abstract and drawings. The Transmittal letters indicated the application number as PCT/US2004/003777. These papers were placed in the file for PCT/US2004/003777.

On November 21, 2005 applicant filed the present petition seeking that "the forms that were sent with the application filed on August 03/2005 be replaced with the forms sent with this petition ... I'm also requesting that the no filing dates be changed because the incorrect form was filed."

## DISCUSSION

Because applicant used a transmittal form for an international application and a utility application, applicant's filing on August 03, 2005 indicated that it was an international application and a utility application. Consequently, the papers were placed in applicant's previously filed international application. However, since applicant already had an international application on file and the "Transmittal Letter To the United States Receiving Office" (Form PTO-1382) did not indicate applicant was filing a new international application and submitted the utility filing fee for a application filed under 35 U.S.C. 111(a), it is proper to consider applicant's petition. Additionally, applicant did not instruct the USPTO to amend international application PCT/US04/003777. Accordingly, it does appear that applicant did intend to file a US application under 35 U.S.C. 111(a). For all of the aforementioned reasons, applicant's petition will be granted.

Applicant is entitled, subject to 37 CFR 1.78(a)(2)(ii), to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, since this application (Serial No. 11/287,971) and the international application (PCT/US2004/003777) designating the United States are copending. In order to obtain benefit of the earlier international application, applicant must amend the beginning of the specification of this application by inserting a proper reference to the parent international application. An appropriate passage would be, "This is an continuation-in-part of international application PCT/US2004/003777, filed 09 February 2004, which designated the United States and is now abandoned." Alternately, applicant may make the claim by submitting an Application Data Sheet with the continuity information completed.

It is noted that this application appears to claim subject matter disclosed in prior provisional Application No. 60/445,863, filed February 08, 2003. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an Application Data Sheet, if applicant intends to rely on the filing date of this prior application under 35 U.S.C. 119(e). See 37 CFR 1.78(a). Applicant may claim the benefit of the provisional application by claiming the benefit of the intermediate copending international application. The present later-filed application must claim the benefit of the intermediate international application under 35 U.S.C. 120, 121, or 365(c); and both the present later-filed application and the intermediate international application must claim the benefit of the provisional application under 35 U.S.C. 119(e). Applicant must amend the international application to make a reference to provisional application 60/445,863 to rely on the filing date under 35 U.S.C. 119(e).

**Applicant will need to file a petition and fee under 37 CFR 1.78(a)(3) and 1.78(a)(6) to be entitled to make the above-mentioned claims.** Because the present application is a utility application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). **This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c).** A benefit claim filed after

the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a \$1370 surcharge, and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) 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.

CONCLUSION

The petition under 37 CFR 1.182 is GRANTED.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.

Copies of the papers filed on August 03, 2005 have been placed in this application and the Office of Initial Patent Examining is directed to treat this application as an application filed under 35 U.S.C. 111(a) with a filing date of August 03, 2005.



Leonard E. Smith  
PCT Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration

LES:ls

Telephone: (571) 272-3297

Facsimile: (571) 273-0459

22 MAR 2006



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ALEXANDRIA, VA 22313-1450  
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Raymond Aniban  
1760-B  
Palolo Ave.  
Honolulu, HI 98616

In re Application of : DECISION ON  
ANIBAN :  
Application No.: 11/287,971 : PETITION UNDER  
Filing Date: AUGUST 03, 2005 :  
Attorney's Docket No.: NONE : 37 CFR 1.78(a)(3) &  
For: POP-UP SEWER CLEANOUT CAP SENSOR : 1.78(a)(6)

This is in response to applicant's "PETITION" filed on 24 January 2006, which is being treated as a petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) for acceptance of unintentionally delayed claim for priority under 35 U.S.C. 120 and 35 U.S.C. 119(e).

### **BACKGROUND**

In a decision from this Office on 15 December 2005, the petition under 37 CFR §1.182 was granted. The application was treated properly under 35 USC §111(a), and applicant could correct the priority claim under 37 C.F.R. §1.78.

On 24 January 2006, petitioner filed a petition 37 CFR 1.78(3) to claim priority under 35 USC 120 from international application PCT/US2004/003777 and under 37 C.F.R. §1.178(a)(6) to claim benefit under 35 U.S.C. 119(e) from provisional Application No. 60/445,863.

### **DISCUSSION**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) are 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, a petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section to the prior filed application, unless previously submitted:
- (2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) of this section 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.

Furthermore, a petition under 37 CFR 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. 119(e) and paragraph (a)(5) of this section to the prior-filed provisional application, unless previously submitted:

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) of this section 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 nonprovisional application was filed on 03 August 2005 and the claim for benefit herein is submitted after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). See 35 U.S.C. §§120, 365(c) and 119(e).

Applicant may claim the benefit of a provisional application by claiming the benefit in PCT/US2004/003777. The current application must claim the benefit of PCT/US2004/003777 under 35 U.S.C. 120, and **both** the current application and the PCT/US2004/003777 must claim the benefit of the provisional application 60/445,863 under 35 U.S.C. 119(e). That is, applicant must also amend PCT/US2004/003777 to make a reference to provisional application 60/445,863 to rely on the filing date under 35 U.S.C. 119(e). Note MPEP 201.11.

Applicant has met items (2) and (3) but not items (1) under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6).

Regarding requirement (1), although a reference to the prior-filed international application and to the provisional application have been included, applicant has not filed this requirements as an amendment to the current application such as this in an amendment to application 11/287,971 at the first sentence of the specification following the title and inserting a proper reference to the parent international application and the provisional patent application, as required by 37 CFR 1.78(a)(2)(iii) and 1.78(a)(5)(iii).

For example, in the current application, the first sentence in the specification could have the following benefit claim: "this application is a continuation of International Application No. PCT/US2004/003777, filed 09 February 2004, which claims the benefit of provisional Application No. 60/445,863, filed February 08, 2003" Alternatively, applicant may make the claim to priority by submitting an Application Data sheet with the continuity information completed.

In addition, applicant must amend PCT/US2004/003777 to claim benefit from provisional application 60/445,863. Because under 35 U.S.C. 120, the relevant part states that, [no] application (PCT/US2004/03777) shall be entitled to the benefits of an earlier filed application (60/445,863) under this section unless an amendment containing the specific reference to the earlier filed application is submitted at such time during the pendency of the application (PCT/US2004/03777) as required by the Director. Since international application PCT/US2004/03777 is no longer pending, applicant will need to revive the international application under 37 CFR 1.137(b) to claim benefit from provisional application 60/445,863 in both PCT/US2004/03777 and application 11/287,971. If applicant chooses to revive PCT/US2004/03777 in order to claim benefit to 60/445,863, applicant will need to submit at the time of revival a correspondence to U.S. Receiving Office stating applicant's desire. The statement could be, "This international application claims the benefit of U.S. provisional Application No. 60/445,863, filed February 08, 2003."

Regarding requirement (2), the surcharge has been provided.

Regarding requirement (3), the proper statement has been provided.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

If reconsideration of the merits of the petition under 37 CFR 1.78(a)(3) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares

Legal Examiner

PCT Legal Office

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30 AUG 2006



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Raymond Aniban  
1760-B  
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Honolulu, HI 98616

In re Application of ANIBAN : DECISION ON  
Application No.: 11/287,971 : RENEWED  
Filing Date: AUGUST 03, 2005 : PETITION UNDER  
Attorney's Docket No.: NONE :  
For: POP-UP SEWER CLEANOUT CAP SENSOR : 37 CFR 1.78(a)(3),  
: 1.78(a)(6) & 137(b)

This is in response to applicant's "RENEWED PETITION" filed on 26 April 2006, for the revival of international application PCT/US2004/03777 and the acceptance of unintentionally delayed claim for priority under 35 U.S.C. 120 and 35 U.S.C. 119(e).

### **BACKGROUND**

In a decision from this Office on 22 March 2006, the petition under 37 CFR §1.78(a)(3) was dismissed.

On 24 April 2006, petitioner filed a renewed petition 37 CFR 1.78(3) to claim priority under 35 USC 120 from international application PCT/US2004/003777 and under 37 C.F.R. §1.178(a)(6) to claim benefit under 35 U.S.C. 119(e) from provisional application No. 60/445,863, and a petition to revive the international application.

### **DISCUSSION**

#### **PETITION UNDER 37 CFR 1.137(b):**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. 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 (c) of this section.

Applicants have satisfied requirements (1), (3), and (4) under 37 CFR 1.137(b) but not requirement and (2).

Applicants' petition under 37 CFR 1.137(b) filed 26 April 2006 to revive international application PCT/US2004/026289 abandoned under 35 U.S.C. 371(d) is hereby **DISMISSED** as to the National stage in the United States of America as follows:

With respect to item (1), the international application PCT/US2004/003777 became abandoned as to the United States of America at midnight on 08 August 2005 for failure to pay the basic national fee. The filing of the present continuing application under 35 U.S.C. 111 is not accepted as the appropriate response under 37 CFR 1.137(b) (See MPEP § 711.03(c)) because applicant will need to have the application co-pending under 37 CFR 1.78 to claim benefit to the international application.

A proper statement under 37 CFR 1.78 for co-pendency must be made in the specification and applicant should refer to the example listed below.

For reasons above, the petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

**PETITION UNDER 37 CFR 1.78(a)(3):**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) are 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, a petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section to the prior filed application, unless previously submitted:
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) of this section 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.

Furthermore, a petition under 37 CFR 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. 119(e) and paragraph (a)(5) of this section to the prior-filed provisional application, unless previously submitted:
- (2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) of this section 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 nonprovisional application was filed on 03 August 2005 and the claim for benefit herein is submitted after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). See 35 U.S.C. §§120, 365(c) and 119(e).

The current application must properly claim the benefit of PCT/US2004/003777 under 35 U.S.C. 120, and **both** the current application and the PCT/US2004/003777 must properly claim the benefit of the provisional application 60/445,863 under 35 U.S.C. 119(e).

Applicant has met items (2) and (3) but not item (1) under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6).

Regarding requirement (1), although a reference to the prior-filed international application and to the provisional application have been included, applicant has not properly filed this requirement as an amendment as stipulated under MPEP § 714 (37 CFR 1.121(b)(1)(i)) to the current application. An amendment to application 11/287,971 must be directed to the first sentence of the specification following the title and the amendment have a proper reference to the parent international application and the provisional patent application, as required by 37 CFR 1.78(a)(2)(iii) and 1.78(a)(5)(iii). The instructions must unambiguously identify the location to add the insert the amendment. Note MPEP 714.

#### **EXAMPLE:**

For example, in the current application, applicant should submit the following: An amendment to national stage application 11/287,971. The amendment should state: The first sentence in the specification after the title add the following "this application is a continuation of International Application No. PCT/US2004/003777, filed 09 February 2004, which claims the benefit of provisional Application No. 60/445,863, filed February 08, 2003"

#### **CONCLUSION**

For the reasons above the petition under 37 CFR 1.78(a)(3) is **DISMISSED**. The petition under 37 CFR 1.137(b) is also **DISMISSED** without prejudice.

If reconsideration of the merits of the petitions under 37 CFR 1.78(a)(3) and 37 CFR 1.137(b) are desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares

Legal Examiner

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P O BOX 655474 M/S 3999  
DALLAS TX 75265

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JUN 24 2008

**OFFICE OF PETITIONS**

In re Application of :  
Dietl, et al. :  
Application No. 11/288,004 : ON PETITION  
Filed: November 28, 2005 :  
Attorney Docket No. TI-39138 :

This is a decision on the petition to revive under  
37 CFR 1.137(b), filed April 14, 2008.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to  
timely pay the issue fee in response to the Notice of Allowance,  
mailed on December 18, 2007. This Notice set a statutory period  
for reply of three (3) months. No issue fee having been  
received, the application became abandoned on March 19, 2008.  
The Office mailed a Notice of Abandonment on April 21, 2008.

With the instant petition, petitioner paid the petition, issue,  
and publication fees, and made the proper statement of  
unintentional delay.

The application is being forwarded to the Office of Data  
Management for processing into a patent.

Telephone inquiries related to this decision should be directed  
to the undersigned at (571)272-3207.

Cliff Congo  
Petitions Attorney  
Office of Petitions



PATENTMETRIX  
14252 CULVER DR. BOX 914  
IRVINE CA 92604

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**NOV 30 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Shreve et al. :  
Application No. 11/288,031 : **DECISION ON PETITION**  
Filed: November 28, 2005 :  
Attorney Docket No. Glu 105.Ord :

This is a decision on the petition filed June 9, 2006, which is being treated as a petition to withdraw the requirement for Figures 11a to 18 as stated in Notice to File Missing Parts of Nonprovisional Application (“Notice of Missing Parts”) mailed on February 9, 2006.

On November 28, 2005, applicants filed the above-identified application. On February 9, 2006, the Office of Initial Patent Examination mailed a Notice of Missing Parts, stating, *inter alia*, that the application had been accorded a filing date of November 28, 2005, and advising applicants that Figures 11a to 18 described in the specification appeared to have been omitted.

On June 9, 2006, applicants submitted the present petition, seven sheets of drawings (Figures 7a to 7c and 11a to 18), a declaration, and the requisite fees. Applicants asserted that based on their internal records, all of the figures were included in the original application papers on filing. Additionally, applicants stated:

Application No. 11/288,031 is a continuation-in-part of currently pending U.S. Patent Application No. 11/048,108. Application No. 11/048,108 contains Figures 11a to 18. Application No. 11/288,031 adds Figures 19 and 20. Therefore, irrespective of the specific date of filing of 11/288,031, Figures 11a to 18 have the priority date of Application No. 11/048,108.

After reviewing the record, Figures 11a to 18 have not been located. Nevertheless, 37 CFR 1.57(a) provides:

[I]f all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a

prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim for priority or benefit shall be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawings.

MPEP 201.17.

Therefore, if a continuation, divisional, or continuation-in-part application, as originally filed on or after September 21, 2004, does not include an explicit incorporation by reference statement in the specification, and is entitled to a filing date despite the inadvertent omission of a portion of the prior application(s), an applicant may be permitted to add the omitted material by filing an amendment under 37 CFR 1.57(a) within the time period set by the Office. See 37 CFR 1.57(a)(1) and MPEP 201.06(c)(IV).

A review of the record indicates that the above-identified application as originally filed on November 28, 2005, which was entitled to a filing date, did not include an explicit incorporation by reference statement in the specification. Nevertheless, the specification on filing indicates: "The present invention relies on, for priority, U.S. Provisional Application No. 60/614,122, entitled "Blood Monitoring System", filed on September 29, 2004 and is a continuation-in-part of U.S. Patent Application No. 11/048,108, filed on February 12, 2005." As applicants submitted a claim under 37 CFR 1.78 for the benefit of a prior filed nonprovisional application on the filing date of the present application, applicants may file an amendment in compliance with 37 CFR 1.57(a) with the examiner, prior to the first action on the merits, to include Figures 11a to 18, **without the need for a petition.**

As applicants did not submit *prima facie* evidence of receipt of Figures 11a to 18 in the USPTO, and as those figures were not located in the official file, the Office correctly mailed the requirement for Figures 11a to 18 as stated in the Notice of Missing Parts. Accordingly, the petition is **dismissed.**

**The Office of Initial Patent Examination is directed to process the application with a filing date of November 28, 2005, using only the drawing sheets filed on that date.**

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.



Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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Paper No.

FISH & RICHARDSON PC  
P.O. BOX 1022  
MINNEAPOLIS MN 55440-1022

**MAILED**

**MAY 18 2010**

**OFFICE OF PETITIONS**

In re Patent No. 7,480,452 : DECISION ON REQUEST  
Matsumoto : FOR  
Issue Date: January 20, 2009 : RECONSIDERATION OF  
Application No. 11/288,032 : PATENT TERM ADJUSTMENT  
Filed: November 28, 2005 : and  
Atty Docket No. 20111-002001 : NOTICE OF INTENT TO ISSUE  
/ 94N001 US : CERTIFICATE OF CORRECTION

This is a decision on the petition filed on March 19, 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 three hundred seventy-eight (378) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by three hundred seventy-eight (378) days is **GRANTED**.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. 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 **three hundred seventy-eight (378) 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 : 7,480,452 B2

DATED : January 20, 2009

DRAFT

INVENTOR(S) : Matsumoto.

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 325 days

Delete the phrase "by 325 days" and insert – by 378 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450  
Alexandria, VA 22313-1450  
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HULSEY IP INTELLECTUAL PROPERTY  
LAWYERS, P.C.  
1250 S. CAPITAL OF TEXAS HIGHWAY  
BUILDING THREE, SUITE 610  
AUSTIN TX 78746

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JUN 12 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :  
Delbert Tesar :  
Application No. 11/288,042 :  
Filed: November 28, 2005 :  
Attorney Docket No. TSAR001US2 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 2, 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.

A grantable petition under 37 CFR 1.137(b)<sup>1</sup> must be accompanied by: (1) the required reply,<sup>2</sup> 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

<sup>1</sup> As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

<sup>2</sup> 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.

disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s)(3) above.

Petitioner stated in the petition that the customer number was entered incorrectly at the U.S.P.T.O., and that the Notice mailed December 29, 2005 was mailed to an incorrect attorney. However, the customer number entered was the customer number supplied in the correspondence address on the transmittal letter, submitted with the filing of the above application on November 28, 2005.

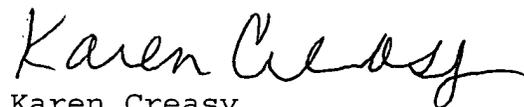
Further correspondence with respect to this matter should be addressed as follows:

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:            (703) 872-9306  
                    ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.



Karen Creasy  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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1250 S. CAPITAL OF TEXAS HIGHWAY  
BUILDING THREE, SUITE 610  
AUSTIN TX 78746

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JUL 13 2007

**OFFICE OF PETITIONS**

In re Application of :  
Delbert Tesar :  
Application No. 11/288,042 : DECISION GRANTING PETITION  
Filed: November 28, 2005 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. TSAR001US2 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 6, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (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 December 29, 2005, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 3681.

Karen Creasy  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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HENRY M FEIEREISEN, LLC  
HENRY M FEIEREISEN  
708 THIRD AVENUE  
SUITE 1501  
NEW YORK NY 10017

MAILED  
SEP 15 2009  
OFFICE OF PETITIONS

In re Patent No. 7,481,399 :  
Issue Date: January 27, 2009 :  
Application No. 11/288,043 : NOTICE  
Filed: November 28, 2005 :  
Attorney Docket No. NOHREN :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



HESKA CORPORATION  
INTELLECTUAL PROPERTY DEPT.  
3760 ROCKY MOUNTAIN AVE  
LOVELAND CO 80538

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**JUN 21 2006**  
**OFFICE OF PETITIONS**

In re Application of	:	
Yang et al.	:	
Application No. 11/288,047	:	DECISION REFUSING STATUS
Filed: November 28, 2005	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. IM-1-C1-PUS-2	:	
Title: CANINE AND FELINE B7-1 NUCLEIC	:	
ACID MOLECULES	:	
	:	

This is in response to the petition filed May 18, 2006 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 November 28, 2005, without an executed oath or declaration. Accordingly, on December 14, 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 February 14, 2006. An incomplete reply was submitted on January 23, 2006. A Notice of Incomplete reply was mailed on March 15, 2006.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. To make timely a three month extension of time was submitted.





HESKA CORPORATION  
INTELLECTUAL PROPERTY DEPT.  
3760 ROCKY MOUNTAIN AVE  
LOVELAND CO 80538

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**SEP 27 2006**  
**OFFICE OF PETITIONS**

In re Application of	:	
Yang et al.	:	
Application No. 11/288,047	:	DECISION REFUSING STATUS
Filed: November 28, 2005	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. IM-1-C1-PUS-2	:	
Title: CANINE AND FELINE B7-1 NUCLEIC	:	
ACID MOLECULES	:	
	:	
	:	

This is in response to the petition filed July 7, 2006 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 November 28, 2005, without an executed oath or declaration. Accordingly, on December 14, 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 February 14, 2006. An incomplete reply was submitted on January 23, 2006. A Notice of Incomplete reply was mailed on March 15, 2006. A petition was dismissed on June 21, 2006.

A grantable petition under 37 CFR. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an

acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirement (1).

On renewed petition, rule 47 applicant insist that petitioner has demonstrated that inventor Sim is in possession of the application papers, including declaration. Rule 47 applicant further contends the evidence presented establishes that inventor Sim's unwillingness to cooperate on patent matters. Petitioner's arguments have been considered but are deemed as unpersuasive. Rule 47 applicant states this is the second divisional of priority application no. 09/646,561 and that inventor Sim received a copy of the priority application papers.

Unless petitioner is using a copy of the declaration from the prior application for which 47 status was granted, Rule 47 applicant is required to send a copy of application papers (specification, claims and drawings) for 11/288, 047 to inventor Sim. The declaration alone is not sufficient. 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. See MPEP 409.03(d). Unless inventor Sim was presented with a copy of the application papers (specification, claims and drawings), she could not attest that he has "reviewed and understands the application papers," and therefore, could not sign the declaration which she was given. The failure to include the application papers in the June 13, 2006, results in this petition not being grantable. 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 directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Charlema R. Grant  
Petitions Attorney  
Office of Petitions



HESKA CORPORATION  
INTELLECTUAL PROPERTY DEPT.  
3760 ROCKY MOUNTAIN AVE  
LOVELAND CO 80538

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**JAN 04 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Shumin Yang and Gek-Kee Sim : **DECISION GRANTING STATUS**  
Application No. 11/ 288,047 : **UNDER 37 CFR 1.47(a)**  
Filed: November 28, 2005 :  
Attorney Docket No. IM-1-C1-PUS-2 :  
Title of Invention: Canine and Feline B7-1 :  
Nucleic Acid Molecules :  
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This is in response to the renewed petition under 37 CFR 1.47(a) filed November 22, 2006.

The petition is GRANTED.

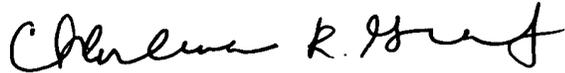
Petitioner has shown that the non-signing inventor Sim has refused to join in the filing of the above-identified application after having been presented with the application papers. The declaration attest a copy of the application was sent to non-signing inventor's last known address. The non-signing inventor's failure to respond to the application mailing sufficiently establishes that he refuses to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215.

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".

Charlema R. Grant  
Petitions Attorney  
Office of Petitions



Gek-Kee Sim  
543 Franklin Street  
Denver, Colorado 80218

In re Application of  
Shumin Yang and Gek-Kee Sim  
Application No. 11/ 288,047  
Filed: November 28, 2005  
Attorney Docket No. IM-1-C1-PUS-2  
Title of Invention: Canine and Feline B7-1  
Nucleic Acid Molecules

:  
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: LETTER  
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JAN 04 2007

**OFFICE OF PETITIONS**

Dear Mr. Sim:

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

HESKA CORPORATION  
INTELLECTUAL PROPERTY DEPT.  
3760 ROCKY MOUNTAIN AVE  
LOVELAND CO 80538  
ATTN: Richard J. Stern



**JAMES HAROLD CHAPMAN III  
3521 EAST 1ST STREET  
APE. B  
LONGBEACH CA 90803**

**COPY MAILED**

**NOV 04 2009**

**OFFICE OF PETITIONS**

In re Application of :  
James Harold Chapman, III :  
Application No. 11/288,048 :  
Filed: May 20, 2006 :

**DECISION ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 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 correctly reply in a timely manner to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed, January 9, 2008, which set a shortened statutory period for reply of one (1) month or thirty (30) days, whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 10, 2008. The Notice of Abandonment was mailed August 21, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (2).

The petition fee submitted herewith petition is not sufficient. The amount \$750 is not enough to cover to the \$810 petition fee. A fee of \$60 is still required to complete the payment of the petition fee.

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) 272-2991.

  
Terri Johnson  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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OFFICE OF COUNSEL, CODE 004  
NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION  
9500 MACARTHUR BLVD.  
WEST BETHESDA MD 20817

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**AUG 20 2007**

In re Application of  
Judah H. Milgram  
Application No. 11/288,070  
Filed: November 22, 2005  
Attorney Docket No. 96453

**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 2, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Scott R. Boalick on behalf of himself.

Scott R. Boalick has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

*April M. Wise*  
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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Alexandria, Virginia 22313-1450
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/288,076 11/29/2005 Kenji Yamamoto 282006US6 5081

7590 08/28/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
ORTIZ CRIADO, JORGE L

ART UNIT PAPER NUMBER
2627

NOTIFICATION DATE DELIVERY MODE
08/28/2009 ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

adjustment date: 08/28/2009 BPOWELL
11/28/2005 STEURELLI 082006029 11288076
02 FL:1111 -500.00 UF
07 FC:1202 -100.00 UF
05 FC:1251 -600.00 UF

adjustment date: 08/28/2009 BPOWELL
11/28/2005 STEURELLI 082006029 11288076
02 FL:1111 -500.00 UF
07 FC:1202 -100.00 UF
05 FC:1251 -600.00 UF



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BANNER & WITCOFF, LTD.  
ATTORNEYS FOR CLIENT NO. 016689  
1100 13th STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

<b>Applicant</b>	: Teruo Deshimaru	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7572989	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/288,082	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **213** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

Mail Date: 07/06/2010

**Applicant** : Daniel Eric Derscheid : DECISION ON REQUEST FOR  
**Patent Number** : 7636987 : RECALCULATION of PATENT  
**Issue Date** : 12/29/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/288,113 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/29/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **719** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/288,158	11/29/2005	Gerard Francis McLean	2269.094US1	5598
21186	7590	01/21/2010	EXAMINER	
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.			PARSONS, THOMAS H	
P.O. BOX 2938			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402			1795	
			NOTIFICATION DATE	DELIVERY MODE
			01/21/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com  
request@slwip.com

In re Application of :  
Gerard F. McLean :  
Application No. 11/288,158 : DECISION ON PETITION  
Filing Date: 29 November 2005. :  
For: HYDROGEN FUEL DELIVERY SYSTEMS :

This is a decision on the petition under 37 CFR § 1.48(a) filed January 8, 2010. On January 8, 2010, the present petition and authorization to charge counsel's deposit account the fee of \$130.00 were filed. Petitioner requests amendment of the inventorship to add Joerg Zimmermann. In support of the petition, statements from inventors Gerard McLean and Joerg Zimmermann stating that the error in inventorship arose without deceptive intent on their parts, have been submitted. Petitioners request that the actual inventorship be given as Gerard F. McLEAN and Joerg ZIMMERMANN.

37 CFR 1.48 Correction of inventorship states, in part:

*(a) If the inventive entity is set forth in error in an executed 1.63 oath or declaration in an application, other than a reissue application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the application may be amended to name onth the actual inventor or inventors. . . . Such amendment must be accompanied by:*

*(1) A petition including 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 herpart;*

*(2) An oath or declaration by each actual inventor or inventors as required by § 1.63 or as permitted by 1.42, 1.43 or 1.47;*

*(3) The fee set forth in § 1.17(i); and*

*(4) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 3.73(b)).*

A review of the record reveals that petitioner has complied with all the conditions in 37 CFR § 1.48(a). The petition is granted. A corrected filing receipt naming the actual inventors of the above-identified patent, namely Gerard F. McLean and Joerg Zimmermann.

**PETITION GRANTED**



Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700



**POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON VA 20191**

**COPY MAILED**

**NOV 10 2008**

In re Application of  
**OUZTS, Gerald**  
Application No. 11/288,169  
Filed: November 29, 2005  
Attorney Docket No. **VX058074**

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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 October 23, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 David Posz on behalf of all attorneys of record who are associated with customer No. 23400. All attorneys/agents associated with the Customer Number 23400 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 Gerakd Ouzts at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

  
Tredelle D. Jackson  
Paralegal Specialist  
Office of Petitions

cc: **GERALD OUZTS  
205 RIVER OAKS LANE  
RUSSELLVILLE AZ 72802**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080731

**DATE** : July 31, 2008

**TO SPE OF** : ART UNIT 1795

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7,244,535

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

**Certificates of Correction Branch - ST (South Tower) 9A22**

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance**

\_\_\_\_\_  
**Certificates of Correction Branch**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriated box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

**Comments:**

/Mark F Huff/  
Supervisory Patent Examiner.Art Unit 1795



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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

Mail Date: 05/20/2010

**Applicant** : Tae-hwan Kim : DECISION ON REQUEST FOR  
**Patent Number** : 7643098 : RECALCULATION of PATENT  
**Issue Date** : 01/05/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/288,228 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/29/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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RABIN & Berdo, PC  
1101 14TH STREET, NW  
SUITE 500  
WASHINGTON, DC 20005

Mail Date: 04/21/2010

<b>Applicant</b>	: Nobumichi Hanawa	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7591352	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/288,231	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **94** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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: 04/20/2010

**Applicant** : Jung-Hee Lee : DECISION ON REQUEST FOR  
**Patent Number** : 7652725 : RECALCULATION of PATENT  
**Issue Date** : 01/26/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/288,246 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/29/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **584** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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** : Jung-Hee Lee : NOTICE CONCERNING IMPROPER  
**Patent Number** : 7652725 : CALCULATION OF PATENT TERM  
**Issue Date** : 01/26/2010 : ADJUSTMENT BASED UPON USPTO  
**Application No** : 11/288,246 : IMPROPERLY MEASURING REDUCTION  
**Filed** : 11/29/2005 : PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to 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 **662** 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**

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

In re Application of :  
Sakaguchi, et al. :  
Application No. 11/288,257 : ON APPLICATION FOR  
Filed: November 29, 2005 : PATENT TERM ADJUSTMENT  
Atty Docket No.1422-0701PUS1 :

This is in response to the REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed September 3, 2009. The request is properly treated under 37 CFR 1.705(b). Applicants submit that the correct patent term adjustment to be indicated on the patent is one thousand fifty-one (1,051) days, not seven hundred thirty-one (731) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that applicant may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee<sup>1</sup>.

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).

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<sup>1</sup> 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 37 CFR 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this 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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PO BOX 747  
FALLS CHURCH, VA 22040-0747

Mail Date: 04/20/2010

<b>Applicant</b>	: Mikio Sakaguchi	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7641824	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/288,257	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **952** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

Mail Date: 05/17/2010

**Applicant** : Mikio Sakaguchi : NOTICE CONCERNING IMPROPER  
**Patent Number** : 7641824 : CALCULATION OF PATENT TERM  
**Issue Date** : 01/05/2010 : ADJUSTMENT BASED UPON USPTO  
**Application No** : 11/288,257 : IMPROPERLY MEASURING REDUCTION  
**Filed** : 11/29/2005 : PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to 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 **1064** 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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**JOE MCKINNEY MUNCY**  
**PO BOX 1364**  
**FAIRFAX, VA 22038-1364**

**COPY MAILED**

**MAY 14 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Chin-Wen CHOU :  
Application No. 11/288,258 : DECISION ON PETITION  
Filed: November 29, 2005 :  
Docket No. 2450-1161PUS1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 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 31, 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 1, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$770; and (3) an adequate statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that

such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 2875 for appropriate action by the Examiner in the normal course of business on the reply received February 12, 2008.



April Wise  
Petitions Examiner  
Office of Petitions

cc: JOE MCKINNEY MUNCY  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 GATEHOUSE ROAD, SUITE 100 EAST  
P.O. BOX 747  
FALLS CHURCH, VA 22040-0747



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Whirlpool Patents Company-  
500 Renaissance Drive  
Suite 102  
St. Joseph, MI 49085

Mail Date: 04/21/2010

**Applicant** : Kory A. Gunnerson : DECISION ON REQUEST FOR  
**Patent Number** : 7607444 : RECALCULATION of PATENT  
**Issue Date** : 10/27/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/288,290 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/29/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1002** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

**COPY MAILED**  
**OCT 30 2008**  
**OFFICE OF PETITIONS**

In re Application of Lee :  
Application No. 11/288,310 : Decision on Petition  
Filing Date: November 29, 2005 :  
Attorney Docket No. 3449-0414PUS2 :

This is a decision on the petition under 37 CFR 1.181 filed July 18, 2008, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

The Office mailed a Notice of Allowance on September 18, 2007. The Notice required the submission of \$1400 for the issue fee and \$300 for the publication fee. The Notice set a three-month statutory period for reply. The Office did not receive a reply to the Notice of Allowance. As a result, a Notice of Abandonment was issued May 20, 2008.

Petitioner requests withdrawal of the holding of abandonment based on a failure to receive the Notice of Allowance. The evidence supplied by petitioner has been reviewed and is sufficient to demonstrate non-receipt of the Notice of Allowance.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

A new Notice of Allowance will be issued and the period for reply will be re-started.

Technology Center Art Unit 2814 will be informed of the instant decision. Thereafter, the Technology Center's technical support staff will issue a new Notice of Allowance. The time period for responding to the new Notice of Allowance will be set to run from the issuance date of the new Notice of Allowance.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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Juan Carlos A. Marquez  
c/o Stites & Harbison PLLC  
1199 North Fairfax Street  
Suite 900  
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

<b>Applicant</b>	: Tatsuo Nakagawa	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7664163	: RECALCULATION of PATENT
<b>Issue Date</b>	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/288,349	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **991** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

Mail Date: 04/20/2010

Applicant : Fumio Suzuki : DECISION ON REQUEST FOR  
Patent Number : 7593157 : RECALCULATION of PATENT  
Issue Date : 09/22/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/288,383 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 11/29/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **523** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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THOMAS A O'ROURKE  
BODNER & O'ROURKE LLP  
425 BROADHOLLOW RD  
MELVILLE NY 11747

**COPY MAILED**  
**MAY 09 2006**  
**OFFICE OF PETITIONS**

In re Application of :  
Mello, et al. :  
Application No. 11/288,404 : **ON PETITION**  
Filed: August 19, 2005 :  
Title: Use of Antimuscarinic Drugs :

This is a decision on the "REQUEST TO CORRECT FILING DATE", filed April 4, 2006, to accord the above-identified application a filing date of August 19, 2005.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was originally filed on August 19, 2005, not November 21, 2005, the date the papers were re-filed with Office. In support thereof, petitioner has included a copy of the Express Mail mailing label for Express mail number EV 376128932 US. The Express Mail mailing label contains a "date in" entry of December 15, 2005.

37 CFR 1.10(e) states that any person mailing correspondence addressed 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 Commissioner 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 Commissioner, 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.

Here, the petition was filed promptly. Petitioner included a copy of the Express Mail mailing label, as well a copy of the application with the number of the Express Mail mailing label thereon. Petitioner also included a satisfactory statement regarding the deposit of the correspondence.

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 **August 19, 2005, not November 21, 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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**OFFICE OF PETITIONS**

MORRISON & FOERSTER LLP  
1650 TYSONS BOULEVARD  
SUITE 400  
MCLEAN, VA 22102

In re Application of  
Andreas JANSEN, et al  
Application No. 11/288,406  
Filed: November 29, 2005  
Attorney Docket No. 543822020500

:  
:  
: 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 is an outstanding Office mailed August 30 2007, that requires a response by the applicant.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

  
April Wise  
Petitions Examiner  
Office of Petitions

cc: ANDREAS JANSEN  
AM KAPFERBERG 10  
82418 MURNAU  
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
11/288,406	11/29/2005	Andreas Jansen	543822020500

**CONFIRMATION NO. 4816**

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



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Paper No.

HARNESSE, DICKEY & PIERCE,  
P.L.C.  
P.O. BOX 8910  
RESTON VA 20195

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**JUN 28 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Park : DECISION ON PETITION  
Application No. 11/288,408 :  
Filed: November 29, 2005 :  
Atty Docket No. 1740-000185/ :  
US/04 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed April 12, 2007.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Application mailed January 5, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. No reply having been received and no extension of time obtained, the above-identified application became abandoned on March 6, 2006. A courtesy Notice of Abandonment was mailed on September 12, 2006.

Petitioner has satisfied the requirements of 37 CFR 1.137(b). The petition included the required reply in the form of an executed declaration, payment of missing fees and late surcharge; the petition fee; and the required statement of unintentional delay.

The application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing,

including processing of the responses submitted on petition filed April 12, 2007.

Telephone inquiries specific 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 fluid and cursive, with the first name "Nancy" written in a larger, more prominent script than the last name "Johnson".

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



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**222 EAST 41ST ST**  
**NEW YORK NY 10017**

**MAILED**

**JUL 19 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Svetlana V. Panasyuk et al. :  
Application No. 11/288,410 : **DECISION ON PETITION**  
Filed: November 29, 2005 :  
Attorney Docket No. 12845-003-999 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, January 22, 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 April 23, 2009. A Notice of Abandonment was mailed on October 5, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of \$405, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3737 for appropriate action by the Examiner in the normal course of business on the reply received June 10, 1010.

/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
11/288,410	11/29/2005	Svetlana V. Panasyuk	12845-003-999

**CONFIRMATION NO. 4808**

**POA ACCEPTANCE LETTER**



0C000000042631786

Date Mailed: 07/19/2010

20583  
JONES DAY  
222 EAST 41ST ST  
NEW YORK, NY 10017

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/10/2010.

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



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**NIXON & VANDERHYE, PC**  
**901 NORTH GLEBE ROAD, 11TH FLOOR**  
**ARLINGTON VA 22203**

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**JUN 06 2006**  
**OFFICE OF PETITIONS**

In re Application of :  
Bumiller et al. :  
Application No. 11/288,417 : **ON PETITION**  
Filed: November 29, 2005 :  
Attorney Docket No. 4472-58 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 19, 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 George B. Bumiller's U.S. Passport. 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 2616 for action on the merits commensurate with this decision.

  
Liana Chase  
Petitions Examiner  
Office of Petitions



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PO BOX 1022  
MINNEAPOLIS, MN 55440-1022

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**SEP 20 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Alexandra Baugher	:	
Application No. 11/288,431	:	DECISION ON PETITION
Filed: November 29, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 16113-001001	:	

This is a decision on the petition, filed May 9, 2007, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on November 29, 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:

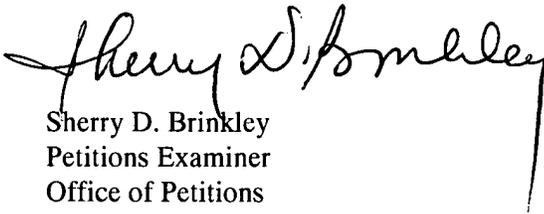
- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing 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 December 27, 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 2176 for examination in due course.



Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request




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 UNITED STATES PATENT AND TRADEMARK OFFICE
 

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 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/288,431	11/29/2005	Alexandra Baugher	16113-001001

**CONFIRMATION NO. 3172**

 26192  
 FISH & RICHARDSON P.C.  
 PO BOX 1022  
 MINNEAPOLIS, MN 55440-1022

Date Mailed: 09/20/2007

### 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 12/27/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"<sup>1</sup> 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](mailto:pgpub@uspto.gov).

<sup>1</sup> 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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Paper No.

FISH & RICHARDSON P.C.  
PO BOX 1022  
MINNEAPOLIS MN 55440-1022

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**MAR 16 2010**

In re Patent No. 7,603,619 : DECISION ON REQUEST  
Baugher : FOR  
Issue Date: October 13, 2009 : RECONSIDERATION OF  
Application No. 11/288,431 : PATENT TERM ADJUSTMENT  
Filed: November 29, 2005 : and  
Atty Docket No. : NOTICE OF INTENT TO ISSUE  
16113-0670001 : CERTIFICATE OF CORRECTION

This is a decision on the petition filed on December 11, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by seven hundred forty-seven (747) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by seven hundred forty-seven (747) days is **GRANTED**.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **seven hundred forty-seven (747) days**.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight  
Supervisor  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,603,619 B2

DATED : **October 13, 2009**

**DRAFT**

INVENTOR(S) : Baugher

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 429 days.

Delete the phrase "by 429 days" and insert – by 747 days--



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MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

<b>Applicant</b>	: Alexandra Baugher	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7603619	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/288,431	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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**HARNESSE, DICKEY & PIERCE, P.L.C.**  
**P.O. BOX 8910**  
**RESTON VA 20195**

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**JUN 06 2007**

**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of :  
Park, Seung Wook :  
Application No. 11/288,435 :  
Filed: November 29, 2005 :  
Attorney Docket No. 1740-000185/US/01 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an oath/declaration, filing and additional fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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SEP 18 2007

**OFFICE OF PETITIONS**

In re Application of :  
Seung Wook Park :  
Application No. 11/288,440 : DECISION GRANTING PETITION  
Filed: November 29, 2005 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. 1740- :  
000185/US/03 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees and a declaration; (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 January 6, 2006, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to the Office of Initial Patent Examination.

Karen Creasy  
Petitions Examiner  
Office of Petitions



MORRISON & FOERSTER LLP  
1650 TYSONS BOULEVARD  
SUITE 400  
MCLEAN, VA 22102

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SEP 20 2007

**OFFICE OF PETITIONS**

In re Application of  
Jens Barrenscheen  
Application No. 11/288,441  
Filed: November 29, 2005  
Attorney Docket No. 543822020700

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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 May 2, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Deborah Gladstein on behalf of all attorneys of record who are associated with customer No. 25227.

All attorneys/agents associated with the Customer Number 25227 have been withdrawn.

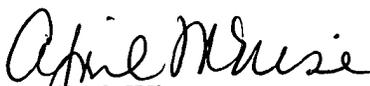
Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.



April M. Wise  
Petitions Examiner  
Office of Petitions

cc: JENS BARRENSCHEEN  
FRANZISKANERSTR. 16/1009  
MUNCHEN, 81669  
GERMANY

cc: SLATER & MATSIL, LLP  
17950 PRESTON ROAD  
SUITE 1000  
DALLAS, TX 75252


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/288,441	11/29/2005	Jens Barrenscheen	543822020700

**CONFIRMATION NO. 3161**

25227  
 MORRISON & FOERSTER LLP  
 1650 TYSONS BOULEVARD  
 SUITE 400  
 MCLEAN, VA 22102



\*OC000000025781048\*

Date Mailed: 09/12/2007

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 05/02/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY



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**AUG 24 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Seung Wook Park :  
Application No. 11/288,449 :  
Filed: November 29, 2005 :  
Attorney Docket No. 1740-000185/US/02 :

**ON PETITION**

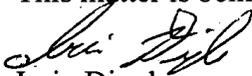
This is a decision on the petition under 37 CFR 1.137(b), filed April 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed January 6, 2006. 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 March 7, 2006.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Initial Patent Examination Unit.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/21/2010

<b>Applicant</b>	: Eishoku An	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7645004	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/288,456	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.



TERRY LEE WAGENKNECHT  
6693 HEATHER LANE  
ROCKFORD, IL 61114

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**MAR 16 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Charles Maxwell Wagenknecht et al	:	DECISION ON PETITION
Application No. 11/288,463	:	TO MAKE SPECIAL UNDER
Filed: November 29, 2005	:	37 CFR 1.102
For: INVERTING LEAK-PROOF FLOATING	:	
CONTAINER SUPPORT	:	

This is a decision on the petition under 37 CFR 1.102, filed November 29, 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

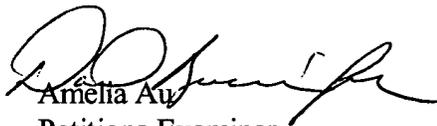
By hand:                    U. S. Patent and Trademark Office  
                                  Customer Service Window, Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 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 3727 for action in its regular turn.



Amelia Au  
Petitions Examiner  
Office of Petitions

Enclosure: MPEP 708.02

(C) Applications for reissues, particularly those involved in stayed litigation (37 CFR 1.176).

(D) Applications remanded by an appellate tribunal for further action.

(E) An application, once taken up for action by an examiner according to its effective filing date, should be treated as special by an examiner, art unit or Technology Center to which it may subsequently be transferred; exemplary situations include new cases transferred as the result of a telephone election and cases transferred as the result of a timely reply to any official action.

(F) Applications which appear to interfere with other applications previously considered and found to be allowable, or which will be placed in interference with an unexpired patent or patents.

(G) Applications ready for allowance, or ready for allowance except as to formal matters.

(H) Applications which are in condition for final rejection.

(I) Applications pending more than 5 years, including those which, by relation to a prior United States application, have an effective pendency of more than 5 years. See MPEP § 707.02.

(J) Reexamination proceedings, MPEP § 2261 >and § 2661<.

See also MPEP § 714.13, § 1207 and § 1309.

## 708.02 Petition To Make Special [R-3]

### 37 CFR 1.102. Advancement of examination.

(a) Applications will not be advanced out of turn for examination or for further action except as provided by this part, or upon order of the Director to expedite the business of the Office, or upon filing of a request under paragraph (b) of this section or upon filing a petition under paragraphs (c) or (d) of this section with a showing which, in the opinion of the Director, will justify so advancing it.<

(b) Applications wherein the inventions are deemed of peculiar importance to some branch of the public service and the head of some department of the Government requests immediate action for that reason, may be advanced for examination.

\*\*>

(c) A petition to make an application special may be filed without a fee if the basis for the petition is:

- (1) The applicant's age or health; or
- (2) That the invention will materially:
  - (i) Enhance the quality of the environment;
  - (ii) Contribute to the development or conservation of energy resources; or
  - (iii) Contribute to countering terrorism.<

(d) A petition to make an application special on grounds other than those referred to in paragraph (c) of this section must be accompanied by the fee set forth in § 1.17(h).

New applications ordinarily are taken up for examination in the order of their effective United States filing dates. Certain exceptions are made by way of petitions to make special, which may be granted under the conditions set forth below.>Any statement in support of a petition to make special must be based on a good faith belief that the invention in fact qualifies for special status. See 37 CFR 1.56 and 10.18.<

### I. MANUFACTURE

An application may be made special on the ground of prospective manufacture upon the filing of a petition accompanied by the fee under 37 CFR 1.17(h) and a statement by the applicant, assignee or an attorney/agent registered to practice before the Office alleging:

(A) The possession by the prospective manufacturer of sufficient presently available capital (stating approximately the amount) and facilities (stating briefly the nature thereof) to manufacture the invention in quantity or that sufficient capital and facilities will be made available if a patent is granted;

If the prospective manufacturer is an individual, there must be a corroborating statement from some responsible party, as for example, an officer of a bank, showing that said individual has the required available capital to manufacture;

(B) That the prospective manufacturer will not manufacture, or will not increase present manufacture, unless certain that the patent will be granted;

(C) That the prospective manufacturer obligates himself, herself or itself, to manufacture the invention, in the United States or its possessions, in quantity immediately upon the allowance of claims or issuance of a patent which will protect the investment of capital and facilities; and

(D) That the applicant or assignee has made or caused to be made a careful and thorough search of the prior art, or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

## II. INFRINGEMENT

Subject to a requirement for a further showing as may be necessitated by the facts of a particular case, an application may be made special because of actual infringement (but not for prospective infringement) upon payment of the fee under 37 CFR 1.17(h) and the filing of a petition accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office alleging:

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

Models or specimens of the infringing product or that of the application should not be submitted unless requested.

## III. APPLICANT'S HEALTH

An application may be made special upon a petition by applicant accompanied by any evidence showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course, such as a doctor's certificate or other medical certificate. No fee is required for such a petition. See 37 CFR 1.102(c).

>Personal/medical information submitted as evidence to support the petition will be available to the public if the application file and contents are available to the public pursuant to 37 CFR 1.11 or 1.14. If applicant does not wish to have this information become part of the application file record, the information must be submitted pursuant to MPEP § 724.02.<

## IV. APPLICANT'S AGE

An application may be made special upon filing a petition including any evidence showing that the applicant is 65 years of age, or more, such as a birth certificate or applicant's statement. No fee is required with such a petition. See 37 CFR 1.102(c).

>Personal/medical information submitted as evidence to support the petition will be available to the public if the application file and contents are available to the public pursuant to 37 CFR 1.11 or 1.14. If applicant does not wish to have this information become part of the application file record, the information must be submitted pursuant to MPEP § 724.02.<

## V. ENVIRONMENTAL QUALITY

The U.S. Patent and Trademark Office will accord "special" status to all patent applications for inventions which materially enhance the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements, i.e., air, water, and soil.

All applicants desiring to participate in this program should petition that their applications be accorded "special" status. \*\*>The petition under 37 CFR 1.102 must state that special status is sought because the invention materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements.< No fee is required for such a petition. See 37 CFR 1.102(c). >If the application disclosure is not clear on its face that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment.<

## VI. ENERGY

The U.S. Patent and Trademark Office will, on petition, accord "special" status to all patent applications for inventions which materially contribute to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc.

All applicants desiring to participate in this program should petition that their applications be accorded "special" status. \*\*>The petition under 37 CFR 1.102 must state that special status is sought because the invention materially contributes to category (A) or (B) set forth above.< No fee is required for such a petition, 37 CFR 1.102(c).>If the application disclosure is not clear on its face that the claimed invention materially contributes to category (A) or (B), the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to category (A) or (B). Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may be directed to category (A) or (B).<

## VII. INVENTIONS RELATING TO RECOMBINANT DNA

In recent years revolutionary genetic research has been conducted involving recombinant deoxyribonucleic acid ("recombinant DNA"). Recombinant DNA research appears to have extraordinary potential benefit for mankind. It has been suggested, for example, that research in this field might lead to ways of controlling or treating cancer and hereditary defects. The technology also has possible applications in agriculture and industry. It has been likened in importance to the discovery of nuclear fission and fusion. At the same time, concern has been expressed over the safety

of this type of research. The National Institutes of Health (NIH) has released guidelines for the conduct of research concerning recombinant DNA. These "Guidelines for Research Involving Recombination DNA Molecules," were published in the *Federal Register* of July 7, 1976, 41 FR 27902-27943. NIH is sponsoring experimental work to identify possible hazards and safety practices and procedures.

In view of the exceptional importance of recombinant DNA and the desirability of prompt disclosure of developments in the field, the U.S. Patent and Trademark Office will accord "special" status to patent applications relating to safety of research in the field of recombinant DNA. Upon appropriate petition and payment of the fee under 37 CFR 1.17(h), the Office will make special patent applications for inventions relating to safety of research in the field of recombinant DNA. Petitions for special status should be accompanied by statements under 37 CFR 1.102 by the applicant, assignee, or statements by an attorney/agent registered to practice before the Office explaining the relationship of the invention to safety of research in the field of recombinant DNA research. The fee set forth under 37 CFR 1.17(h) must also be paid.

## VIII. SPECIAL EXAMINING PROCEDURE FOR CERTAIN NEW APPLICATIONS — ACCELERATED EXAMINATION

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status.

The election may be made by applicant at the time of filing the petition for special status. Should applicant fail to include an election with the original papers or petition and the Office determines that a requirement should be made, the established telephone restriction practice will be followed.

If otherwise proper, examination on the merits will proceed on claims drawn to the elected invention.

If applicant refuses to make an election without traverse, the application will not be further examined at that time. The petition will be denied on the ground that the claims are not directed to a single invention, and the application will await action in its regular turn.

Divisional applications directed to the nonelected inventions will not automatically be given special status based on papers filed with the petition in the parent application. Each such application must meet on its own all requirements for the new special status;

(C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement if the claims in the corresponding foreign application are of the same or similar scope to the claims in the U.S. application for which special status is requested;

(D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given *one* opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

Once a request has been granted, prosecution will proceed according to the procedure set forth below;

there is no provision for “withdrawal” from this special status.

The special examining procedure of VIII (accelerated examination) involves the following procedures:

(A) The new application, having been granted special status as a result of compliance with the requirements set out above will be taken up by the examiner before all other categories of applications except those clearly in condition for allowance and those with set time limits, such as examiner's answers, etc., and will be given a complete first action which will include *all* essential matters of merit as to all claims. The examiner's search will be restricted to the *subject matter encompassed by the claims*. A first action rejection will set a 3-month shortened period for reply.

(B) During the 3-month period for reply, applicant is encouraged to arrange for an interview with the examiner in order to resolve, with finality, as many issues as possible. In order to afford the examiner time for reflective consideration before the interview, applicant or his or her representative should cause to be placed in the hands of the examiner at least one working day prior to the interview, a copy (clearly denoted as such) of the amendment that he or she proposes to file in response to the examiner's action. Such a paper will not become a part of the file, but will form a basis for discussion at the interview.

(C) Subsequent to the interview, or responsive to the examiner's first action if no interview was had, applicant will file the “record” reply. The reply at this stage, to be proper, must be restricted to the rejections, objections, and requirements made. Any amendment which would require broadening the search field will be treated as an improper reply.

(D) The examiner will, within 1 month from the date of receipt of applicant's formal reply, take up the application for final disposition. This disposition will constitute either a final action which terminates with the setting of a 3-month period for reply, or a notice of allowance. The examiner's reply to any amendment submitted after final rejection should be prompt and by way of form PTOL-303, by passing the application to issue, or by an examiner's answer should applicant choose to file an appeal brief at this time. The use of these forms is not intended to open the door to further prosecution. Of course, where relatively minor issues

or deficiencies might be easily resolved, the examiner may use the telephone to inform the applicant of such.

(E) A personal interview after a final Office action will not be permitted unless requested by the examiner. However, telephonic interviews will be permitted where appropriate for the purpose of correcting any minor outstanding matters.

After allowance, these applications are given top priority for printing. See MPEP § 1309.

#### **IX. SPECIAL STATUS FOR PATENT APPLICATIONS RELATING TO SUPERCONDUCTIVITY**

In accordance with the President's mandate directing the U.S. Patent and Trademark Office to accelerate the processing of patent applications and adjudication of disputes involving superconductivity technologies when requested by the applicant to do so, the U.S. Patent and Trademark Office will, on request, accord "special" status to all patent applications for inventions involving superconductivity materials. Examples of such inventions would include those directed to superconductive materials themselves as well as to their manufacture and application. In order that the U.S. Patent and Trademark Office may implement this procedure, we invite all applicants desiring to participate in this program to request that their applications be accorded "special" status. Such requests should be accompanied by a statement under 37 CFR 1.102 that the invention involves superconductive materials. No fee is required.

#### **X. INVENTIONS RELATING TO HIV/AIDS AND CANCER**

In view of the importance of developing treatments and cures for HIV/AIDS and cancer and the desirability of prompt disclosure of advances made in these fields, the U.S. Patent and Trademark Office will accord "special" status to patent applications relating to HIV/AIDS and cancer.

Applicants who desire that an application relating to HIV/AIDS or cancer be made special should file a petition and the fee under 37 CFR 1.17(h) requesting the U.S. Patent and Trademark Office to make the application special. The petition for special status should be accompanied by a statement explaining

how the invention contributes to the diagnosis, treatment or prevention of HIV/AIDS or cancer.

#### **XI. INVENTIONS FOR COUNTERING TERRORISM**

In view of the importance of developing technologies for countering terrorism and the desirability of prompt disclosure of advances made in these fields, the U.S. Patent and Trademark Office will accord "special" status to patent applications \*\*>for inventions which materially contribute to countering terrorism<.

International terrorism as defined in 18 U.S.C. 2331 includes "activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping..." The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

\*\*>All applicants desiring to participate in this program should petition that their applications be accorded special status. The petition under 37 CFR 1.102 must state that special status is sought because the invention materially contributes to countering terrorism. No fee is required for such a petition. See 37 CFR 1.102(c). If the application disclosure is not clear on its face that the claimed invention is materially directed to countering terrorism, the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the invention materiality contributes to countering terrorism. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could counter terrorism. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may be directed to countering terrorism.<

## XII. SPECIAL STATUS FOR APPLICATIONS RELATING TO BIOTECHNOLOGY FILED BY APPLICANTS WHO ARE SMALL ENTITIES

Applicants who are small entities may request that their biotechnology applications be granted "special" status. Applicant must file a petition with the petition fee under 37 CFR 1.17(h) requesting the special status and must:

(A) state that small entity status has been established or include a statement establishing small entity status;

(B) state that the subject of the patent application is a major asset of the small entity; and

(C) state that the development of the technology will be significantly impaired if examination of the patent application is delayed, including an explanation of the basis for making the statement.

### FORMAL REQUIREMENTS OF PETITION TO MAKE SPECIAL

Any petition to make special should:

(A) be in writing; and

(B) identify the application by application number and filing date.

### HANDLING OF PETITIONS TO MAKE SPECIAL

Applications which have been made special will be advanced out of turn for examination and will continue to be treated as special throughout the entire prosecution in the Office.

Each petition to make special, regardless of the ground upon which the petition is based and the nature of the decision, is made of record in the application file, together with the decision thereon. The part of the Office that rules on a petition is responsible for properly entering that petition and the resulting decision in the file record. The petition, with any attached papers and supporting affidavits, will be given a single paper number and so entered in the "Contents" of the file. The decision will be accorded a separate paper number and similarly entered. To ensure entries in the "Contents" in proper order, the technical support staff in the TC will make certain that all papers prior to a petition have been entered and/or

listed in the application file before forwarding it for consideration of the petition. Note MPEP § 1002.02 (s). For Image File Wrapper (IFW) processing, see IFW Manual.

Petitions to make special are decided by the Special Program Examiner of the TC to which the application is assigned.

## 708.03 Examiner Tenders Resignation [R-2]

Whenever an examiner tenders his or her resignation, the supervisory patent examiner should see that the remaining time as far as possible is used in winding up the old complicated cases or those with involved records and getting as many of his or her amended cases as possible ready for final disposition.

If the examiner has considerable experience in his or her particular art, it is also advantageous to the Office if he or she indicates (in pencil) in the file wrappers of application in his or her docket, the field of search or other pertinent data that he or she considers appropriate. >For Image File Wrapper (IFW) processing, see IFW Manual.<

## 709 Suspension of Action [R-3]

*37 CFR 1.103. Suspension of action by the Office.*

(a) *Suspension for cause.* On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:

(1) A showing of good and sufficient cause for suspension of action; and

\*\*>

(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.<

(b) *Limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d).* On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph in a continued prosecution application filed under § 1.53(d) for a period not exceeding three months. Any request for suspension of action under this paragraph must be filed with the request for an application filed under § 1.53(d), specify the period of suspension, and include the processing fee set forth in § 1.17(i).

(c) *Limited suspension of action after a request for continued application (RCE) under § 1.114.* On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph after the filing of a request for continued examina-



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JUL 21 2008

**OFFICE OF PETITIONS**

In re Application of :  
Steve C. HAHN et al. :  
Application No. 11/288,466 :  
Filed: November 29, 2005 :  
Attorney Docket No. G00448/US :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 13, 2007, which set a shortened statutory period for reply of three (3) months. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is March 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 a Request for Continued Examination (RCE) and fee of \$810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,540.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3679 for processing of the RCE and amendment submitted in accordance with 37 CFR 1.114.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



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**JUN 14 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Atsushi Teramoto et al.	:	
Application No. 11/288,474	:	DECISION ON PETITION
Filed: November 29, 2005	:	UNDER 37 C.F.R. §1.181
Attorney Docket No.: 129821	:	
Title: X-RAY INSPECTION	:	
APPARATUS, X-RAY INSPECTION	:	
METHOD, AND X-RAY INSPECTION	:	
PROGRAM	:	

This is a decision on the petition filed on March 30, 2007, pursuant to 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

BACKGROUND

A Notice of Missing Parts (first notice) was mailed on January 5, 2006, and a response was received on February 16, 2006. On May 18, 2006, this notice was withdrawn, and a new Notice of Missing Parts (second notice) was mailed. The above-identified application became abandoned for failure to reply in a timely manner to the second notice of May 18, 2006, 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 July 19, 2006. A notice of abandonment was mailed on February 6, 2007.

RELEVANT LAW AND REGULATIONS

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 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)).)

37 C.F.R. §1.8(b):

(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.

37 C.F.R. § 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

With the present petition, Petitioner has set forth that the holding of abandonment should be withdrawn for two reasons:

1. The second notice was issued in error.
2. A response was timely submitted to the second notice.

The showing in the present petition is not sufficient to withdraw the holding of abandonment.

Regarding the first assertion, the validity of the reasoning contained in the second notice is immaterial to the fact that Petitioner had a duty to respond to the same. Even if the Office action was issued in error, this does not change the fact that Petitioner had an obligation to submit a written response pursuant to 35 U.S.C. §133 and 37 C.F.R. §1.135.

35 U.S.C. §133 is a self-executing law, which indicates that upon the failure of the applicant to prosecute the application within six months after any action therein, the application shall be regarded as abandoned by the parties thereto. No response was received, and as such, the application went abandoned by operation of law, and it would be improper for this Office to withdraw the abandonment based solely on Petitioner's assertion that the notice was issued in error, *if no response was timely submitted.*

Similarly, 37 C.F.R. §1.135 is a self-executing regulation which indicates that the failure to reply within the time period provided under 37 C.F.R. §§1.134 and § 1.136 will result in the abandonment of the application. No response was received, and as such, the application went abandoned by operation of law, and it would be improper for this Office to withdraw the abandonment based solely on Petitioner's assertion that the notice was issued in error, *if no response was timely submitted.*

Regarding the second point, Petitioner has asserted that a response was provided to the Office on August 14, 2006, along with a one-month extension of time.

Petitioner has submitted a copy of this response, and it is noted that it contains a certificate of mailing dated August 14, 2006. Office records confirm that the fee associated with the filing of a one-month extension of time was charged to Petitioner's Deposit Account on August 16, 2006.

Certificate of mailing practice provides a mechanism by which Applicants may evince that a paper was timely submitted to the Office, in the event that the correspondence is not received.

Petitioner's submission has been reviewed: with the present petition, Petitioner has informed the Office of the previous mailing and provided an additional copy of the previously submitted correspondence. However, it is noted that the certificate of mailing was executed by one Peter Ganjian, and it does not appear that Petitioner has included a statement from this individual. 37 C.F.R. §1.8(b)(3) requires the inclusion of a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. **On renewed petition, Petitioner may wish to include a statement from Mr. Ganjian.**

It is further noted that Petitioner has provided a copy of the Express Mail label, however the "date-in" field appears to be blank.

Pursuant to the discussion above, 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 "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 Shanowski, and may be submitted by mail<sup>1</sup>, hand-delivery<sup>2</sup>, or facsimile<sup>3</sup>.

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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.

Petitioner has further included an alternate petition pursuant to 37 C.F.R. § 1.137(b). This alternate petition will be held in abeyance so as to afford Petitioner the opportunity to file a renewed petition under Rule § 1.181. If Petitioner would prefer to seek revival under the unintentional standard, a response to this decision should be submitted with words to this effect.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225<sup>4</sup>. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



**Paul Shanoski**  
**Senior Attorney**  
**Office of Petitions**  
**United States Patent and Trademark Office**

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<sup>4</sup> 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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**OFFICE OF PETITIONS**

In re Application of	:	
Atsushi Teramoto et al.	:	
Application No. 11/288,474	:	DECISION ON PETITION
Filed: November 29, 2005	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket No.: 129821	:	
Title: X-RAY INSPECTION	:	
APPARATUS, X-RAY INSPECTION	:	
METHOD, AND X-RAY INSPECTION	:	
PROGRAM	:	

This is a decision on the petition filed July 26, 2007, pursuant to 37 C.F.R. § 1.137(b)<sup>1</sup>, to revive the above-identified application.

A Notice of Missing Parts (first notice) was mailed on January 5, 2006, and a response was received on February 16, 2006. On May 18, 2006, this notice was withdrawn, and a new Notice of Missing Parts (second notice) was mailed. The above-identified application became abandoned for failure to reply in a timely manner to the second notice of May 18, 2006, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of

<sup>1</sup> 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.

37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 19, 2006. A notice of abandonment was mailed on February 6, 2007.

A petition pursuant to 37 C.F.R. § 1.181 was filed on March 30, 2007, along with a declaration and a conditional petition pursuant to Rule § 1.137(b). A decision was mailed on June 14, 2007, which indicted that the petition to withdraw the holding of abandonment was dismissed and the petition to revive the present application was held in abeyance.

With the present petition, Petitioner has indicated that it is his desire to seek revival under the unintentional standard, and has included both the petition fee and the proper statement of unintentional delay. The declaration that was submitted on March 20, 2007 shall serve as the required reply. A terminal disclaimer is not required.

The petition is **GRANTED**.

The Office of Initial Patent Examination (OIPE) will be notified of this decision so that the application may receive further processing.

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



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SAWYER LAW GROUP LLP  
PO BOX 51418  
PALO ALTO, CA 94303

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FEB 08 2008

**OFFICE OF PETITIONS**

In re Application of :  
Daniel Scott COHEN, et al :  
Application No. 11/288,509 :  
Filed: November 28, 2005 :  
Attorney Docket No. 3441P :  
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 2, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys of record were not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.



Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: SCHWEGMAN, LUNDBERG  
WOESSNER/ATMEL  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402



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SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

**Applicant** : Daniel Scott Cohen : DECISION ON REQUEST FOR  
**Patent Number** : 7600090 : RECALCULATION of PATENT  
**Issue Date** : 10/06/2009 : TERM ADJUSTMENT IN VIEW  
**Appliction No** : 11/288,509 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/28/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **727** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

Mail Date: 05/17/2010

**Applicant** : Daniel Scott Cohen : NOTICE CONCERNING IMPROPER  
**Patent Number** : 7600090 : CALCULATION OF PATENT TERM  
**Issue Date** : 10/06/2009 : ADJUSTMENT BASED UPON USPTO  
**Application No** : 11/288,509 : IMPROPERLY MEASURING REDUCTION  
**Filed** : 11/28/2005 : PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to 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 **775** 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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DUFT BORNSSEN & FISHMAN, LLP  
1526 SPRUCE STREET  
SUITE 302  
BOULDER, CO 80302

Mail Date: 05/03/2010

<b>Applicant</b>	: Sidney L. Bryson	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7652990	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/288,537	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1093** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: \_\_\_\_\_

DATE : 7-25-07

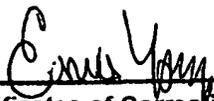
TO SPE OF : ART UNIT 2859

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/288555 Patent No.: 7173124

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 check claims*  
Please complete the response (see below) and forward the completed response to scanning using document code COCX.

  
\_\_\_\_\_  
Certificates of Correction Branch  
703-308-9390 ext. 117

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: \_\_\_\_\_

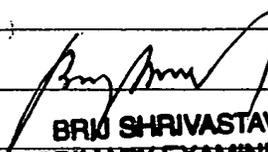
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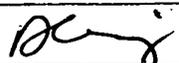
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\_\_\_\_\_

  
BRI SHRIVASTAV  
PRIMARY EXAMINER



DIEGO GUTIERREZ  
SUPERVISORY PATENT EXAMINER

2831

SPE

Art Unit



**ROBERT D. SHEDD, PATENT OPERATIONS  
THOMSON LICENSING LLC  
P.O. BOX 5312  
PRINCETON NJ 08543-5312**

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FEB 25 2010**

In re Application of :  
Joachim Knittel et al :  
Application No. 11/288,565 : **ON PETITION**  
Filed: November 29, 2005 :  
Attorney Docket No. PD040126 :

This is a decision on the petition under 37 CFR 1.137(a), filed November 23, 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 (Office Action) nonfinal rejection mailed September 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of an amendment; (2) the petition fee of \$540.00; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

Petitioner states that a response to the Office action (nonfinal rejection mailed September 19, 2008), was filed prior to the due date of December 19, 2008. Petitioner provided a copy of the response received by facsimile transmission in the USPTO on December 17, 2008. However, the response identified Application No. 11/288,656 on the transmittal letter; certificate of mailing; and on the first page of the amendment submitted on December 17, 2008. As such, the papers were placed in Application No. 11/288,656 instead of the intended Application No. 11/288,565.

This application is being referred to Technology Center AU 2627 for appropriate action by the Examiner in the normal course of business on the reply received December 17, 2008 and supplemented on November 23, 2009.

Application No. 11/288,565

-2-

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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ADVANTEDGE LAW GROUP, LLC  
922 W. Baxter Dr.  
Suite 100  
South Jordan, UT 84095

Mail Date: 04/20/2010

<b>Applicant</b>	: Carey Stover Nachenberg	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7647362	: RECALCULATION of PATENT
<b>Issue Date</b>	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/288,587	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **444** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 WATERS CORPORATION  
34 MAPLE STREET - LG  
MILFORD MA 01757

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**JAN 22 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Suizdak et al. :  
Application No.: 11/288590 : ON PETITION  
Filing or 371(c) Date: 11/29/2005 :  
Attorney Docket Number: :  
WAF-352 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed November 29, 2007.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed March 7, 2007. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on June 8, 2007. A Notice of Abandonment was mailed October 3, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuation-in-part application No. 11/829,170.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

  
Derek L. Woods  
Attorney  
Office of Petitions



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Leggett & Kram  
1901 South I Stree  
Tacoma, WA 98405

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**AUG 07 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Benson WOODS :  
Application No. 11/288,598 : **DECISION ON PETITION**  
Filed: November 28, 2005 : **TO WITHDRAW**  
Attorney Docket No. 28,733 : **FROM RECORD**

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 7, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, retirement from patent prosecution, does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272- 7253.



David Buceri  
Petitions/Examiner  
Office of Petitions

cc: Benson D. Woods  
952 SW Campus Drive  
Apt# 51-F1  
Federal Way, WA 98023



WAGNER, MURABITO & HAO LLP  
THIRD FLOOR  
TWO NORTH MARKET STREET  
SAN JOSE CA 95113

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SEP 17 2007

**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of :  
Thomas R. Albrecht et al. :  
Application No. 11/288,604 :  
Filed: November 29, 2005 :  
Attorney Docket No.: **HSJ920040402US3** :

This is a decision on the petition filed August 31, 2007, under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on February 28, 2007, for failure to timely submit a timely response to the non-Final Office Action November 27, 2007, which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed July 24, 2007.

Petitioner asserts that a response was filed and, in support, petitioner has submitted, *inter alia*, a copy of the response in the form of an amendment with a certificate of mail date of February 27, 2007 and a post card receipt date stamped March 5, 2007 by the USPTO.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 2627 for appropriate action on the amendment filed March 5, 2007 (certificate of mail date February 27, 2007), a copy of which was submitted upon petition.

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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QUARLES & BRADY LLP  
411 E. WISCONSIN AVENUE  
SUITE 2040  
MILWAUKEE, WI 53202-4497

Mail Date: 04/20/2010

<b>Applicant</b>	: James R. Kunz	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7614675	: RECALCULATION of PATENT
<b>Issue Date</b>	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/288,607	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **578** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**JAN 29 2010**

**OFFICE OF PETITIONS**

DLA PIPER LLP (US )  
2000 UNIVERSITY AVENUE  
EAST PALO ALTO, CA 94303-2248

In re Application of :  
Jonas Paul Thor, et al. :  
Application No. 11/288,638 : **DECISION ON PETITION**  
Filed: November 28, 2005 :  
Attorney Docket No. 358392-000001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 2009, to revive the above-identified application.

This application became abandoned for failure to timely submit corrected formal drawings on or before September 29, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed June 29, 2009. Accordingly, the date of abandonment of this application is September 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 corrected formal drawings, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

The drawings have been approved by the USPTO draftsman.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

*April M. Wise*  
April M. Wise  
Petitions Examiner  
Office of Petitions



STEPHEN E. FELDMAN, P.C.  
12 EAST 41<sup>ST</sup> STREET  
NEW YORK, NY 10017

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**JUL 02 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Steven E. Summer :  
Application No. 11/288,653 :  
Filed: November 29, 2005 :  
Attorney Docket No. :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed March 10, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts of Nonprovisional Application (Notice) mailed January 6, 2006. 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 March 7, 2006.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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STROOCK & STROOCK & LAVAN LLP  
180 MAIDEN LANE  
NEW YORK, NY 10038

Mail Date: 06/10/2010

**Applicant** : Yutaka Uehara : DECISION ON REQUEST FOR  
**Patent Number** : 7658480 : RECALCULATION of PATENT  
**Issue Date** : 02/09/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/288,671 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/29/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **484** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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DW Feb-06

JIM WHEELINGTON  
SABIC AMERICAS, INC.  
SABIC TECHNOLOGY CENTER  
1600 INDUSTRIAL BLVD.  
SUGAR LAND TX 77478

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**FEB 10 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Mamedov et al. :  
Application No. 11/288,681 : DECISION ON PETITION  
Filed: 29 November, 2005 :  
Atty Docket No. STC-05-0002 :

This is a decision on the petition filed on 23 January, 2006, under 37 CFR 1.53(e), which is treated as a petition to accord the above-identified application a filing date of 29 November, 2005.

The petition is **GRANTED**.

On 29 November, 2005, the application was deposited without drawings.

On 5 January, 2006, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that application should reconsider whether drawings were necessary under 35 U.S.C. § 113 (first sentence). The Notice stated that the filing date would be the date of receipt of the missing drawings.

In response, on 23 January, 2006, the present petition was filed. Petitioners apparently concede that the drawings were not among the application papers present on filing, but request a determination of whether drawings are necessary for an understanding of the invention.

It has been PTO 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).<sup>1</sup> The same practice has been followed in composition applications. A review of the record reveals that Claims 1-6, and 52 are composition claims and Claims 7-51, and 53 are process claims. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

Since the petition was necessitated by an error on the part of the USPTO, the petition fee submitted with the present petition is unnecessary and will be credited to counsel's deposit account, No. 50-0684, as authorized in the present petition.

The "Notice of Incomplete Nonprovisional Application" mailed on 5 January, 2006, was sent in error and is hereby vacated.

The application will be processed and examined using the papers filed on 29 November, 2005.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 29 November, 2005, using only the application papers filed on that date.

Telephone inquiries should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

---

<sup>1</sup> MPEP 601.01(f).



JIM WHEELINGTON  
SABIC AMERICAS, INC.  
SABIC TECHNOLOGY CENTER  
1600 INDUSTRIAL BLVD.  
SUGAR LAND TX 77478

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**FEB 17 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Mamedov et al. : CORRECTED  
Application No. 11/288,681 : DECISION ON PETITION  
Filed: 29 November, 2005 :  
Atty Docket No. STC-05-0002 :

This is a corrected decision on the petition filed on 23 January, 2006, under 37 CFR 1.53(e), which is treated as a petition to accord the above-identified application a filing date of 29 November, 2005.

The petition is **GRANTED**.

On 29 November, 2005, the application was deposited without drawings.

On 5 January, 2006, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that application should reconsider whether drawings were necessary under 35 U.S.C. § 113 (first sentence). The Notice stated that the filing date would be the date of receipt of the missing drawings.

In response, on 23 January, 2006, the present petition was filed. Petitioners apparently concede that the drawings were not among the application papers present on filing, but request a determination of whether drawings are necessary for an understanding of the invention.

It has been PTO 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).<sup>1</sup> The same practice has been followed in composition applications. A review of the record reveals that Claims 1-6, and 52 are composition claims and Claims 7-51, and 53 are process claims. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

Since the petition was necessitated by an error on the part of the USPTO, no petition fee is due and none has been charged.

The "Notice of Incomplete Nonprovisional Application" mailed on 5 January, 2006, was sent in error and is hereby vacated.

The application will be processed and examined using the papers filed on 29 November, 2005.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 29 November, 2005, using only the application papers filed on that date.

Telephone inquiries should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

---

<sup>1</sup> MPEP 601.01(f).

DATE 8/19/07

APPLICATION NUMBER 11/288,682

DOC CODE pt.Dc.TC

DOC DATE 8/29/07

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  
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WILLIAM COLLARD  
COLLARD & ROE, P.C.  
1077 NORTHERN BOULEVARD  
ROSLYN NY 11576

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**AUG 20 2007**

**OFFICE OF PETITIONS**

In re Application of  
Rieder et al.  
Application No. 11/288,682  
Filed: November 29, 2005  
Attorney Docket No. RIEDER, F. ET AL-1

**ON PETITION**

This is a decision on the petition under 37 CFR §1.137(b), filed June 22, 2007.

This above-identified application became abandoned for failure to timely file a proper response to a final Office Action which was mailed on December 19, 2006. The final Office Action set a three (3) month shortened statutory period for reply. No extension of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on March 20, 2007. This decision precedes the mailing of a Notice of Abandonment.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

**The two-month period for filing an appeal brief (accompanied by the fee required by 37 CFR 41.20(b)(2)), will run from the mail date of this petition decision.**

The application will be forwarded to Technology Center 3600 for further processing.

Telephone inquiries concerning this matter 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 fluid and cursive, with the first name being the most prominent.

Charlema R. Grant  
Petitions Attorney  
Office of Petitions



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CARRIER BLACKMAN AND ASSOCIATES  
43440 WEST TEN MILE ROAD  
EATON CENTER  
NOVI, MI 48375

Mail Date: 04/20/2010

<b>Applicant</b>	: Kazunori Kanai	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7599546	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/288,695	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **981** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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: 04/21/2010

<b>Applicant</b>	: In-Hyoung Kim	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7623582	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/288,707	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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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.

**Ennis Young**  
For Mary Diggs  
Decisions & Certificates  
of Correction Branch  
(703) **756-1542** or (703) 756-1814



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C/O KEATING & BENNETT, LLP  
1800 ALESANDER BELL DRIVE  
SUITE 200  
RESTON VA 20191

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DEC 14 2009

**OFFICE OF PETITIONS**

In re Patent No. 7,547,365  
Application No. 11/288,710  
Filed: November 28, 2005  
Issued: June 16, 2009  
Attorney Docket No. 60303.54/OK

ON PETITION

This is a decision on the petition filed July 17, 2009, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to add the name of the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

A handwritten signature in cursive script that reads "Joan Olszewski".

Joan Olszewski  
Petitions Examiner  
Office of Petitions

<sup>1</sup> See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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LAWRENCE R. OREMLAND, P.C.  
5055 E. BROADWAY BLVD, SUITE C-214  
TUCSON, AZ 85711

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MAR 04 2009

In re Application of  
Ashok K. VIJ  
Application No. 11/288,716  
Filed: November 29, 2005  
Attorney Docket No. **6164.102US**

**OFFICE OF PETITIONS**  
DECISION ON PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 5, 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, October 17, 2007 which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$770; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$525 extension of time fee submitted with the petition on May 5, 2008 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Monica Graves at (571)272-7253.

This application is being referred to Technology Center Art Unit 2624 for appropriate action by the Examiner in the normal course of business on the reply received.

Brian W. Brown  
Petitions Examiner  
Office of Petitions



FERNANDEZ & ASSOCIATES, LLP  
PO BOX D  
MENLO PARK, CA 94025-6204

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APR 20 2007

**OFFICE OF PETITIONS**

In re Application of :  
Dennis S. Fernandez :  
Application No. 11/288,724 : ON PETITION  
Filed: November 28, 2005 :  
Attorney Docket No. FERN-P014B :

This is a decision on the petition under 37 CFR 1.137(b), filed September 29, 2006, to revive the above-identified application.

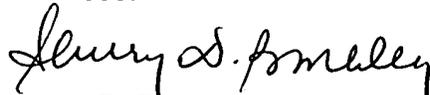
The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed January 5, 2006. The notice required replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121. A Notice of Abandonment was mailed September 12, 2005. On September 29, 2006, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Initial Patent Examination (OIPE) for review of the drawings provided September 29, 2006.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO, IL 60661

Mail Date: 04/21/2010

**Applicant** : Sung-Hyun Hwang : DECISION ON REQUEST FOR  
**Patent Number** : 7576891 : RECALCULATION of PATENT  
**Issue Date** : 08/18/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/288,729 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/28/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **787** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO, IL 60661

Mail Date: 05/18/2010

**Applicant** : Sung-Hyun Hwang : NOTICE CONCERNING IMPROPER  
**Patent Number** : 7576891 : CALCULATION OF PATENT TERM  
**Issue Date** : 08/18/2009 : ADJUSTMENT BASED UPON USPTO  
**Application No** : 11/288,729 : IMPROPERLY MEASURING REDUCTION  
**Filed** : 11/28/2005 : PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to 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 **820** 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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ADAMS & WILKS  
17 BATTERY PLACE  
SUITE 1231  
NEW YORK, NY 10004

Mail Date: 04/21/2010

<b>Applicant</b>	: Masanori Takahashi	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7601238	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/288,734	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **984** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Docket Administrator - Room 3D-201E  
Alcatel-Lucent USA Inc.  
600-700 Mountain Avenue  
Murray Hill, NJ 07974

Mail Date: 06/16/2010

<b>Applicant</b>	: Minkyu Lee	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7633947	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/288,743	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1051** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



Sawyer Law Group LLP  
P.O. Box 51418  
Palo Alto, CA 94303

**COPY MAILED**

MAY 08 2008

**OFFICE OF PETITIONS**

In re Application of  
Daniel Scott Cohen  
Application No. 11/288,753  
Filed: November 28, 2005  
Attorney Docket No. 3442P

:  
:  
: 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 2, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Joseph A. Sawyer, Jr. 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*

Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **Daniel Scott Cohen**  
**2002 Bank Street**  
**Baltimore, MD 21231**

cc: **Schwegman, Lundberg & Woessner/Atmel**  
**P.O. Box 2938**  
**Minneapolis, MN 55402**



UNITED STATES PATENT AND TRADEMARK OFFICE

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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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/288,753	11/28/2005	Daniel Scott Cohen	3442P

**CONFIRMATION NO. 5848**

**POWER OF ATTORNEY NOTICE**



Date Mailed: 05/07/2008

29141  
SAWYER LAW GROUP LLP  
P O BOX 51418  
PALO ALTO, CA 94303

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 01/02/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

**Applicant** : Daniel Scott Cohen : DECISION ON REQUEST FOR  
**Patent Number** : 7574611 : RECALCULATION of PATENT  
**Issue Date** : 08/11/2009 : TERM ADJUSTMENT IN VIEW  
**Appliction No** : 11/288,753 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/28/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **858** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW, CA 94041

**COPY MAILED**

**MAR 26 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Reza Esfandiari et al :  
Application No. 11/288,762 : DECISION ON PETITION  
Filed: November 28, 2005 :  
Attorney Docket No. 24970-11008 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 21, 2006, to revive the above-identified application.

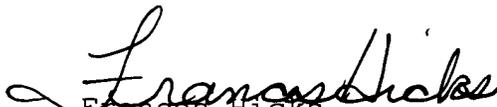
The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before September 12, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed June 12, 2006. Accordingly, the date of abandonment of this application is September 13, 2006. A Notice of Abandonment was mailed on September 28, 2006, subsequent to the filing of the petition to revive.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$700, (2) the petition fee of \$750, and (3) a proper statement of unintentional delay. Accordingly, the issue fee is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 3218.

This application is being referred to Publishing Division for further processing in accordance with this decision on petition.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions



**JONDLE & ASSOCIATES P.C.**  
**858 HAPPY CANYON ROAD SUITE 230**  
**CASTLE ROCK, CO 80108**

**COPY MAILED**

**APR 16 2008**

In re Application of :  
Paul M. LYRENE :  
Application No. 11/288,765 : **DECISION ON PETITION**  
Filed: November 30, 2005 :  
Attorney Docket No. **1564-005PP** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 11, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed January 05, 2006. 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 application became abandoned on March 07, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required corrected papers; (2) the petition fee of \$770; 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 January 05, 2006 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application is being referred to the Office of Initial Patent Examination.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



**JONDLE & ASSOCIATES P.C.**  
**858 HAPPY CANYON ROAD SUITE 230**  
**CASTLE ROCK, CO 80108**

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**APR 28 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Paul M. LYRENE :  
Application No. 11/288,766 :  
Filed: November 30, 2005 :  
Attorney Docket No. 1564-006PP :

**DECISION ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 11, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed January 05, 2006. 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 application became abandoned on March 07, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required corrected papers; (2) the petition fee of \$770; 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 January 05, 2006 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application is being referred to the Office of Initial Patent Examination.

  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



**JONDLE & ASSOCIATES P.C.**  
**858 HAPPY CANYON ROAD, SUITE 230**  
**CASTLE ROCK, CO 80108**

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**MAY 29 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Paul M. LYRENE :  
Application No. 11/288,767 : DECISION ON PETITION  
Filed: November 30, 2005 :  
Attorney Docket No. 1564-007PP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 14, 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 17, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 18, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$770; and (3) an adequate statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice; 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571)272-6735.

This application is being referred to Technology Center AU 1661 for appropriate action by the Examiner in the normal course of business on the reply received February 14, 2008.



April Wise  
Petitions Examiner  
Office of Petitions

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. of: Richard H. Kelley  
Serial No: 11/288775  
Filed: 11/28/2005  
Entitled: FUEL CELL SYSTEM WITH INTEGRATED FUEL PROCESSOR

Examiner:

Art Unit: 1746

Attorney Dkt: MPS-001

Paper No.: 3

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO MAKE SPECIAL**

Dear Sir:

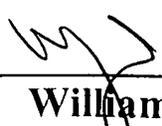
Pursuant to 37 CFR §1.102(c)(2)(ii), and MPEP §708.02(VI), Applicant hereby petitions the Commissioner to advance the above mentioned application out of order for examination. The basis for this petition is that the subject matter claimed in the application materially contributes to the more efficient utilization and conservation of energy resources, particularly non-fossil fuels and hydrogen fuel technologies.

A statement from the Applicant's agent, Chris A. Caseiro, Reg. No. 34,304, explaining how Applicant's invention materially contributes to the more efficient utilization and conservation of energy resources is included herewith in support of this petition.

Based on the subject matter of the invention, Applicant respectfully requests that this petition be granted. Applicant respectfully suggests that no petition fee is required in view of the subject matter of the invention.

1

**PETITION GRANTED**

  
\_\_\_\_\_  
William Krynski,  
Special Program Examiner  
Technology Center 1700  
JUN - 7 2006



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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CHRIS A. CASEIRO  
VERRILL DANA, LLP  
ONE PORTLAND SQUARE  
PORTLAND, ME 04112-1586

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JUL 15 2008

**OFFICE OF PETITIONS**

Applicant: Kelley  
Appl. No.: 11/288,775  
Filing Date: November 28, 2005  
Title: FUEL CELL SYSTEM WITH INTEGRATED FUEL PROCESSOR  
Attorney Docket No.: MPS-001  
Pub. No.: 2007/0122667 A1  
Pub. Date: May 31, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on July 27, 2007, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if the request for corrected publication pointed out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted

Inquiries relating to this matter may be directed to Mark O. Polutta at (703) 272-7709.

Mark O. Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



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Hu Lung Tan  
25755 48th Avenue  
Aldergrove BC V4W 1J6 CA CANADA

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SEP 11 2008

In re Application of :  
Lung-Tan Hu, et. al. :  
Application No. 11/288,784 : DECISION ON PETITION  
Filed: November 30, 2005 :  
Attorney Docket No. N/A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 5, 2008, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed April 16, 2007. A Notice of Abandonment was mailed on December 21, 2007.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee required by 37 CFR 1.17(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) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (3) above.

The petition is signed by one of five joint inventors. An unsigned paper or one not properly signed by a person having authority to prosecute an application or patent is not entered. This applies, for instance, where a petition (or other paper) is signed by only one of multiple applicants and the one signing has not been given a power of attorney by the other(s). Therefore, as the petition was not signed by all the inventors and the record herein fails to disclose that there is an assignee of the entire interest under the provisions of 37 CFR 3.73(b)<sup>1</sup>, the petition filed February 5, 2008 is considered not to contain a proper statement of unintentional delay.

<sup>1</sup>37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.

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.**

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is **not** a final agency decision.

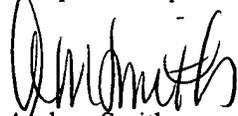
Further correspondence with respect to this matter should be addressed as follows:

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) 272-3226.



Andrea Smith  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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PATENTBEST  
4600 ADELIN ST., #101  
EMERYVILLE, CA 94608

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APR 09 2010

**OFFICE OF PETITIONS**

In re Application of  
Jerry Fruchtman  
Application No. 11/288,805  
Filed: November 29, 2005  
Attorney Docket No. JF-1

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 8, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Andrew McAleavey on behalf of all attorneys of record who are associated with customer No. 52447. All attorneys/agents associated with the Customer Number 52447 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed February 22, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: JERRY FRUCHTMAN  
510 PENN STREET UNIT B  
EL SEGUNDO, CA 90245



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
11/288,805	11/29/2005	Jerry Fruchtman	JF-1

**CONFIRMATION NO. 4342**

**POWER OF ATTORNEY NOTICE**



Date Mailed: 04/08/2010

52447  
PATENTBEST  
4600 ADELINE ST., #101  
EMERYVILLE, CA 94608

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/08/2010.

- 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



# UNITED STATES PATENT AND TRADEMARK OFFICE

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ROPES & GRAY LLP  
PATENT DOCKETING 39/361  
1211 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036-8704

Mail Date: 05/17/2010

<b>Applicant</b>	: Thungoc Tran	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7656187	: RECALCULATION of PATENT
<b>Issue Date</b>	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/288,810	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1101** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



MAYER, BROWN, ROWE & MAW LLP  
P.O. BOX 2828  
CHICAGO IL 60690-2828

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**SEP 25 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Chotai, et al. : **ON PETITION**  
Application No.: 11/288,813 :  
Filed: November 29, 2005 :  
Attorney Docket No.: 05141193 :

This is a decision on the petition under 37 CFR 1.47(a), filed June 29, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on November 29, 2005. A Notice to File Missing Parts of Nonprovisional Application was mailed on December 30, 2005. The Notice required petitioners to submit an executed declaration, a surcharge, and replacement drawings within 2 months of the mail date of the Notice. On June 29, 2006, petitioners filed, *inter alia*, a petition for a four month extension of time and required fee, replacement drawings, a petition under 37 CFR 1.47(a), and a declaration signed by two of three joint inventors. The petition states that a declaration was e-mailed to non-signing inventor Sham Chotai for his signature and that Mr. Chotai did not return an executed declaration.

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 petition fee of \$200, and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), applicants have failed to establish that the inventor has refused to sign the declaration.

The Office requires that the non-signing inventor be provided with a complete copy of the application as filed. This includes the specification with claims, drawings, if any, and a declaration. See MPEP 409.03(d). The petition shows that only a three page document, a declaration, was e-mailed to Mr. Chotai.

Mr. Chotai must have the complete application in his possession in order to make an informed decision as to whether he joins in its filing. When petitioners can show that Mr. Chotai was mailed or received the complete application and that he either refused to sign the declaration or would not respond to the request that he sign the declaration within a reasonable amount of time, petitioners will have satisfied this requirement.

Petitioners are informed that e-mailing is generally not accepted as a means to communicate with non-signing inventors. This is because the Office cannot know definitely if the message was received; people are not as careful in deleting e-mails as they are in throwing out mail as shown by bulk folder deletions and the fact that some people might not check e-mails frequently; the Office does not know if the recipient has the program to open the specific attachment; and PTO guidelines regarding accepting e-mail reflects the fact that the Office does not have the same confidence in e-mail as it does in USPS service.

The Office typically requires documentary evidence of successful e-mailing in the form of a response e-mail from the non-signing inventor in which the inventor acknowledges receipt of the e-mail and his ability to read the attachments. Sending an e-mail alone is not sufficient.

Petitioners are encouraged to utilize USPS service when sending Mr. Chotai a copy of the application and another copy of the declaration for his execution.

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.

A handwritten signature in cursive script that reads "Shirene Willis Brantley".

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MAYER, BROWN, ROWE & MAW LLP  
P.O. BOX 2828  
CHICAGO IL 60690-2828

**COPY MAILED**

**DEC 18 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Chotai, et al. : **ON PETITION**  
Application No.: 11/288,813 :  
Filed: November 29, 2005 :  
Attorney Docket No.: 05141193 :

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed November 6, 2006.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Sham Chotai, has constructively refused to join in the filing of the above-identified application. The petition, signed by Attorney Michael A. Molano, establishes that Mr. Chotai was successfully mailed a copy of the application and declaration, but Mr. Chotai did not return an executed declaration. In addition, applicants have submitted an acceptable declaration signed by the remaining 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. 1631 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

SHAM CHOTAI  
255 BERRY STREET, #117  
SAN FRANCISCO, CA 94107

**COPY MAILED**  
**DEC 18 2006**  
**OFFICE OF PETITIONS**

In re Application of :  
Chotai, et al. : LETTER  
Application No.: 11/288,813 :  
Filed: November 29, 2005 :  
Attorney Docket No.: 05141193 :

Dear Mr. Chotai:

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: MAYER, BROWN, ROWE & MAW LLP  
P.O. BOX 2828  
CHICAGO IL 60690-2828



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United States Patent and Trademark Office  
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Paper No.

BANNER & WITCOFF, LTD.  
1100 13th STREET, N.W.  
SUITE 1200  
WASHINGTON DC 20005-4051

**COPY MAILED**  
MAY 04 2009  
**OFFICE OF PETITIONS**

In re Application of :  
Terry Hermiston et al. :  
Application No. 11/288,821 : DECISION ON PETITION  
Filed: November 28, 2005 : PURSUANT TO  
Attorney Docket No.: : 37 C.F.R. § 1.137(B)  
53294AUSM1 :  
Title: GENERATION OF :  
REPLICATION COMPETENT :  
VIRUSES FOR THERAPEUTIC USE :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed April 6, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed December 4, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue<sup>1</sup> or publication fees.<sup>2</sup> Accordingly, the above-identified application became abandoned on March 5, 2009. A Notice of Abandonment was mailed on March 31, 2009.

<sup>1</sup> See MPEP § 710.02(e)(III).

<sup>2</sup> See 37 C.F.R. § 1.211(e).

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 issue, publication, and issue fees, along with the proper statement of unintentional delay. A terminal disclaimer is not required. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.<sup>3</sup>

Pursuant to this decision, the Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected. - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>4</sup> All other inquiries

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<sup>3</sup> See Rule 1.137(d).

<sup>4</sup> 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.

concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/

Paul Shanoski

Senior Attorney

Office of Petitions



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

MOTOROLA, INC.  
1303 EAST ALGONQUIN ROAD  
IL01/3RD  
SCHAUMBURG, IL 60196

COPY MAILED

AUG 20 2008

In re Application of :  
Whinnett et al. :  
Application No. 11/288,842 : DECISION ON PETITION  
Filed: November 29, 2005 :  
Attorney Docket No. CE15082EP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 23, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 4, 2007, as required by the Notice of Allowance and Fee(s) Due mailed June 1, 2007. Accordingly, the date of abandonment of this application is September 5, 2007. A Notice of Abandonment was mailed 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 payment of the issue fee of \$1,440.00 and the publication fee of \$300.00, (2) the petition fee of \$1,540.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



**JAMES MICHAEL CALDWELL  
1345 BELLEVIEW AVENUE  
CARDIFF CA 92007**

**COPY MAILED**

**APR 02 2007**

In re Application of :  
James Michael Caldwell et al :  
Application No. 11/288,848 :  
Filed: November 28, 2005 :  
Attorney Docket No. None :

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed November 20, 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 the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b)<sup>1</sup> must be accompanied by: (1) the required reply,<sup>2</sup> unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The petition was not accompanied by a copy of the Notice mailed January 5, 2006 (a copy of the Notice is attached for your convenience). Also, the petition is signed by only one inventor. In accordance with 37 CFR 1.33(b)(4), all inventors must sign.

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<sup>1</sup> As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

<sup>2</sup> 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.

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  
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  
www.uspto.gov

JAMES MICHAEL CALDWELL  
1345 BELLIEVIEW AVENUE  
CARDIFF CA 92007

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MAY 07 2007

**OFFICE OF PETITIONS**

In re Application of :  
James Michael Caldwell :  
Application No.11/288,848 : DECISION GRANTING PETITION  
Filed: November 28, 2005 : UNDER 37 CFR 1.137(b)  
For: MULTI-FUNCTION SURFBOARD FIN :  
AND FIN BOX ATTACHMENT :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 17, 2007, to revive the above-identified application. This is also a decision on the petition to expedite filed April 17, 2007.

The petitions are **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 (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Corrected Application Papers of January 5, 2006, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to the Office of Initial Patent Examination.

Karen Creasy  
Petitions Examiner  
Office of Petitions



EMPK & SHILOH, LLP  
116 John St.  
Suite 1201  
New York NY 10038

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DEC 14 2007

**OFFICE OF PETITIONS**

In re Application of	:	
Boris Zabarski	:	
Application No. 11/288,861	:	DECISION ON PETITION
Filed: November 28, 2005	:	TO WITHDRAW
Attorney Docket No. ELG-P-9145-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 5, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Andrew Tiajolloff on behalf of himself.

Andrew Tiajolloff has been withdrawn as attorney or agent of record; all other attorneys remain of record.

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: BORIS ZABARSKI  
MARCEL YANKO, 6  
TEL AVIV, ISRAEL



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/288,862	11/29/2005	2188	1000	BEA9-2005-0040-US1	5	20	3

CONFIRMATION NO. 7842

49056  
 LIEBERMAN & BRANDSDORFER, LLC  
 802 STILL CREEK LANE  
 GAITHERSBURG, MD 20878

CORRECTED FILING RECEIPT



\*OC000000018133830\*

Date Mailed: 02/24/2006

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)**

Anton Blanchard, Marrickville, AUSTRALIA;  
 Benjamin Herrenschmidt, Barton, AUSTRALIA;  
 Paul F. Russell, Queanbeyan, AUSTRALIA;

**Power of Attorney:** The patent practitioners associated with Customer Number 49056.

**Domestic Priority data as claimed by applicant**

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 01/04/2006

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is** **US11/288,862**

**Projected Publication Date:** 05/31/2007

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Automatic yielding on lock contention for multi-threaded processors

**Preliminary Class**

711

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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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**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 application(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).



**GLOBAL PATENT GROUP  
ATTN: MS LAVERN HALL  
10411 CLAYTON ROAD, SUITE 304  
FRONTENAC MO 63131**

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**AUG 30 2007**

In re Application of  
**GAHMAN, Timothy C. et al.**  
Application No. 11/288,888  
Filed: November 28, 2005  
Attorney Docket No. **K0009-201-US**

**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. § 1.136(b), filed June 11, 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).

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

  
Monica A. Graves  
Petitions Examiner  
Office of Petitions



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UNITED STATES PATENT AND TRADEMARK OFFICE  
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2 NORTH LASALLE STREET  
CHICAGO, IL 60602

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**APR 24 2006**

In re Application of: : **OFFICE OF PETITIONS**  
Bennett et al. :  
Application No. 11/288,889 : DECISION ON  
Filed: November 29, 2005 : PETITION  
Attorney Docket Number: 36400.93US3:

This is a decision on the Response Under 37 CFR § 1.57(a) to Notice of Omitted Item(s) in a Nonprovisional Application, filed January 30, 2006. The Petition is properly treated under 37 CFR 1.182.

The petition is **dismissed**.

The application was filed on November 29, 2005. However, on January 11, 2006, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") stating that a filing date had been accorded the application; however, Figure 20 described in the specification appeared to have been omitted from the application.

The mailing of a 'Notice of Omitted Item(s)' will permit the applicant to either: (1) promptly establish prior receipt in the USPTO of the drawing(s) at issue (generally by way of date-stamped postcard receipt (MPEP 503)) (by filing a petition under 37 CFR 1.53); (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date such submission as the application filing date (by filing a petition under 37 CFR 1.182); or (3) "accept the application as deposited in the USPTO [and not] respond to the 'Notice of Omitted Item(s)'", thereby constructively accepting the application as deposited with this Office. Amendment of the specification is required . . . to cancel all references to the omitted drawing[s]. . . ." See MPEP 601.01(g).

In response to the Notice, Applicant files the instant petition and "[p]ursuant to 37 CFR 1.57(a) and MPEP 201.17, [] requests that the application be amended to include the inadvertently omitted Figure 20, and that the filing date of the present application, November 29, 2005, be maintained." Petition at p.1.

It is initially noted that Applicant received a filing date for the application. The Notice stated that a filing date (November 29, 2005), had been accorded the application. Also noted is that 37 CFR 1.57 allows an applicant to amend an application (37 CFR 1.57(a)(1)) when the benefit of the prior filed [] application has been properly included in an application. Of note is that in 37 CFR 1.57(a)(3), "If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). (Emphasis supplied).

Applicant is advised that, because the application was accorded a filing date, a petition is not necessary in this instance to add Figure 20. The Manual of Patent Examining Procedure ("MPEP") provides that

An applicant may incorporate by reference the prior application by including, in the continuation or divisional application-as-filed, an explicit statement that such specifically enumerated prior application or applications are "hereby incorporated by reference." The statement must appear in the specification. See 37 CFR 1.57(b) and MPEP § 608.01(p). The inclusion of this incorporation by reference statement will permit an applicant to amend the continuation or divisional application to include subject matter from the 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).

MPEP 201.06(c)B.

Applicant may add Figure 20 by way of amendment and without a petition.

In view of the fact that the petition was not necessitated by an error on the part of this Office, the petition fee, \$400.00, will not be refunded.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of November 29, 2005, using the application papers filed on that date.

The second preliminary amendment will be forwarded to the Examiner for consideration.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



Derek L. Woods

Attorney

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No.

DISCUS DENTAL, LLC  
8550 HIGUERA STREET  
CULVER CITY CA 90232

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OCT 26 2009

**OFFICE OF PETITIONS**

In re Application of	:	
Senia et al.	:	
Application No. 11/288,890	:	
Filed: November 29, 2005	:	DECISION ON PETITION
Attorney Docket No. P1098US03	:	UNDER 37 C.F.R. § 1.137(B)
Title: METHOD FOR MANUFACTURING	:	
ENDODONTIC REAMERS AND FILES	:	

This is a decision on the petition filed July 27, 2009, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed January 22, 2009, which set a shortened statutory period for reply of three months. An after-final amendment was received on May 22, 2009 along with a one-month extension of time, and an advisory action was mailed on May 28, 2009. No additional extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on May 23, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply

until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner filed the petition fee and the proper statement of unintentional delay. Petitioner further submitted a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, including a request for consideration of a concurrently submitted amendment and payment of the RCE fee. The RCE has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1).

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.<sup>1</sup>

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment that was submitted on July 27, 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.<sup>2</sup> All other inquiries

---

<sup>1</sup> See Rule 1.137(d).

<sup>2</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions



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NEAL, GERBER, & EISENBERG  
SUITE 2200  
2 NORTH LASALLE STREET  
CHICAGO IL 60602

**COPY MAILED**  
OCT 30 2006  
**OFFICE OF PETITIONS**

In re Application of :  
Robert Trimble :  
Application No. 11/288,892 : DECISION GRANTING PETITION  
Filed: November 29, 2005 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 36400.19US8 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 27, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on September 20, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 3745 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.

  
Frances Hicks  
Petitions Examiner  
Office of Petition

<sup>1</sup> 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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www.uspto.gov

Allen, Dyer, Doppelt, Milbrath & Gilchrist - RIM  
255 S. Orange Avenue  
Suite 1401  
Orlando, FL 32801

Mail Date: 04/20/2010

<b>Applicant</b>	: Yihong Qi	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7656353	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/288,896	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **813** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ  
SIX CONCOURSE PARKWAY  
SUITE 3100  
ATLANTA, GA 30328

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**JUL 20 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Richard Kazuhiro Sanpei	:	
Application No. 11/288,917	:	DECISION GRANTING PETITION
Filed: November 29, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 2900596-00001	:	

This is a decision on the petition, filed March 27, 2007, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on November 29, 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 2873 for examination in due course.



Kenya A. McLaughlin  
Petitions Attorney  
Office of Petition

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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 Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/288,917	11/29/2005	Richard Kazuhiro Sanpei	2900596-000001

**CONFIRMATION NO. 5686**

49840  
 BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ  
 SIX CONCOURSE PARKWAY  
 SUITE 3100  
 ATLANTA, GA 30328

Date Mailed: 07/17/2007

### 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,"<sup>1</sup> 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](mailto:pgpub@uspto.gov).

<sup>1</sup> 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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SUITE 330  
PLANO TX 75024

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**APR 25 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Alam, et al. : DECISION ACCORDING STATUS  
Application No. 11/288,924 : UNDER 37 CFR 1.47(a)  
Filed: November 29, 2005 :  
Attorney Docket No. 2005.04.008.WT0:

This is in response to the petition under 37 CFR 1.47(a), filed March 9, 2006.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioner has shown that non-signing inventor Tomar has refused to sign the declaration after having been presented with the application papers.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Receipt of the \$200 petition fee is acknowledged.

The matter is being forwarded to Group Art Unit 2113 for docketing and examination in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo  
Petitions Attorney  
Office of Petitions



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NEERAJ TOMAR  
7945 CLIFFBROOK DR #224  
DALLAS TX 75254

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**APR 25 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Mohammed Didarul Alam, Alexander :  
Grabovsky, Sergiy Glushchak, Serge :  
Spraiter, Nachiket Acharya, Madhu :  
Gottumukkala, Maxim Ostrooukhov, :  
Neeraj Tomar :  
Application No. 11/288,924 :  
Filed: November 29, 2005 :

LETTER

Dear Ms. Tomar:

You are named as a joint inventor in the above-identified United States patent reissue application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

*Cliff Congo*

Cliff Congo  
Petitions Attorney  
Office of Petitions

J. Robert Brown, Jr.  
Conley Rose, P.C.  
5700 Granite Parkway, Ste. 330  
Plano, Texas 75024  
(972)732-2288



CNH AMERICA LLC  
INTELLECTUAL PROPERTY LAW DEPARTMENT  
PO BOX 1895, MS 641  
NEW HOLLAND PA 17557

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**AUG 04 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Martinez, et al.	:	
Application No. 11/288,928	:	DECISION ON PETITION
Filed: November 29, 2005	:	TO WITHDRAW
Attorney Docket No. 17733	:	FROM RECORD
	:	

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 17, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, I no longer legally represent the assignee, does not meet any the conditions set forth in 37 CFR 10.40. There is also no evidence of record in the application that the assignee has intervened, i.e., there is no 3.73(b) statement in the file.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272- 1642.



David Bucci  
Petitions Examiner  
Office of Petitions



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BURR & BROWN  
PO BOX 7068  
SYRACUSE NY 13261-7068

**COPY MAILED**  
**JUN 19 2007**  
**OFFICE OF PETITIONS**

In re Application of :  
Masashi Fukuyama, et al. :  
Application No. 11/288,936 : DECISION GRANTING PETITION  
Filed: November 29, 2005 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 789\_150 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 18, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on June 11, 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.<sup>1</sup>***

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 2883 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Karen Creasy  
Petitions Examiner  
Office of Petitions

<sup>1</sup> 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.*



Notice of Allowance Date: June 27, 2007

Practitioner's Docket No.: 789\_150

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Masashi FUKUYAMA, Yasunori IWASAKI and Akiyoshi IDE

Ser. No.: 11/288,936

Group Art Unit: 2883

Filed: November 29, 2005

Examiner: Mary A. El Shammaa

For: OPTICAL DEVICE

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 19, 2007.

*Melissa T. Kuczynski*  
Melissa T. Kuczynski

LETTER ACCOMPANYING ISSUE FEE TRANSMITTAL

Sir:

Attached is the Issue Fee Transmittal for the above-referenced application. Although the Transmittal indicates that the Issue Fee payment of \$1,400.00 is due, that fee was previously paid on June 8, 2007.

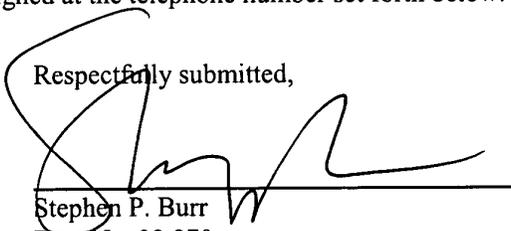
According to current PTO guidelines, the PTO is requested to apply the previously paid Issue Fee and Publication Fee to the application identified above (see Decision Granting Petition mailed June 19, 2007, copy attached).

Should there be any questions regarding this matter, the appropriate Patent and Trademark Office official is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

September 19, 2007

Date

  
Stephen P. Burr  
Reg. No. 32,970

SPB:mtk

BURR & BROWN  
P.O. Box 7068  
Syracuse, NY 13261-7068

Customer No.: 025191  
Telephone: (315) 233-8300  
Facsimile: (315) 233-8320



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OFFICE OF PETITIONS

In re Application of  
Masashi Fukuyama, et al.  
Application No. 11/288,936  
Filed: November 29, 2005  
Attorney Docket No. 789\_150

:  
:  
: 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 June 18, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on June 11, 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.<sup>1</sup>*

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 2883 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

*Karen Creasy*  
Karen Creasy  
Petitions Examiner  
Office of Petitions

<sup>1</sup> 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.

**COPY**

**Burr & Brown**

101 South Salina Street, Seventh Floor  
Syracuse, NY 13202



10-4/220

6/8/2007

PAY TO THE ORDER OF Commissioner for Patents

\$ \*\*1,709.00

One Thousand Seven Hundred Nine and 00/100\*\*\*\*\*

DOLLARS

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*Janet M. Stivers*  
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MEMO 789\_150 Issue & Publication Fee

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Commissioner for Patents

Melissa

6/8/2007

959

1,409.00  
300.00

M&T - Operating

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1,709.00

Your mail room stamp hereon will acknowledge receipt of an Issue Fee Transmittal (in duplicate) and a check in the amount of \$1,709.00 for: ✓

(789\_150 - Chiba)  
Masashi FUKUYAMA, Yasunori IWASAKI and Akiyoshi IDE  
Date of mailing of PTOL 85 entitled "Notice of Allowance and Base Issue Fee Due" March 9, 2007

Ser. No.: 11/288,936  
Filed: November 29, 2005  
Art Unit: 2883  
Confirmation No.: 5666  
For: OPTICAL DEVICE



Mailing Date: June 8, 2007

Atty: SPB:mtk

**COPY**



INTELLECTUAL PROPERTY LAW  
OFFICE OF JOEL VOELZKE  
24772 SADDLE PEAK ROAD  
MALIBU CA 90265

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**MAR 09 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Mei, et al. :  
Application No. 11/288,946 : DECISION  
Filed/Deposited: 28 November, 2005 :  
Attorney Docket No. 04321.0018.NPUS00 :

This is a decision on the petition filed on 13 January, 2009, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **DISMISSED**.

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.181 to Withdraw the Holding of Abandonment."

In the alternative, Petitioner may properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

As to the Request to Withdraw  
the Holding of Abandonment

Petitioner's attention is 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.

Petitioner appears not to satisfy the showing requirements set forth in the guidance in the Commentary at MPEP §711.03(c)(I).

For reference: Petitioners' attentions are directed to the guidance set forth in the Commentary at MPEP §711.03(c)(I)—and with particularity to the requirements therein including statements of non-receipt at the address of record, search and non-discovery, with a description of docketing system and a statement of its reliability, and support for those the statements with copies of the docket record/file jacket cover and due date calendar/docket. (Further, the regulations at 37 C.F.R. §1.181 require that a Petitioner seek relief thereunder within two (2) months of the act complained of.)

## BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Requirement for Restriction (copy enclosed) mailed on 9 June, 2008 (the 9 June, 2008, Office action), with reply due absent extension of time on or before 9 July, 2008.

The application went abandoned by operation of law after midnight 9 July, 2008.

It does not appear that the Office mailed a Notice of Abandonment (copy enclosed) before the petition was filed.

On 13 January, 2009, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 seeking withdrawal of the holding of abandonment and indicating the basis of the averment as non-receipt of the 9 June, 2008, Office action. Petitioner also included therewith a reply in the form of an Election, and a copy of the docket sheet and what appears to be intended as a calendaring/docket for the due-date as required—however, it is not clear that the data required (see below) are included. As problematic is Petitioner's failure to satisfy the statement requirements described above. To this end, Petitioner's attention is directed to the guidance in the Commentary at MPEP §711.03(c)(I) generally to satisfy the mandated showings pursuant to 37 C.F.R. §1.181:

\*\*\*

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.<sup>1</sup>

\*\*\*

Thus, as indicated earlier in this decision (see the italicized discussion immediately before the BACKGROUND and with more particularity the excerpt from the MPEP, above), the guidance in the Commentary at MPEP §711.03(c)(I) sets forth a particular set of statements that must be provided by Petitioner to satisfy the mandated showings pursuant to 37 C.F.R. §1.181. This Petitioner has failed to do.

Petitioner attempts to make much of nothing, in that he his concerned that the Examiner may have sought to make a courtesy telephone prior Counsel rather than Petitioner, however, what is clear is that the 9 June, 2008, Office action was mailed to Petitioner, who then failed to reply.

Moreover, Petitioner appears disturbed that, following the filing of the application, the mailing of the Notice of Missing Parts, prior-Counsel's response thereto, followed by Petitioner's submission of a Revocation/Power of Attorney with accompanying certificate pursuant to 37 C.F.R. §3.73(b) in December 2007, an approximation of First Action Date was set at about seven (7) months—for which Petitioner appears for some unknown reason to have calculated and handwritten “= Dec. 2008[.]” It is not possible to determine whether Petitioner is dissatisfied that the Office estimate was within three weeks of the projection, or that the 9 June, 2008, Office action was mailed six months before Petitioner estimated the date.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>2</sup>

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<sup>1</sup> See: MPEP §711.03(c)(I)(A).

<sup>2</sup> 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).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

### STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

#### Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

### CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.181 is **dismissed**.

### ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: [http://www.uspto.gov/web/offices/pac/mpep/documents/0700\\_711\\_03\\_c.htm#sect711.03c](http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c) )

*A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and a terminal disclaimer and fee where appropriate. (The statement is in the form available online.)*

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                    Mail Stop PETITION  
                                  Commissioner for Patents  
                                  P. O. Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                    U. S. Patent and Trademark Office  
                                  Customer Service Window, Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

By facsimile:            **(571) 273-8300**  
                                  Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>3</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>3</sup> 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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24772 SADDLE PEAK ROAD  
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**MAY 26 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Mei, et al. :  
Application No. 11/288,946 : DECISION  
Filed/Deposited: 28 November, 2005 :  
Attorney Docket No. 04321.0018.NPUS00 :

This is a decision on the petition filed on 14 March, 2009, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw  
the Holding of Abandonment

Petitioners' attentions always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Requirement for Restriction (copy enclosed) mailed on 9 June, 2008 (the 9 June, 2008, Office action), with reply due absent extension of time on or before 9 July, 2008.

The application went abandoned by operation of law after midnight 9 July, 2008.

It does not appear that the Office mailed a Notice of Abandonment (copy enclosed) before a petition was filed.

On 13 January, 2009, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 seeking withdrawal of the holding of abandonment and indicating the basis of the averment as non-receipt of the 9 June, 2008, Office action. Petitioner also included therewith a reply in the form of an Election, and a copy of the docket sheet and what appeared to be intended as a calendaring/docket for the due-date as required—however, it was not clear that the data required were included. As problematic was Petitioner’s failure to satisfy the statement requirements set forth in the guidance in the Commentary at MPEP §711.03(c)(I). (Meanwhile Petitioner made much of nothing with his protest that the Examiner may have sought to make a courtesy telephone prior Counsel rather than Petitioner. Similarly irrelevant was Petitioner’s protest that the Office action was mailed three weeks prior to that set forth in the projection.) Because Petitioner failed to comply with the guidance in the Commentary at MPEP §711.03(c)(I) generally to satisfy the mandated showings pursuant to 37 C.F.R. §1.181, the petition was dismissed on 9 March, 2009.

Petitioner filed a petition on 14 March, 2009, and made the statements and submitted the documentary support as set forth in the guidance in the Commentary at MPEP §711.03(c)(I) to satisfy the mandated showings pursuant to 37 C.F.R. §1.181, which provides in pertinent part:

\*\*\*

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.<sup>1</sup>

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<sup>1</sup> See: MPEP §711.03(c)(I)(A).

Now that Petitioner has provided the proper showing (statements and documents), Petitioner's several other protests—including his determination to instruct the Office as to what it should or must do—are not relevant and will not be addressed.

Out of an abundance of caution, Applicants always are reminded that those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>2</sup>

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

### STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.<sup>3, 4</sup>

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

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<sup>2</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Applicant's duty of candor and good faith and accepting a statement made by Applicant. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>3</sup> 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).

<sup>4</sup> 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.)

and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.<sup>5</sup>

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.

Allegations as to the Request to  
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how and when it is to be made and supported.

Petitioner appears to have made the showing required or do so within the time required.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.181 is **granted**—there appears to be no Notice of Abandonment to vacate.

The instant application is released to Technology Center/AU 2627 for further processing in due course—to include the re-mailing of the Office action.

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.

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<sup>5</sup> In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd; 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>6</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>6</sup> 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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1900 UNIVERSITY AVENUE  
SUITE 200  
EAST PALO ALTO, CA 94303

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**MAY 18 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Daniel H. KIM :  
Application No. 11/288,949 :  
Filed: November 28, 2005 :  
Attorney Docket No. CORA-001CIP2C0N3 :  
: **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 30, 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 Karl Bozicevic on behalf of all attorneys of record who are associated with customer No. 24353.

All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

There are no Office actions pending at the present time.



April Wise  
Petitions Examiner  
Office of Petitions

cc: BRENT R. CONSTANTZ  
191 JEFFERSON AVENUE  
MENLO PARK, CA 94025

cc: CARL J. EVENS  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003


**UNITED STATES PATENT AND TRADEMARK OFFICE**

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/288,949	11/28/2005	Brent R. Constantz	CORA-001CIP2CON3

24353  
 BOZICEVIC, FIELD & FRANCIS LLP  
 1900 UNIVERSITY AVENUE  
 SUITE 200  
 EAST PALO ALTO, CA 94303

**CONFIRMATION NO. 5122**


\*OC000000023881146\*

Date Mailed: 05/15/2007

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/30/2006.

- 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.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY



# UNITED STATES PATENT AND TRADEMARK OFFICE

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Ryan, Mason & Lewis, LLP  
Suite 205  
1300 Post Road  
Fairfield, CT 06824

Mail Date: 04/21/2010

**Applicant** : Lalita J. Jagadeesan : DECISION ON REQUEST FOR  
**Patent Number** : 7599688 : RECALCULATION of PATENT  
**Issue Date** : 10/06/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/288,953 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/29/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **970** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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ANDRUS, SCEALES, STARKE & SAWALL, LLP  
100 EAST WISCONSIN AVENUE, SUITE 1100  
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

<b>Applicant</b>	: Ronald Keen	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7574452	: RECALCULATION of PATENT
<b>Issue Date</b>	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/288,956	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **425** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/288,961	11/28/2005	2193	0.00	20194/0203598-US0		7	3

07278  
DARBY & DARBY P.C.  
P. O. BOX 5257  
NEW YORK, NY 10150-5257

**CONFIRMATION NO. 5038**  
**CORRECTED FILING RECEIPT**  
  
\*OC000000017932796\*

Date Mailed: 01/31/2006

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)**

Thomas Grebner, Freising, GERMANY;

**Assignment For Published Patent Application**

Infineon Technologies AG, Munich, GERMANY

**Power of Attorney:** None

**Domestic Priority data as claimed by applicant**

**Foreign Applications**

GERMANY 10 2004 057 489.8 11/29/2004

**If Required, Foreign Filing License Granted:** 01/03/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/288,961**

**Projected Publication Date:** To Be Determined - pending completion of Missing Parts

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Method and system for carrying out a process on an integrated circuit

**Preliminary Class**

717

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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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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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**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 : AUGUST 1, 2007

TO SPE OF : ART UNIT 3672

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/288976 Patent No.: 7219744 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**

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: All prior art listed in the request was originally considered by the examiner, but were missing from the patent due to printer's error.

DAVID BAGNELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

[Signature]  
SPE

3672  
Art Unit

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 7,219,744

Page 1 of 1

APPLICATION NO. : 11/288,976

DATED : May 22, 2007

INVENTOR(S) : Bernd-Georg Pietras

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

**In Section (56) References Cited:**

In the U.S. Patent Documents, please insert the following references cited by Applicant:

1,842,638	1/1932	Wigle
2,738,011	3/1956	Mabry
3,656,564	4/1972	Brown
3,934,660	1/1976	Nelson
4,241,878	12/1980	Underwood
4,878,546	11/1989	Shaw et al.
5,282,653	2/1994	LaFleur et al.
5,379,835	1/1995	Streich
5,551,521	9/1996	Vail, III
6,359,569	3/2002	Beck et al.
6,464,011	8/2002	Tubel
6,691,801	2/2004	Juhasz

In the Foreign Patent Documents, please insert the following references cited by Applicant:

GB 2 224 481	9/1990	Voeten
WO 00-37766	6/2000	Simpson et al.

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**

William B. Patterson  
Patterson & Sheridan, LLP  
3040 Post Oak Blvd., Suite 1500  
Houston, TX 77056  
713-623-4844

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant : Cheng Liu : DECISION ON REQUEST FOR  
Patent Number : 7608591 : RECALCULATION of PATENT  
Issue Date : 10/27/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/288,978 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 11/29/2005 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **412** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 1022  
MINNEAPOLIS MN 55440-1022

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JUL 28 2009

**OFFICE OF PETITIONS**

In re Application of	:	
Michael J. Brady	:	
Application No. 11/288,979	:	DECISION ON PETITION
Filed: November 28, 2005	:	TO WITHDRAW
Attorney Docket No. 19958-003001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed June 22, 2009.

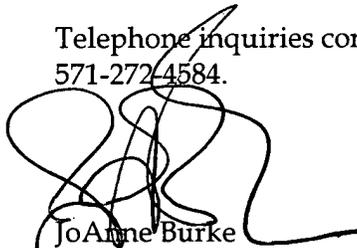
The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because attorney has only provided an address with no inventor / assignee name.

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 JoAnne Burke at 571-272-4584.



JoAnne Burke  
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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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/288,979	11/28/2005	Michael J. Brady	19958-003001

20985  
FISH & RICHARDSON, PC  
P.O. BOX 1022  
MINNEAPOLIS, MN 55440-1022

**CONFIRMATION NO. 5386**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 09/30/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 08/19/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



MARTIN & HENSON, P.C.  
9250 W 5TH AVENUE  
SUITE 200  
LAKEWOOD CO 80226

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**FEB 05 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Speirs, et al.	:	
Application No. 11/288,983	:	ON PETITION
Filed: November 28, 2005	:	
Attorney Docket No. 2194//1033863-000013	:	
For: METHODS FOR CATEGORIZING	:	
INPUT DATA	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 29, 2006, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Application mailed January 4, 2006, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on March 5, 2006. A Notice of Abandonment was mailed on September 13, 2006.

Applicants have submitted a proper reply to the January 4, 2006 Notice in the form of various fees, an executed declaration, and surcharge, an acceptable statement of the unintentional nature of the delay in responding to the January 4, 2006 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1,590.00 extension of time submitted with the petition on September 29, 2006 was filed subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioners' 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.

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: BUCHANNAN INGERSOLL & ROONEY, P.C.  
P.O. BOX 1404  
ALEXANDRIA, VA 22313-1404



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KATTEN MUCHIN ROSENMAN LLP  
575 MADISON AVENUE  
NEW YORK, NY 10022-2585

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NOV 02 2006

OFFICE OF PETITIONS

In re Application of :  
Xu Fei Hao :  
Application No. 11/288,984 : DECISION GRANTING  
Filed: 11/29/2005 : PETITION UNDER  
Title of Invention: : 37 CFR 1.47(b)  
POWER TOOL ASSEMBLY :

This is in response to the "Petition Under 37 CFR 1.47(b) for Acceptance of Application Where No Inventor is [Available]", filed July 10, 2006, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is granted.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Xu Fei Hao, refuses to join in the application.

As provided in Rule 1.47, this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Initial Patent Examination for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

  
Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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Alexandria, VA 22313-1450  
www.uspto.gov

MR. XU FEI HOA  
No.2 Flat 17  
5<sup>th</sup> LANE, NANYUAN ROAD  
YONG KANG  
ZHEJIANG  
CHINA

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**NOV 02 2006**

**OFFICE OF PETITIONS**

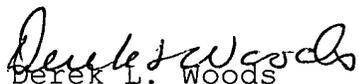
In re Application of :  
Xu Fei Hao :  
Application No. 11/288,984 : LETTER  
Filed: 11/29/2005 :  
Title of Invention: :  
POWER TOOL ASSEMBLY :

Dear Mr. HOA:

You are named as the inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As the 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: KATTEN MUCHIN ROSENMAN LLP  
575 MADISON AVENUE  
NEW YORK, NY 10022-2585



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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
11/288,990	11/28/2005	2876	0.00	20196/0203532-US0	1	13	1

07278  
DARBY & DARBY P.C.  
P. O. BOX 5257  
NEW YORK, NY 10150-5257

CONFIRMATION NO. 5411  
CORRECTED FILING RECEIPT  
  
\*OC000000017992164\*

Date Mailed: 02/06/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Bettina Latka, Laaber, GERMANY;  
Frank Puschner, Kelheim, GERMANY;  
Wolfgang Schindler, Regenstauf, GERMANY;  
Peter Stampka, Burglengenfeld, GERMANY;

**Assignment For Published Patent Application**

Infineon Technologies AG, Munich, GERMANY

Power of Attorney: None

**Domestic Priority data as claimed by applicant**

This application is a CON of PCT/DE04/01035 05/17/2004

**Foreign Applications**

GERMANY 103 25 564.8 06/05/2003

If Required, Foreign Filing License Granted: 01/06/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/288,990**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

**Early Publication Request:** No

**Title**

Chip card module

**Preliminary Class**

235

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### **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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date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the 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 :  
Raj et al. :  
Application No. 11/288,995 : DECISION ON PETITION  
Filed: November 29, 2005 :  
Attorney Docket No. 189012-2 :

This is a decision on the petition under 37 CFR 1.182, filed, October 24, 2007, to correct the spelling of the name of inventor "A.S. Radhakrishna" to – Radhakrishna Arakali Srinivasarao --.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are not permitted. The reconsideration request should include a cover letter entitled "Renewed Petition". This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Petitioner has submitted a declaration to correct the spelling of the name of inventor. The declaration as originally filed did not include at least one full given name including the family name, and at least one given name without abbreviation together with any other given name or initial pursuant to 37 CFR 1.63 (a)(3). The supplemental declaration as provided only contains the name of inventor Srinivasarao. Pursuant to 37 CFR 1.67 (a)(2) deficiencies or inaccuracies relating to fewer than all of the inventor(s) or applicant(s) may be corrected with a supplemental oath or declaration identifying the entire inventive entity but signed only by the inventor(s) or applicant(s) to whom the error or deficiency relates. The declaration as provided gives the appearance that there is only one inventor. The declaration must provide the entire inventive entity and must be properly executed.

The correspondence address on the petition differs from the correspondence address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS

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Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions



Charlema Grant  
Petitions Attorney  
Office of Petitions

Cc: J. Michael Buchanan  
CANTOR COLBURN LLP - SABIC (LEXAN/CYCOLOY)  
55 GRIFFIN RD SOUTH  
BLOOMFIELD, CT 06002



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PITTSFIELD MA 01201-3697

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JUL 16 2008  
**OFFICE OF PETITIONS**

In re Application of :  
Raj et al. :  
Application No. 11/288,995 : DECISION ON PETITION  
Filed: November 29, 2005 :  
Attorney Docket No. 189012-2 :

This is a decision on the renewed petition under 37 CFR 1.182, filed, January 7, 2008, to correct the spelling of the name of inventor "A.S. Radhakrishna" to – Radhakrishna Arakali Srinivasarao --.

The petition is **DISMISSED**.

The arguments presented on renewed petition are not convincing to establish that the Office can accept a supplemental declaration, which does not include the entire inventive entity. **Failure to submit a proper oath and declaration in accordance with 37 CFR 1.63(a)(3) within two (2) months will result in the abandonment of this application.** Note 37 CFR 1.181(f).

Petitioner has submitted a declaration to correct the spelling of the name of inventor. The declaration as originally filed did not include at least one full given name including the family name, and at least one given name without abbreviation together with any other given name or initial pursuant to 37 CFR 1.63 (a)(3). The supplemental declaration as provided only contains the name of inventor Srinivasarao. Pursuant to 37 CFR 1.67 (a)(2) deficiencies or inaccuracies relating to fewer than all of the inventor(s) or applicant(s) may be corrected with a supplemental oath or declaration identifying the entire inventive entity but signed only by the inventor(s) or applicant(s) to whom the error or deficiency relates. The declaration as provided gives the appearance that there is only one inventor. The declaration must provide the entire inventive entity and must be properly executed.

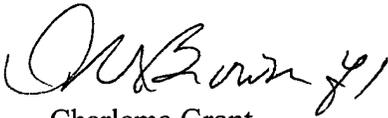
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Charlema Grant  
Petitions Attorney  
Office of Petitions

Cc: J. Michael Buchanan  
CANTOR COLBURN LLP - SABIC (LEXAN/CYCOLOY)  
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AUG 07 2008

In re Application of :  
Raj et al. :  
Application No. 11/288,995 : DECISION ON PETITION  
Filed: November 29, 2005 :  
Attorney Docket No. 189012-2 :

This is a decision on the renewed petition under 37 CFR 1.182, filed, July 23, 2008, to correct the spelling of the name of inventor "A.S. Radhakrishna" to – Radhakrishna Arakali Srinivasarao

The petition is **GRANTED**.

Petitioner has submitted a declaration to correct the spelling of the name of inventor. The declaration as originally filed did not include at least one full given name including the family name, and at least one given name without abbreviation together with any other given name or initial pursuant to 37 CFR 1.63 (a)(3).

It was further noted by counsel that the full family name of the fourth inventor was not previously included on the declaration only the initial K was provided. Accordingly, the supplemental declaration provided on petition also includes the correct name of the fourth inventor (Subrahmanya Bhat K.) to Subrahmanya Bhat Kuntikana.

This application is being forwarded to the Office of Data Management for processing into a Patent.

  
Charlema Grant  
Petitions Attorney  
Office of Petitions



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**DEC 12 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Steven W. Elmore, et al. :  
Application No. 11/288,997 :  
Filed: November 29, 2005 :  
Attorney Docket No. 6903USD1 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 5, 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 October 27, 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)(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 January 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 a Request for Continued Examination (RCE) and fee of \$790, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1500; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 1624 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.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



BRACEWELL & GIULIANI LLP  
P.O. BOX 61389  
HOUSTON TX 77208-1389

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FEB 21 2007

**OFFICE OF PETITIONS**

In re Application of :  
Kenneth Lile :  
Application No. 11/288,998 : **DECISION ON PETITION**  
Filed: November 29, 2005 :  
Attorney Docket No. 0617CG.030393 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 5, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 1, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed June 1, 2006. Accordingly, the date of abandonment of this application is September 2, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$700 and the publication fee of \$300, (2) the petition fee of \$750; 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.

The issue fee that was provided was insufficient in funds and the remaining balance of \$500 is being charged to the deposit account no. 50-0259 of Bracewell & Giuliani, LLP.

Telephone inquiries concerning this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Publishing Division for processing into a patent.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



FISH & RICHARDSON P.C.  
PO BOX 1022  
MINNEAPOLIS, MN 55440-1022

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**AUG 02 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Swanson, Jagger, and Pieper	:	
Application No. 11/289,010	:	Decision According Status
Filed: November 29, 2005	:	Under 37 CFR 1.47(a)
Attorney Docket No. 12814-006001	:	
For: Clutch System	:	

This is a decision on the petition under 37 CFR 1.47(a), filed May 22, 2006.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Petitioner submitted \$130 for the petition fee. The fee required for a petition under 37 CFR 1.47 is \$200. Therefore, \$70 has been charged to petitioner's deposit account.

The Office of Initial Patent Examination will be informed of the instant decision so that it may continue to prepare the application for examination.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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**APR 12 2010**

**OFFICE OF PETITIONS**

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO IL 60610

In re Application of :  
Yoon et al. : DECISION ON APPLICATION  
Application No. 11/289,034 : FOR  
Filed: November 29, 2005 : PATENT TERM ADJUSTMENT  
Atty. Dkt. No. 12580-4193 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed on December 23, 2009. Applicants request that the initial determination of patent term adjustment be corrected from three hundred forty-four (344) days to seven hundred forty-eight (748) days. Applicant requests this correction, in part, on the basis that the Office will take in excess of three years to issue this patent.

The application for patent term adjustment is **DISMISSED**.

To the extent that 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, 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, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee<sup>1</sup>.

To the extent the application requests consideration under 37 CFR 1.705(b), the petition is **DISMISSED**.

On September 25, 2009, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicants were advised that the patent term adjustment to date was 344 days.

On December 23, 2009, the subject application for patent term adjustment was timely filed.<sup>2</sup>

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<sup>1</sup> 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 37 CFR 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.

<sup>2</sup> A review of PALM records indicates that the issue fee was paid on December 23, 2009.

Applicants dispute the 113 day reduction for the filing of a reply with an omission under 37 CFR 1.704(c)(7). Applicants assert that the delay should be 0 days because "the PTO did not issue the Notice of Non-Compliance in a timely manner."

The Office has considered applicants' argument, but does not find it persuasive.

Pursuant to 37 CFR 1.702(a)(2), the period of adjustment under § 1.702(a) is the sum of the following period:

(2) The number of days, if any, in the period beginning on the day after the date that is four months after the date a reply under § 1.111 was filed 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.

37 CFR 1.704(c)(7) states that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping: Submission of a reply having an omission (§1.135(c)), in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed.

In this instance, the reply filed on December 23, 2008, contained an omission. The Office mailed a Notice of Non-Compliant Amendment (37 CFR 1.121) on April 8, 2009, informing applicants that the reply filed on December 23, 2008 contained an omission in that it did not meet the requirements of 37 CFR 1.121. Applicants did not submit a complete reply under 37 CFR 1.111 until April 15, 2009, 113 days after the reply containing an omission was filed. Thereafter, the Office responded with the mailing of a final office action on June 16, 2009, within four months after the date the reply under 37 CFR 1.111 was filed. See 37 CFR 1.703(a)(2). Thus, the reduction of 113 days for applicant delay pursuant to 37 CFR 1.704(c)(7) is warranted and will not be removed.

In view thereof, no change will be made to the patent term adjustment at the time of the mailing of the Notice of Allowance.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office of Data Management has been advised of this decision. The application is thereby 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 if applicable, 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 regarding this matter should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



Anthony Knight  
Director  
Office of Petitions